

**HOUSE JOURNAL**  
OF THE  
FIFTY-SEVENTH LEGISLATURE  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, THE STATE CAPITOL

2001 Regular Session  
Convened January 8, 2001  
Adjourned Sine Die April 22, 2001  
2001 First Special Session  
Convened April 25, 2001  
Adjourned Sine Die May 24, 2001  
2001 Second Special Session  
Convened June 4, 2001  
Adjourned Sine Die June 21, 2001  
2001 Third Special Session  
Convened July 16, 2001  
Adjourned Sine Die July 25, 2001

VOLUME I



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**Clyde Ballard, Speaker**  
**Frank Chopp, Speaker**  
**John Pennington, Speaker Pro Tempore**  
**Val Ogden, Speaker Pro Tempore**  
**Timothy A. Martin, Chief Clerk**  
**Cynthia Zehnder, Chief Clerk**

Compiled and edited by House Workroom Staff

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NOON SESSION

House Chamber, Olympia, Monday, January 8, 2001

The House was called to order at 12:00 Noon by Chief Clerk Zehnder. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by the 5th Battalion 20th Infantry Regiment Color Guard from Fort Lewis. The National Anthem was sung by Representative Renee Radcliff. A moment of silence was observed for Representative Pat Scott who passed away on Sunday, January 7, 2001. Chief Clerk Martin led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Lee Forstrom, Westwood Baptist Church, Olympia.

"Our Father,

We thank you for the beginning of this new session, for each one that has been appointed to this task, we look forward with renewed vision and enthusiasm for what you will do in our midst.

We claim your promise that today 'I will do something new, I will even make a roadway in the wilderness, rivers in the desert.' May you be to each of them the God who makes a road way in the wilderness and a river in the desert.

As we begin this new session I pray for these men and women, to be strengthened in their spirits, protected with their families, guarded in their health and given the wisdom and discernment to make decisions pleasing in Your sight.

May they sense the weight of responsibility before you and remember that they have been appointed as your servants to bring about righteousness, justice and equity. Impress upon them the seriousness of the issues that are before them.

We commit this session to you this day, and even more importantly, we commit ourselves to you. As we look back on this session may there be a united testimony that this has been the work of God and the people of this great state will see the courage, the diligence and the leadership of these men and women who have served faithfully as our representatives.

Now may the Lord bless you and keep you; the Lord make His face shine on you and be gracious to you; the Lord lift up His countenance on you and give you peace. Amen."

Chief Clerk Martin requested Representatives Lambert and Rockefeller escort Justice Charles Johnson of the Supreme Court of the State of Washington to the Rostrum.

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. Speakers:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Representative at the State General Election held in the State of Washington on the seventh day of November, 2000, as shown by the official returns of said election now on file in the office of the Secretary of State:

REPRESENTATIVES ELECTED NOVEMBER 7, 2000

DISTRICT

COUNTIES REPRESENTED

NAME

2	No. 1	King (part), Snohomish (part)	O'Brien (D)
	No. 2	Pierce (part)	Edwards (D)
	No. 3	Spokane (part)	Bush (R)
	No. 4	Spokane (part)	Campbell (R)
	No. 5	King (part)	Wood (D)
	No. 6	Spokane (part)	Gombosky (D)
	No. 7	Ferry, Lincoln, Okanogan (Part), Pend Oreille, Spokane (Part), Stevens	Crouse (R)
	No. 8	Benton (part)	Schindler (R)
	No. 9	Adams, Asotin (Part), Spokane (Part), Whitman	Anderson (R)
	No. 10	Island, Skagit (Part), Snohomish (Part)	Pflug (R)
	No. 11	King (part)	Benson (R)
	No. 12	Chelan, Douglas, Grant (Part), Okanogan (Part)	Ahern (R)
	No. 13	Benton (Part), Grant (Part), Kittitas, Yakima (Part)	Sump (R)
	No. 14	Yakima (part)	McMorris (R)
	No. 15	Benton (Part), Klickitat, Skamania (Part), Yakima (Part)	Hankins (R)
	No. 16	Asotin (Part), Columbia, Franklin, Garfield, Walla Walla	Delvin (R)
	No. 17	Clark (Part), Skamania (Part)	Cox (R)
	No. 18	Clark (Part), Cowlitz (Part), Lewis (Part)	Schoesler (R)
	No. 19	Cowlitz (Part), Grays Harbor (Part), Pacific, Wahkiakum	Sehlin (R)
	No. 20	Lewis (Part), Pierce (Part), Thurston (Part)	Barlean (R)
	No. 21	Snohomish (part)	Cody (D)
	No. 22	Thurston (part)	Veloria (D)
	No. 23	Kitsap (part)	Ballard (R)
	No. 24	Clallam, Grays Harbor (Part), Jefferson	Armstrong (R)
	No. 25	King (Part), Pierce (Part)	Chandler (R)
	No. 26	Kitsap (Part), Pierce (Part)	Mulliken (R)
	No. 27	Pierce (part)	Skinner (R)
	No. 28	Pierce (part)	Clements (R)
			Chandler (R)
			Lisk (R)
			Mastin (R)
			Grant (D)
			Boldt (R)
			Dunn (R)
			Mielke (R)
			Pennington (R)
			Hatfield (D)
			Doumit (D)
			DeBolt (R)
			Alexander (R)
			Cooper (D)
			Radcliff (R)
			Romero (D)
			Hunt (D)
			Rockefeller (D)
			Woods (R)
			Buck (R)
			Kessler (D)
			Casada (R)
			Morell (R)
			Lantz (D)
			Jackley (D)
			Fisher (D)
			Darneille (D)
			Talcott (R)

No. 29	Pierce (part)	Carrell (R) Conway (D) Kirby (D)	3
No. 30	King (Part), Pierce (Part)	Miloscia (D) Mitchell (R) Roach (R) Hurst (D)	
No. 31	King (Part), Pierce (Part)	Edmonds (D) Kagi (D) Schual-Berke (D) Keiser (D)	
No. 32	King (part)	Poulsen (D) McDermott (D)	
No. 33	King (part)	Haigh (D) Eickmeyer (D) Sommers (D) Dickerson (D)	
No. 34	King (part)	Santos (D) Tokuda (D) Reardon (D) Scott (D)	
No. 35	Grays Harbor (Part), Kitsap (Part), Mason, Thurston (Part)	Dunshee (D) Pearson (R) Quall (D) Morris (D)	
No. 36	King (part)	Jarrett (R) Ballasiotes (R) Ericksen (R) Linville (D)	
No. 37	King (part)	Murray (D) Chopp (D) Schmidt (R) Lovick (D)	
No. 38	Snohomish (part)	Lambert (R) Ruderman (D) McIntire (D) Kenney (D)	
No. 39	King (Part), Snohomish (Part)	Simpson (D) Cairnes (R) Esser (R) Van Luven (R)	
No. 40	San Juan, Skagit (Part), Whatcom (Part)	Fromhold (D) Ogden (D)	
No. 41	King (part)		
No. 42	Whatcom (part)		
No. 43	King (part)		
No. 44	Snohomish (part)		
No. 45	King (part)		
No. 46	King (part)		
No. 47	King (part)		
No. 48	King (part)		
No. 49	Clark (part)		

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the State of Washington at Olympia this eighth day of January, 2001.

RALPH MUNRO  
Secretary of State

The Clerk called the roll while members stood and a quorum was present.

**OATH OF OFFICE**

4 Justice Charles Johnson administered the Oath of Office to the members. Ralph Munro, Secretary of State certified the Oath of Offices were administered and congratulated the members. The Certificates of Office were distributed to the members.

Secretary of State Munro introduced U.S. Representative Jack Metcalf.

## **RESOLUTION**

HOUSE RESOLUTION NO. 2001-4600 by Representatives Ballard and Chopp

BE IT RESOLVED, That permanent House Rules for the Fifty-seventh Legislature be adopted as follows:

**PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES  
FIFTY-SEVENTH LEGISLATURE  
2001-2002**

### **HOUSE RULE NO.**

- Rule 1** Definitions
- Rule 2** Chief Clerk to Call to Order
- Rule 3** Election of Officers
- Rule 4** Powers and Duties of the Speaker
- Rule 5** Chief Clerk
- Rule 6** Duties of Employees
- Rule 7** Admission to the House
- Rule 8** Absentees and Courtesy
- Rule 9** Bills, Memorials and Resolutions - Introductions
- Rule 10** Reading of Bills
- Rule 11** Amendments
- Rule 12** Final Passage
- Rule 13** Hour of Meeting, Roll Call and Quorum
- Rule 14** Daily Calendar and Order of Business
- Rule 15** Motions
- Rule 16** Members Right to Debate
- Rule 17** Rules of Debate
- Rule 18** Ending of Debate - Previous Question
- Rule 19** Voting
- Rule 20** Reconsideration
- Rule 21** Call of the House
- Rule 22** Appeal from Decision of Chair
- Rule 23** Standing Committees
- Rule 24** Duties of Committees
- Rule 25** Standing Committees - Expenses - Subpoena Power
- Rule 26** Vetoed Bills
- Rule 27** Suspension of Compensation
- Rule 28** Smoking
- Rule 29** Parliamentary Rules
- Rule 30** Standing Rules Amendment
- Rule 31** Rules to Apply for Assembly
- Rule 32** Legislative Mailings
- Rule 33** Liquor

## Definitions

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

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

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

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

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

## Chief Clerk to Call to Order

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

## Election of Officers

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

## Powers and Duties of the Speaker

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

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

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

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

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

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

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

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

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

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

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

### **Chief Clerk**

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

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

### **Duties of Employees**

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

### **Admission to the House**

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

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

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



(B) Only members, pages, sergeants at arms, and clerks are permitted on the floor while the house is in 7 session.

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

### **Absentees and Courtesy**

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

### **Bills, Memorials and Resolutions - Introductions**

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

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

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

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

### **Reading of Bills**

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

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

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

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

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

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

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

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

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

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

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

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

### **Amendments**

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

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

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

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

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

(E) **SCOPE AND OBJECT NOT TO BE CHANGED.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is

under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

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

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

### **Final Passage**

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

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

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

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

### **Hour of Meeting, Roll Call and Quorum**

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

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

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

### **Daily Calendar and Order of Business**

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

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

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

- 10 Seventh: Third reading of bills.  
Eighth: Floor resolutions and motions.  
Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.  
Tenth: Introduction of visitors and other business to be considered.  
Eleventh: Announcements.

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

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

- (1) The order of business may be changed by a majority vote of those present.
- (2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.
- (3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

### **Motions**

**Rule 15.** Rules relating to motions are as follows:

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

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

(1) Privileged motions:

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

(2) Subsidiary motions:

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

(3) Incidental motions:

- Points of order and appeal
- Method of consideration
- Suspension of the rules
- Reading papers

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

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

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

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

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

### **Members Right to Debate**

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

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

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

(C) **LIMITATION OF DEBATE.** No member shall speak longer than ten (10) minutes without consent of the house: **PROVIDED**, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: **PROVIDED**, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 18 (Previous Question).

### **Rules of Debate**

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

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

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

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

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

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

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

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

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

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

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

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

### **Ending of Debate - Previous Question**

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

The previous question is not debatable and cannot be amended.

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

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

If an adjournment is had after the previous question is ordered, the motion or proposition on which the 13 previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

### **Voting**

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

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

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

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

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

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

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

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

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

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

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

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

### **Reconsideration**

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

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

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

Any member who voted on the prevailing side may move for reconsideration or give notice thereof. A motion to reconsider can be decided only once when decided in the negative.

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

### Call of the House

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

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

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

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

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

### Appeal from Decision of Chair

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

### Standing Committees

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

- |    |                                    |    |
|----|------------------------------------|----|
| 1. | Agriculture & Ecology              | 14 |
| 2. | Appropriations                     | 32 |
| 3. | Capital Budget                     | 18 |
| 4. | Children & Family Services         | 10 |
| 5. | Commerce & Labor                   | 8  |
| 6. | Criminal Justice & Corrections     | 8  |
| 7. | Education                          | 14 |
| 8. | Finance                            | 10 |
| 9. | Financial Institutions & Insurance | 12 |



10.	Health Care	14	15
11.	Higher Education	8	
12.	Judiciary	10	
13.	Juvenile Justice	8	
14.	Local Government & Housing	12	
15.	Natural Resources	12	
16.	Rules	20	
17.	State Government	8	
18.	Technology, Telecommunications & Energy	16	
19.	Trade & Economic Development	12	
20.	Transportation	30	

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

### **Duties of Committees**

**Rule 24.** House committees shall operate as follows:

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

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report and spread upon the journal. Any member may call for a recorded vote, which shall include the names of

absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

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

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

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

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

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

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

### **Standing Committees - Expenses - Subpoena Power**

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

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

### **Vetoed Bills**

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

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

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

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

### **Suspension of Compensation**

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

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members. 17

### **Smoking**

**Rule 28.** Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.  
"No smoking" signs shall be posted so as to give notice of this rule.

### **Parliamentary Rules**

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

### **Standing Rules Amendment**

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

### **Rules to Apply for Assembly**

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

### **Legislative Mailings**

**Rule 32.** The house of representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative mailings at public expense are for legitimate legislative purposes.

### **Liquor**

**Rule 33.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

## **APPENDIX TO HOUSE RULES**

The House of Representatives of the fifty-seventh legislature, being composed of an equal number of members of each major political party, acknowledges that this extraordinary circumstance requires extraordinary rules of procedure which provide for bipartisan control and responsibility, ensure fairness, and promote cooperation.

The following Appendix Rules A-1 through A-7 shall not be operative in the event that a candidate for speaker receives a constitutional majority of the votes of the membership of the House, or in the event the House is composed of fifty or more members of the same major political party.

## **RULE A-1. HOUSE RULES**

18 Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.

All references to speaker, speaker pro tempore, or chief clerk in Reed's Parliamentary Rules or the House Rules shall be held to refer to the co-speakers, co-speakers pro tempore, and co-chief clerks, respectively.

#### RULE A-2. ELECTION OF OFFICERS

The House shall elect the following officers at the commencement of the fifty-seventh legislature: Co-speakers, who shall be styled democratic speaker and republican speaker, co-speakers pro tempore, who shall be styled democratic speaker pro tempore and republican speaker pro tempore, and co-chief clerks.

In all elections each member shall be allowed one vote and the two candidates receiving the highest number of votes shall be declared elected.

#### RULE A-3. DUTIES OF OFFICERS

(A) Co-Speakers - The co-speakers shall jointly perform the duties and responsibilities of the speaker of the House and may represent the entire house in that capacity. The powers of the speaker may not be exercised individually by a co-speaker without the prior agreement of both co-speakers.

The co-speakers shall agree upon a procedure for dividing the duties of the chair and may jointly designate a co-speaker pro tempore, co-chief clerk, or any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. All acts, resolutions, and other documents requiring the signature of the speaker shall be signed by both co-speakers.

Decisions regarding administration and operation of the House of Representatives shall be made jointly by the co-speakers or their designees. These decisions shall include, but not be limited to: Referral of bills to committee; appointment of conference committees; approval of house expenditures; approval of travel; decisions on points of order; employment and removal of employees; and designation of persons who shall act as representatives for the public press.

(B) Co-Chief Clerks - The co-chief clerks shall jointly perform the duties and responsibilities of the chief clerk of the House of Representatives. The powers of the chief clerk may not be exercised individually by a co-chief clerk without the prior agreement of both co-chief clerks. All acts, resolutions, and other documents requiring the signature of the chief clerk shall be signed by both chief clerks.

#### RULE A-4. COMMITTEES

The various standing committees of the House of Representatives shall have co-chairs, a democratic chair named by the democratic caucus and a republican chair named by the republican caucus.

The co-chairs shall jointly perform the duties and responsibilities of the committee chair, including committee administration, staff assignments, and scheduling. The co-chairs shall agree upon a procedure for dividing the duties of presiding at committee meetings. The powers of the chair may not be exercised individually by a co-chair without the prior agreement of both co-chairs. Each co-chair shall jointly have the right to close debate as provided in Rules 16(C) and 18.

Notwithstanding the above provisions of this rule, each co-chair may individually schedule two public hearings of the committee as follows:

- (1) The public hearing may only be on bills referred to the committee.
- (2) The public hearing must be held during the time regularly scheduled for the committee and must have been given the notice normally required of public hearings.
- (3) One full meeting shall be made available to each co-chair during the time which house bills may be considered. This option must be exercised more than three regularly scheduled meetings before the cutoff of House bill consideration by the committee.

(4) The last half of one meeting shall be made available to each co-chair during the time which Senate 19 bills may be considered. This option must be exercised more than two regularly scheduled meetings before the cutoff of Senate bill consideration by the committee.

(5) A co-chair wishing to individually schedule a public hearing shall submit notice in writing to the co-chief clerks stating the specific date, time, and subject matter of the hearing. The co-chief clerks shall record such meeting requests in the order in which they are received.

#### **RULE A-5. VOTING REQUIREMENTS AND PROCEDURES**

Notwithstanding any other provision of the Rules of the House of Representatives, a constitutional majority of the members elected shall be required, for adoption of any motion, resolution, or memorial unless a greater majority is required by the Rules of the House or the Constitution: **PROVIDED**, That the motions to adjourn, recess, and dispense with the call of the House may be adopted by a majority of the members present: **PROVIDED FURTHER**, That an oral roll call may be ordered, a division called for, or a call of the House demanded as provided in Rules 19(F), 19(H), and 21 respectively.

A vote by a majority of the membership of the standing committee, as defined in Rule 23 shall be required for adoption of any motion, majority report, resolution or memorial unless a greater majority is required by the Rules of the House or the Constitution: **PROVIDED**, That the motions to adjourn and recess may be adopted by a majority of the members present: **PROVIDED FURTHER**, That a roll call may be ordered as provided for in Rule 24(D)(5).

When the electric roll call machine is used, the members shall be given at least one and one-half minutes to vote. This time limitation may be waived by a majority vote of the members elected before the vote is commenced.

#### **RULE A-6. HOUSE ADMINISTRATION**

All vouchers for payrolls and expenses of the House shall be signed by both co-chief clerks.

All supplies for the use of the House shall be furnished upon requisitions signed by both co-chief clerks.

#### **RULE A-7. CLOSING DEBATE/CO-PRIME SPONSORS**

If a bill is introduced with co-prime sponsors, both co-prime sponsors may have the privilege of closing debate if it is consistent with Rule 16(C) (Limitation of Debate) and Rule 18 (Previous Question).

Representative Ballard moved the adoption of the resolution.

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

House Resolution No. 4600 was adopted.

### **ELECTION OF THE SPEAKERS**

Representative Kessler: "Two years ago, for the second time in the history of our state, this Chamber was evenly divided between Democrats and Republicans. We were faced with an interesting challenge. Shared governance. What a concept. At that time, the House Democrats and Republicans elected Speakers Frank Chopp and Clyde Ballard to lead us through uncharted waters.

Today, as we face a back-to-back tie, I am honored to have the opportunity to nominate Speaker Chopp for a second term. Two years ago, I knew he would be the right person for the task. Frank offered a leadership style based on a vision of east and west, urban and rural, all coming together as "One Washington". He was focused on issues of importance to all of us, Democrats and Republicans. Strong schools . . . good jobs . . . secure families . . . responsive government . . . and a healthy environment. Upon being elected Speaker, Frank rolled up his sleeves, a now familiar picture, and set out to meet the challenge. He met it with enthusiasm and

never-ending energy. He was amazing. Even when his car was totaled by an inattentive driver on his way to the Capitol one morning, he didn't miss a beat. He was late, but when he arrived he immediately jumped into a series of fast-paced meetings - in excruciating pain.

He has worked with both sides of the aisle, on both sides of the rotunda, with all interest groups, with people from all walks of life. His door has been open to everyone and he has received them with an open mind. He believes there is always a way to find common ground. He has worked tirelessly to find creative and common sense solutions to the challenges facing the people of this State.

And Frank has shown great leadership skills. He has been strong in making policy decisions and setting our course. During the last 49-49 tie in the House, we were able to pass a Patient's Bill of Rights, the Children's Health Initiative, a reduction in unemployment taxes for our businesses, an extension of benefits for displaced workers during retraining, and enhanced economic opportunities for our rural communities. And we continued our commitment to education, as well as to clean air, clean water and saving our salmon. Frank's leadership job was tough - sometimes messy - but he got it done.

We have even more daunting challenges this session . . . a transportation and energy crisis, dwindling salmon runs, rural economic problems, a controversy over new shorelines regulations, a major backup in processing water permits and, at the same time, writing a budget that both sides of the aisle can support. We need leaders who can keep us on track and who have a clear vision for our great State, from the Pacific to the Palouse. We need leaders who can put politics aside and advance real solutions so that government works for the people of Washington State. Many are predicting that we will fail. That we will start off in a spirit of cooperation but that, in the end, we will resort to partisan bickering. We can rise to the occasion by electing leaders who are decisive, not divisive. Frank Chopp is such a leader.

Frank is a person of integrity and vision. He cares deeply for people, especially those who are less fortunate. He understands the needs of both labor and business. He is a problem-solver with unceasing energy.

He listens to all sides. He is a loving husband and father, and a very good friend. Frank has proven himself a thoughtful leader, who puts issues and solutions ahead of politics - clearly needed at this time, in this Legislature.

It is my privilege to nominate Frank Chopp, my friend and colleague, for Speaker of the Washington State House of Representatives."

Representative Clements: "Thank you, Mr. Chief Clerk, members of the House of Representatives and distinguished guests. On this eighth day of January, 2001, history is in the making. For another two years the House will be governed by 49 members of each party, and the time has come to nominate our Speakers. It is my honor to nominate Clyde Ballard as our Speaker for the 49 Republican members who have been elected to serve by and for the citizenry of our great state.

I want you to know that Clyde always has emphasized civility when we are faced with serious political battles, partisan arguments or caucus rifts. He has a gentle way that holds people together - but there have been times when we all have tested him and his patience.

Clyde's first term as Speaker was in 1994. I am here to tell you incoming freshmen - especially Republican members - it was a wonderful time for us. However, some in the press reported it as an event similar to the Huns sacking Rome.

New Speaker Ballard kept reminding us that we freshman legislators should be disciplined enough to limit our introduction of new bills - thereby reducing the number of bills, which cost the state around \$3,000 each for every "blue sheet." There were real or imagined consequences for not heeding his warnings.

In my mind's eye, you had a choice of three "Ballard disciplines." One was counting paper clips in the archives. The second was standing for an indeterminate amount of time outside Clyde's office, looking at my shoelaces. Or there was the one I selected: reading the House Journals and hoping not to be tested.

Having a nearly autographic memory when pressed, I remembered something I heard about Clyde's early days in the House, so I had our staff do a little research in the House Journals.

It is January 10, 1983, the very first day of session for Freshman Clyde Ballard. On that first day, Clyde signed on to a raft of bills. The first of those was House Bill 7, to create a "workfare" program for food stamp recipients. The intent was to teach work skills to recipients, encourage recipients to find regular employment and deter those who could work, but did not wish to do so, from participating in the food stamp program. Near as can be determined, shortly thereafter, the first bill Clyde prime-sponsored was HB 418. It dealt with improving

markings for disabled parking spaces and implementing penalties for those who parked illegally in them. But 21  
alas, as we were in the minority, neither this bill nor HB 7 made it out of committee.

Not only is Clyde a proven leader in our own state; his leadership goes beyond Washington. For the past two years he has been president and moderator of the annual Pacific Conference, where Speakers, Senators, Representatives and other officials from the Pacific Rim states gather to discuss similar problems and issues facing them. It was impressive to watch Clyde lead these conferences. With pride, I noted the great respect and trust these many Democrat and Republican elected officials had for Clyde. He planned and conducted meaningful, well-balanced programs and agendas that helped us all see the various issues and develop solutions for these challenges.

The latest conference, just last month, dealt with one main issue: energy shortages and a lack of capacity or new generation. Who thinks the Northwest region's 5 percent electricity generation capacity from the Snake River dams isn't important, now? That brings to mind the words uttered by an Alaska state senator when discussing environmentalist activities to impede construction of new power plants, and tear out the dams: he suggested allowing them to be the first to freeze in the dark.

At a conference of this nature, both the personal and professional side of Clyde is revealed. Ruth, Clyde's loving wife of 46 years, serves as his mentor; his immediate family and grandchildren are his retreat. I know he regrets not getting to spend as much time with his grandchildren as he would like, while on duty for our state. For that reason, we are going to do our best to wrap this session up in 105 days.

In the coming days, the reality of rising health care, energy costs, transportation funding and the political and financial impacts of the plethora of citizen-sponsored initiatives will be upon us. For that reason, I am confident the nomination of Clyde Ballard will prove to be one of the more significant nominations of a Speaker in the history of this state.

I think it is worth going back again to that day in 1983, when Clyde took his first oath of office and then-Speaker Wayne Ehlers made a couple of noteworthy observations. First, he pointed out that Washington was in the midst of its worst period of unemployment and business failures since the Great Depression. He also noted that because the state's economy had been going into a major tailspin every 10 years, it was time for the Legislature to develop a mechanism that triggered revenues to fund basic programs. And if revenues did unexpectedly increase, they could be channeled into a rainy-day reserve account - something that, in any case, should only be available for emergencies, not for new programs. He wanted to do this to avoid causing any special sessions. However, sine die of the regular 1983 session was followed by three special sessions - the last in September of that year.

Unlike 1983, western Washington today has the highest employment and best business atmosphere in the state's history. But like 1983, we do not have enough money. I guarantee the Governor, the Senate and my friends on the other side of the aisle, and even the press, will wonder whether this Chamber can keep a foothold on its collective political sanity as this session progresses.

John L. O'Brien, late of this Chamber, is the only other member to serve four consecutive terms as Speaker in this state. This puts Clyde in pretty exclusive company. I know Clyde has the experience and competence to navigate the storm we are about to enter and bring the ship of state to port on time and intact.

If I may, I would like to add a closing comment to Clyde on a more personal level. In the coming days, I fear at times we members of the Legislature and the public could be unreasonable in our demands and expect him to succeed where we would fail. And just remember, even an old porch dog knows the difference between being petted and being kicked. I want him to call me if he is not sure which one it is.

With great respect, I place the name of Clyde Ballard in nomination for Speaker of the House of Representatives."

## MOTIONS

Representative Kessler moved that the nominations for the Office of Speaker of the House of Representatives be closed.

22 Representative Kessler moved that the rules be suspended, and that by a voice vote of the House, Representative Frank Chopp and Representative Clyde Ballard be elected to the positions of Speakers of the House of Representatives. The motion was carried.

Representatives Kessler and Clements escorted Speakers Frank Chopp and Clyde Ballard to the Rostrum.

Justice Johnson administered the Oath of Office to Speakers Chopp and Ballard.

Chief Clerks Martin and Zehnder turned the duel-headed gavel to the new Speakers.

Speaker Chopp: "Welcome to the people's House!

At the beginning of a new session in this House, it is entirely proper to remind ourselves of why we are here... and that it is to serve the people.

We begin our work this year much as we began two years ago, and last year too - with huge challenges ahead of us, and a 49-49 tie between us.

But there is one important difference. This year, we now know that there's a way to overcome this dilemma. We know it, because we've done it.

I remember the gloomy predictions of gridlock prior to the session two years ago, and again last year. And I remember with pride what we achieved:

We created the best state budget for public schools in 20 years!

We created the best worker-retraining system in the entire nation.

We created one of the first and best Patient's Bill of Rights in the nation.

We dedicated every penny of the historic tobacco settlement to health care and smoking prevention.

We nearly doubled funding for affordable housing for seniors, working families, the homeless, and for disabled people.

We created a Safe Food Initiative to help our farmers promote food products locally and abroad.

We pushed forward an Advanced Technology Initiative, harnessing our colleges and universities of higher learning, to move our state even faster into the high-tech economy.

And, we met the budget challenges from Initiative 695 without abandoning our values, without abandoning our ferries or public transit, and without abandoning the citizens who need our help just to survive.

Some of the leaders who helped solve last year's challenges are no longer with us. Just last night we received the very sad news about a great leader who will no longer be with us. We heard that our friend and colleague Pat Scott lost her long battle with cancer yesterday. We will miss Pat. We will miss her gentle humor. We will miss her devotion to children, We will miss her ability to work with everyone on both sides of the aisle. Pat is gone. But her spirit will live on. And I hope that we will all work together to carry on her gentle spirit in all we do.

But today we are welcoming newly elected Representatives, too. As we grapple this session with many familiar and some new problems, you, as new legislators, can provide a constructive new perspective. For those who've been here before, let us welcome our new colleagues.

The challenges we face this year are not any easier than those we worked through last year.

The education initiatives enacted by the people in November raise budget questions that we will have to work very hard to answer. But I don't regret those education initiatives. Many of us here have fought for stronger schools for years. Last legislative session, we made a down payment towards Initiative 728, when we passed the Better Schools Program. We hired more teachers to reduce class size, so that individual students got more individual attention.

Such an investment is needed to meet high standards for our students, our teachers, our principals, our school board members, and our communities.

I'm proud that the people --- with a 70 percent mandate --- demonstrated their support of what our Constitution says: public education is our paramount duty. The people of Washington value their public schools.



I want to honor the men and women who worked so hard on Initiative 728 to ensure stronger schools for our children and our future. Some of these leaders are with us today.

Let me introduce Elaine Von Rosenstiel, Jean Carpenter, and Russell Hartman. Please join me in recognizing their work. By the way, Rita was the President of the state-wide PTA, and Russell is on the School Board in Bremerton, where I grew up.

So this is probably a good time to introduce another important person, who was active in schools as a leader of the Bremerton PTA for over 20 years, and as a school cafeteria worker for many years. Would you please help me in recognizing my mom, Anne Chopp.

Also with me today is my wife, Nancy Long, and my daughter, Ellie Rosa, who's attends one of the best middle schools in the entire state, New Options Middle School. My son, Nate, who couldn't be here today, is a recent graduate of Western Washington University. As you can tell, I'm proud of my family. For a very good reason - they have inspired me to do my best - particularly for our schools. My parents always believed that the best way up and out of poverty is to get an education. My brother and two sisters became teachers. With us today is my brother Mel Chopp, who teaches math in Gig Harbor schools, coaches a volleyball team and who's joined today by his wife Ruth, my sister Anita Halstead-Robinson, and my sister Jo Anne Wilson, who's joined by her husband, Earl. Altogether, they have 111 years of teaching in our public schools in Washington State. That deserves a round of applause.

Just to keep some perspective about the challenges we face, imagine the challenges faced by teachers across our state. In fact, all across the state, from the Puget Sound to the Palouse, there are everyday heroes --- often unsung heroes - who are leading by example to make Washington a better place to live.

I feel deeply honored to introduce another of these heroes to you, a hero who has devoted her life to helping foster children in Washington. Some of you may not have heard the name Danielle Baxter before. But if you ask me, her name should be near the front page of Ripley's believe it or not! Because, during the past 15 years, Danielle Baxter has touched the lives, and helped to raise, five hundred and forty two foster kids in Washington. Five hundred and forty two - mostly hard-to-place teenagers! And we think we have challenges!

Danielle is here with two of her foster children. Please join me in welcoming them, and in honoring all that Danielle Baxter has done for Washington's kids. Danielle is a true hero. But even heroes like Danielle Baxter can't do all they do for Washington without help. And Washington's foster parents and foster kids definitely need more help from us now.

If we're really serious about not leaving any child behind, then we won't leave foster parents like Danielle Baxter behind, when we craft our budgets and policies this year. We cannot leave the poor, the sick, the homeless, the abused, or the disabled behind. Because fiscal responsibility means more than adding and subtracting numbers. It means making our resources and our values work together for all the people we serve.

Making values and resources work together is a specialty of the next hero I'd like to introduce. In an era of court battles and conflicts over salmon recovery, Dale Reiner and his family have shown us how to restore salmon habitat on a working farm. Working with local conservation groups and agencies along a stretch of Haskell Slough in Snohomish County, Dale's family and the Greenleaf family put together two miles of rearing and spawning habitat. Now, Dale is organizing farmers along an entire reach of the Skykomish River to develop a plan to protect salmon and preserve farms. Dale's family is no stranger to the river valley. His great-grandfather homesteaded in 1873. His family, like the salmon, is there for the long haul. His leadership is showing that farming and salmon can coexist, in harmony, not in conflict. If we're going to save our salmon and enhance rural economies - we must follow the lead of the Dale Reiners' of Washington. And for that he deserves our thanks and applause - Dale Reiner and family, true Washington heroes!

I've introduced these heroes to remind us that public service and leadership comes in many forms.

But the problems facing Washington today require more than individual acts of heroism. They require leadership from the legislature. The people need us to be the leaders we know we can be.

The people need our leadership on transportation. Traffic congestion is creating highway robbery - stealing time from our families and threatening our prosperity.

If we're going to solve the traffic gridlock, then we must avoid legislative gridlock. Washington can't move forward on transportation unless we move forward. And transportation does not just mean roads. It means ferries. It means transit. It means choices. And the people of Washington won't have good transportation choices in the future, if we fail to make good transportation choices now.

24 Another challenge we must address is energy. It's hard to believe --- clean, low-cost, and abundant energy has long been a vital part of Washington's heritage and prosperity. It has helped build industries, it has put the "e" in "e-commerce," and made our high-tech companies possible.

But lately we've seen workers laid off due to soaring energy costs. We've seen large increases in utility bills that many families cannot afford. Electricity costs have driven up the costs of business, and education, and health care, and government services of every kind.

The only good news in this crisis is that we are not California! Thank God we blocked California-style deregulation when it was attempted here in this House!

But if we're going to do our part to solve the energy crisis, we can't just pray for rain.

We must conserve energy today and build more capacity for tomorrow. We need a balanced energy policy that also includes renewable energy. Washington has prospered by energetic leadership in energy. Leaders like Warren Magnuson and Scoop Jackson led the way to protect Washington's reliable and abundant power. Like them, we must work together for the sake of all Washington.

"Working together for One Washington" has been the guiding principle of House Democrats for the past two years. Today, we renew our commitment to work for all of Washington. Each of you was motivated to come here to do the people's work, by someone who inspired you. I'd like each of you to think back to whoever inspires you - whether it was your Mom or Dad, a son or daughter, a brother or sister, your teacher or co-worker, or a local or national leader.

If we are to meet the daunting challenges before us, we're going to need to be inspired. Let's get inspired! Let's get to work!

Thank you very much."

Speaker Ballard: "Ladies and gentlemen of the House . . . colleagues . . . friends . . . and loved ones - thank you for this honor.

I'm pleased to have this chance to stand in service of this institution and the people of this great state. My pledge to you is to do my best to serve you with distinction and humility. From this vantage point, one never loses appreciation for the duty that is bestowed upon us. It is one of great magnitude - for we make history every day - and from where I stand, I see only the sincerity of the people who sit here with me and the vision of the things we can accomplish.

This perspective is as awesome today as it was six years ago. And serving in this institution is as great an honor as it was when I was first sworn in back in 1983. And thanks, Representative Clements, for reminding us all just how long ago that was.

However, there are those out there in the real world who do not see things from my vantage point. The citizens are weary of the political process . . . and having just endured the longest election season in our history has only deepened their distrust.

We owe them a reprieve from the negative tone of the past six months. They are looking for us to lead them through a transition . . . to move beyond the bitterness . . . toward a path that leads to constructive compromise.

We all fought hard. But my friends, it is time to put the disappointments and frustrations of the election behind us. We must change the tone . . . unite together . . . and turn our attention to the needs of the people.

Polls, pregnant chads and party labels don't matter to them. What matters to them are the jobs that they need to keep in order to support their families . . . What matters to them are their family budgets that are being threatened by skyrocketing energy costs and property taxes . . . What matters to them is getting out of the traffic so they can get home to hug their children. These are the issues we must unite together to address.

We've had a tremendous run of prosperity in some of our state, particularly in the Puget Sound Region. But for the first time in nearly a decade, we see signs of a softening economy. These are red flags waving before us and we must respond.

First is the rising cost of energy. Make no mistake. We are facing a crisis . . . one that already is forcing manufacturers to scale back and causing workers to lose jobs. Businesses have been feeling the effects, but now households are too. Local utilities across the state are imposing enormous surcharges that will increase home energy bills, some by 50 percent or more. Just think what these increases will mean to those who live on

fixed incomes. This energy crisis is taking money out of our household budgets and out of our economy and sending it out of our state. 25

To ease this burden, we need to clear a regulatory path that will encourage new generation facilities to be developed to meet our state's energy needs. And we need to take immediate action to encourage consumers and businesses to conserve more energy until we can safely meet the demand.

Our economy and our quality of life are at stake. Citizens are also worried about the rising cost of health care. The cost of keeping our families healthy is rising much faster than personal income. Employers, faced with rising premiums, are asking their workers to pay more out-of-pocket or they're being forced to lay people off altogether. The inflation of health care is putting families and jobs at risk.

And finally, we have, at least for the time being, reached the edge of the dot-com frontier. I have no doubt that this industry will once again flourish. But for now, the hope of the new economy has met with the realities of the old . . . and for the first time we are finding that this industry's potential to grow the prosperity of our region has limits.

I am especially concerned for those who have not shared in the economic success of the last few years. Our rural communities, who have waited for the promise of economic boom, have yet to see it.

The people who live in these communities have benefited the least from our state's economic growth, yet they stand to suffer the most if we allow the burdens of an economic downturn to weigh on them.

Of course, we will only add to these economic consequences if we do not immediately address our pressing transportation needs. We need to get people and products moving safely on our highways again.

The time for analysis has past. We know our roads and ferries are in need of expansion and repair. We've known it for years.

We also know that citizens are not in a mood for higher taxes until they are certain that we are using every available dollar as efficiently as we can. That should be our goal this session, as we embark on a long-term plan to improve our state's transportation system. It must be a plan void of political turf wars and one that we can take to the people and say, "this will make our roads safer, our economy stronger and get us home to our families sooner at the end of each day."

And finally, parents want to know that schools are safe and that their children are being prepared for our 21st Century. That means having quality teachers in our classrooms and greater accountability in our schools.

We have worked hard to set higher standards in our schools and increase the expectations of our students.

Some are responding with improved scores and performance. Some still need help. Now is not the time to abandon our efforts.

We must re-dedicate ourselves to reaching these standards, giving teachers the tools to improve learning, and giving parents greater control over their children's education by providing choice and accountability.

These are the issues that matter to real people. They've had their fill of politics. They are hungry for solutions . . . and they are eager for leadership.

The tools for success lay before us. In this Chamber is the experience and the capacity to make the lives of ordinary people better. We need only the resolve to work together to make it happen.

Yes, we are Democrats and Republicans, but we are first and foremost public servants. And we shouldn't listen to the naysayers, those who forecast chaos and legislative gridlock. Two years ago, we heard similar predictions. The so-called "pundits" said a House with 49 Republicans and 49 Democrats couldn't function. And while I admit it was difficult – even maddening – at times, we proved them wrong.

Last year, we passed historic legislation to bring private health insurance back to the people of Washington . . . We passed a Patients' Bill of Rights . . . We responded to the challenges of Initiative 695 so that important local services could be maintained and the citizens could have meaningful tax relief. And we did all of this in a completely bipartisan fashion.

We showed everyone that a House tied at 49 to 49 can work. This year, let's show them how a House tied at 49 to 49 can work wonders. If we again use our circumstance to work together, the citizens of this state will see the greatness that I see before me.

There's an old proverb that says you should greet the sun twice each day . . . once as though it was the first time you've ever seen it . . . and once as though it will be the last time you'll ever see it. I challenge you to forget what you know about the political process. Come each day with a new admiration for our purpose and leave with renewed appreciation for those who elected us to serve.

26 If we can't see the wonder and significance of this job, how can we expect others to see it?  
If we envision great things, we can get them done . . . and we can get them done in 105 days.  
I predict this will be a session like no other. We will make history – not as a House evenly divided, but  
as a House united like none before.  
Thank you and God bless the citizens of Washington state."

### **ELECTION OF THE SPEAKERS PRO TEMPORE**

Representative Sump: "Thank you, Mr. Speaker. I rise to nominate Representative John Pennington for Speaker Pro Tempore. I think back over the four years I've been in this body, and as I have watched this young man hone his skills. He certainly has the technical ability. And he understands the function of this House. But even more, he has the respect of the dignity of this House and he will preserve that dignity. He will treat the members fairly. He understands the process of this House must be held to the highest standards. As Speaker Pro Tempore, God forgive, he might need to fill the breach on either side of the aisle. We pray that might never happen. But either one of our Speakers Pro Tempore must be of that caliber. They have to be of that dignity, they have to have that intellectual capability to function. Representative John Pennington possesses all of the attributes. He is fair, he understands the process, he is a man of integrity – all of these are attributes of a leader and we need this in our State and we need this in the institution. This institution must never fail. This institution is larger than any of us here. And we must have leaders that understand that. And Representative John Pennington will do that job for us. And I urge you to vote for Representative John Pennington as Republican Speaker Pro Tem. Thank you."

Representative Fromhold: "I would like to nominate Representative Val Ogden from the 49th District for the position of Speaker Pro Tempore.

I am proud to speak on her behalf. She is my friend, mentor, and the highly respected senior member of our Southwest Washington delegation.

Representative Ogden is starting her sixth term in the House of Representatives. As you know, she is a very effective member of this body. Most importantly, in our community, Representative Ogden is recognized for her leadership and involvement. She is the former Executive Director of the Clark County YWCA. Her community activities including being a board member of the Council for the Homeless, Clark County Mental Health Advisory Board and the Human Services Council. Nationally, she serves on the Executive Committee for the National Conference of State Legislatures and she is President of the National Order of Women Legislators.

Her honors and awards are extensive. Her recognition for those honors and positions is due to her fairness, integrity, and intelligence - all qualities she will bring to bear as the Speaker Pro Tempore of this House of Representatives.

She garners bi-partisan respect and support not only at home in the 49<sup>th</sup> District but also among this entire body. I ask for your support for her candidacy for Speaker Pro Tempore."

### **MOTIONS**

Representative Kessler moved that the nominations for the Office of Speakers Pro Tempore of the House of Representatives be closed.

Representative Kessler moved that the rules be suspended, and that by a voice vote of the House, Representative John Pennington and Representative Val Ogden be elected to the positions of Speaker Pro Tempore of the House of Representatives. The motion was carried.

Speaker Chopp appointed Representatives Sump and Fromhold to escort Representatives Pennington and Ogden to the Rostrum.

Justice Johnson administered the Oath of Office to Representatives Pennington and Ogden.

Speaker Pro Tempore Pennington: "Justice Johnson, Speakers Ballard and Chopp, Speaker Pro Tempore Ogden, distinguished members and colleagues of this 57<sup>th</sup> House of Representatives, again I humbly thank you for the honor and trust you have placed in me.

This has been a remarkable year and incredible beginning to a new millennium. And as we stand at the crossroads of legislative time, we find ourselves eyewitnesses of the most extraordinary events in recent American and state history.

We have watched firsthand as the basic fabric of our American Republic has been stretched to its very limit. And although we may have disagreed... philosophically, politically, even geographically...we manage as a society so often to set aside those deep seeded differences in time of need. We now face such a time.

Most of us within the confines of this Chamber have experienced once...some twice... an equally divided House. And perhaps the greatest lesson we have learned is that there is a significant difference between politics and governing.

We managed, albeit through some rough terrain over the past two years, to... be in the end... good governors. Perhaps this is the appropriate time to invite U. S. Senators Lott and Daschle out to the Pacific Northwest for a good cup of coffee and a *great* discussion on how to make it work. Political purgatory, as I have often termed it, isn't as bad as it appears if we work together. I believe that those critics who have watched us from the outside have equally marveled at our abilities to adapt to the unique circumstances we faced in the past and will live under for the next several months.

As our nation has survived a civil war, two world wars and a great depression, I stand here quite confident that we'll survive the political turmoil of this past year... and the rough terrain we may sometimes face in the divided House again this year.

We have a long-standing tradition of rising to the occasion when so few believe we can. Our House is the *People's House*. It is diverse and colorful, full of spirited... but tempered... debate. And it is, I hope you can agree, where Washington State's legislative miracles can and do happen. It is perhaps the only place in this state where those from Omak cross tracks with those from the University District... intentionally.

Those in our very differing districts have faith that we will, at least, try to cross those paths and work together again. We have proven that we can; I am confident that we will.

As I have for previous years from this rostrum, I remind us that all we have in the great institution is our integrity ... for ourselves and those that we represent ... once it is lost or broken, it may never be retrieved.

Thanks you and God bless our state and nation."

Speaker Pro Tempore Ogden: "Thank you. Thank you Bill for nominating me. I am honored to again serve as Speaker Pro Tempore, and to again share this responsibility with my colleague, Representative John Pennington.

I am especially pleased to have my family here with me today to share in this significant occasion. Here with me are my daughter, Jan Martin, from Helena, Montana; my daughter Patti Hunter and granddaughter Emily from Spokane; and my son Dan, his wife Carrol, and my two grandchildren Nikki and Chris from Issaquah; and my husband Dan. As we try to fulfill our duties as legislators, the support of our families is very important. I believe that it is appropriate, as I recognize my family, that I also recognize all families who make it possible for us to do our job. Please join me in giving them a heartfelt thank you.

January is a significant month, as legislators all over the country are convening and swearing in their legislators. Congress and the President of the United States will also be sworn in. I can remember 40 years ago, I stood on the steps of our nation's capital in bitter cold to watch as a young president was sworn in. President Kennedy said that day, "Ask not what your country can do for you, but ask what you can do for your country." He asked for a recommitment to public service as an honorable and esteemed value in our society. Today that commitment is still relevant. Nationally there is concern as to the preservation of our form of representative government. Efforts are being made in every state to build trust between constituents and their elected representatives. We have a unique opportunity as we enter, as some say, the real beginning of the new millennium, to demonstrate the working partnerships this body will have as we meet the challenges of this next session.

It is often helpful to get a little perspective by learning of the challenges of some of our earlier legislators. John Greenleaf Whittier, the great American poet, served in the Massachusetts Legislature in 1830.

It was observed that his interests seldom made him blindly partisan. Nearly always he esteemed ability and character, the commitment to public service, above mere loyalty to party, always men above measure. In an editorial he wrote, he stated, "It is the duty of every politician, who has the good of his country at heart, to make an honorable stand against partisanship, evincing in his own example, a just and impartial discrimination in regard to men and measures. Of what consequence is it to an American citizen, whether a measure is proposed, or a speech made by a Democrat or Republican." I have paraphrased his conclusion. He implied, "The ultimate test is, is it good public policy?"

I would like to conclude by sharing with you the Millennium Resolution from the Christian Churches of Scotland. "Let there be... respect for the earth, peace for its people, love in our lives, delight in the good, forgiveness for past wrongs, and from now on, a new start."

Thank you."

## ELECTION OF CO-CHIEF CLERKS

Representative Pennington: Tim Martin's first session was nearly twenty years ago as an intern. He is here today as one of the Legislature's most experienced professionals.

Few people have earned the respect – from Republicans and Democrats alike, Senators and Representatives alike – that Tim has. He is recognized both in our state and in other states for his understanding of, and commitment to, legislative processes and institutions and for his commitment to bringing citizens closer to the democratic process.

He came to the House at a unique point in our history, at a time of great challenge for this institution. We faced employee lawsuits and dwindling morale from within – and bruised and fractured public trust from without.

From the outset, Tim set out to work evenhandedly for all 98 members of the House. He worked to see that House administration is not used to benefit one party or another. But to ensure the workplace for staff was characterized by mutual support and respect, regardless of ideology or philosophical bend.

He rallied us to adopt a framework for positive action to counter public cynicism and to rebuild public trust. He worked with members of both parties to craft the "Access to Government Initiative", a multi-part agenda to enhance public education about the legislature and utilize emerging technology to reach the public. The Access to Government Initiative is now a national model.

Many of the tools we now take for granted made their way into this House through the Access to Government Initiative – member laptops, enhanced information on the Internet, model school curricula and training tools on the legislature.

Tim shies from taking personal credit for our advances; he is quick to credit the efforts of House members and staff. Clearly, adoption and implementation of the Access to Government Initiative was a team effort – but there is *no doubt* that Tim was our coach. We recognize it... legislative academics recognize it.

When we look at votes on our state-of-the-art voting system, when we use our Chamber Information System to access bills and amendments, and when we think of the legislative information that citizens access today that they couldn't before Tim arrived, we realize we have a real leader as an administrator.

Often I speak with pride about this institution, and with a recognition that Tim Martin has focused us on institutional integrity – and what that focus has meant so much to me and to my constituents.

I believe that we have been highly successful – at the very least earnest – in our work to regain and enhance public trust. But more than that, we have affected the institutional mind set by setting a framework for decision-making in a time of institutional change. For that, I believe that Tim deserves our gratitude for his efforts.

My nomination for him stems from my belief that he will use this position once again to further efforts on *all* our behalf. He will work tirelessly – as he has for the past six years – to ensure that the 98 members of the House – regardless of party – have the tools we need to meet our legislative goals and the needs of our constituents.

With a distinct pride, Mr. Speaker, I nominate Chief Clerk Tim Martin to another term serving the people of Washington State (taxpayers)."

Representative Ogden: "Mr. Speaker, I nominate Ms. Cindy Zehnder as Chief Clerk of the Washington State House of Representatives.

The clerk carries many important responsibilities as manager of the operations of the House. This includes administrative and committee support staff, budget, security and facilities.

Cindy brings unique capabilities to this position, having served us well the past year and a half:

She has demonstrated leadership in management and labor issues,

She has proven ability to unite divergent interests around a common program, and extensive negotiation experience in both the public and private sectors, with in-depth knowledge of media and public relations,

She is a skilled public speaker and writer, and finally,

She has experience in managing large organizations, with particular strength in strategic planning, information technology, and continuous quality improvement.

I am proud to support the nomination of Cindy Zehnder as Co-Clerk of the House and ask for your vote. Thank you."

## MOTIONS

Representative Mastin moved the nominations for Chief Clerk by closed. The motion carried.

Representative Mastin moved that the rules be suspended and that by voice vote, Cynthia Zehnder and Timothy Martin be elected as Chief Clerks of the House. The motion carried.

Speaker Ballard asked Representatives Ogden and Pennington escort Cynthia Zehnder and Timothy Martin to the Rostrum.

Justice Johnson administered the Oath of Office to Cynthia Zehnder and Timothy Martin.

Chief Clerk Cynthia Zehnder: "Thank you for the opportunity to serve as your Chief Clerk.

The last two years have been full of challenges, and if I may, Mr. Speaker, I would like to acknowledge the wonderful staff of the House whose hard work and dedication have made it possible for all of us to succeed.

In particular, I would like to thank our Deputy Chief Clerks whose tireless efforts and endless good will have carried us through a multitude of crises.

I also want to thank my partner Tim Martin. It hasn't always been easy, but somehow we have managed to each day get the work of the House accomplished due in no small part to his dedication to this institution.

Finally, I want to express my appreciation to all of you. Your commitment, your energy and your extraordinary dedication to the public good make it all worthwhile.

Thank you."

Chief Clerk Timothy Martin: "Thank you, Cindy; Speaker Ballard; Speaker Chopp and members. What an honor to have Secretary of State Ralph Munro swear me in. That was unexpected. And thank you to Co-Speaker John Pennington for your kind and generous words.

This is my fourth trip to rostrum to make these remarks and each trip is a little more humbling than the one before. Because while I have the honor to stand before you today, I am only one of a much, much larger team of very skilled employees who dedicate their lives to public service through service to you. I know that each member of House staff and our other Legislative agencies, is as proud of his or her work as I am of mine. I know that each member of staff values the same professional relationships with you as I do. I wish there was more room and more time for each one of my colleagues to stand before you and publicly accept the trust you have placed in them as legislative employees. On their behalf and on mine, I thank you for the honor and privilege of working here.

Finally, no moment in the sun would be complete without acknowledgment of family. So I must take a moment to thank my boys, Max and Gust for being my best friends, and to thank my wife, Kim Martin for taking

30re of the three of us. And thanks to Mom and Dad for being here once more. And thank you Mrs. Kochaniewitz for being here for our very able reader, Sean.  
Congratulations to all of you, and thank you for your trust and support.  
Thank you."

## **RESOLUTION**

HOUSE RESOLUTION NO. 2001-4601 by Representatives Mastin and Kessler

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

Representative Mastin moved the adoption of the resolution.

Representative Mastin spoke in favor of the adoption of the resolution.

House Resolution No. 4601 was adopted.

Speaker Ballard appointed Representatives Darneille, B. Chandler, Lovick and Roach to notify the Senate that the House of Representatives was organized and ready to conduct business..

The Sergeant at Arms announced the arrival of the Senate delegation. Senators Carlson, Constantine, Kastama, Parlette, Hewitt and Keiser informed the Chamber that the Senate was organized and ready for work. The Senate delegation was escorted from the Chamber.

## **MESSAGE FROM THE SENATE**

January 8, 2001

Mr. Speakers:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8400,

and the same is herewith transmitted.

Tony M. Cook, Secretary

## **INTRODUCTIONS AND FIRST READING**

HB 1000 by Representatives Murray, Alexander, Ogden, Schoesler, Armstrong, Linville and McIntire (by request of Public Work's Board)

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

Referred to Committee on Capital Budget.

HB 1001 by Representatives Alexander, Murray, Armstrong, Hatfield, Dickerson, Linville, Kenney, Simpson, McIntire, Edmonds, Keiser, Schual-Berke, Ogden and Fromhold (by request of Public Work's Board)

AN ACT Relating to authorization for projects recommended by the public works board; creating new sections; and declaring an emergency.



Referred to Committee on Capital Budget.

HB 1002 by Representatives Ruderman, Rockefeller, Santos, Lambert, Darneille, Haigh, McIntire and Hunt

AN ACT Relating to the public inspection and copying of residential addresses or residential phone numbers of public employees or volunteers of public agencies; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 1003 by Representatives Campbell and Bush

AN ACT Relating to solid waste disposal standards; and amending RCW 70.95.060.

Referred to Committee on Agriculture & Ecology.

HB 1004 by Representatives Morris and Doumit

AN ACT Relating to adjusting disability payments; amending RCW 41.24.150; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1005 by Representatives Morris and Lantz

AN ACT Relating to public utility rights-of-way on aquatic lands; amending RCW 79.90.470; and creating new sections.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1006 by Representatives Morris and Lantz

AN ACT Relating to public utility rights-of-way on aquatic lands; and amending RCW 79.90.470.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1007 by Representative Morris

AN ACT Relating to the taxation of electricity; amending RCW 82.16.010, 82.16.020, 82.16.050, 82.16.090, 35.21.860, 35.21.865, 35.21.870, 52.18.020, and 82.02.030; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.16.0491, 82.16.053, 54.28.010, 54.28.011, 54.28.020, 54.28.025, 54.28.030, 54.28.040, 54.28.050, 54.28.055, 54.28.060, 54.28.070, 54.28.080, 54.28.090, 54.28.100, 54.28.110, and 54.28.120; and providing an effective date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1008 by Representatives Morris, Sommers, Linville, Schmidt, McIntire, Rockefeller and Edmonds

AN ACT Relating to reviewing initiative measures for fiscal impact; and amending RCW 29.79.015 and 29.81.250.

32 Referred to Committee on State Government.

HJM 4000 by Representatives Mastin and Schmidt

AN ACT RELATING to requesting minimum standards for federal elections.

Referred to Committee on State Government.

HJR 4200 by Representatives Morris, Sommers, Dickerson, Linville, Schmidt, McIntire, Rockefeller and Edmonds

AN ACT RELATING to requiring initiatives with negative fiscal impact to specify reductions.

Referred to Committee on State Government.

HCR 4400 by Representatives Kessler and Mastin

Calling joint sessions of the legislature.

SCR 8400 by Senators Snyder and West

Notifying the Governor that the Legislature is organized.

#### MOTION

On motion of Representative Mastin, Senate Concurrent Resolution No. 8400 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

#### SECOND READING

**SENATE CONCURRENT RESOLUTION NO. 8400 by Representatives Snyder and West**

**Notifying the Governor that the Legislature is organized.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final adoption.

Speaker Chopp stated the question before the House to be the final adoption of Senate Concurrent Resolution No. 8400.

Senate Concurrent Resolution No. 8400 was adopted.

Speaker Chopp appointed Representatives Kenney and Woods to notify the Governor that the legislature is organized and ready to conduct business.

#### MOTION

On motion of Representative Mastin, House Concurrent Resolution No. 4400 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

**Calling joint sessions of the legislature.**

The concurrent resolution was read the second time.

**MOTION**

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

Representative Kessler spoke in favor of adoption of the concurrent resolution.

Speaker Chopp stated the question before the House to be adoption of House Concurrent Resolution No. 4400.

House Concurrent Resolution No. 4400 was adopted.

**MOTIONS**

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

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

**RESOLUTION**

**HOUSE RESOLUTION NO. 2001-4602 by Representatives Kessler and Mastin**

WHEREAS, Washington State has used a blanket primary system to nominate candidates for partisan elective offices since the Legislature enacted Initiative to the Legislature No. 2 in 1935; and

WHEREAS, The United States Supreme Court held, in *California Democratic Party et al. v. Jones*, 530 U.S. . . ., 120 S.Ct 2402, (No. 99-401, June 26, 2000), that the blanket primary system in the State of California was an unconstitutional violation of a political party's First Amendment right of association; and

WHEREAS, The Washington State blanket primary system closely resembles the California State blanket primary system; and

WHEREAS, The United States District Court, Western District of Washington at Tacoma, issued a preliminary injunction on July 20, 2000, prohibiting the State of Washington from conducting primaries for the Democratic and Republican Parties after 2000 in which voters other than those authorized by a party are permitted to participate in that party's primary; and

WHEREAS, The District Court directed the Democratic and Republican Parties to submit proposed permanent injunctions by March 1, 2001, to protect their rights concerning primaries for partisan elective offices in Washington State, and the Secretary of State to file a response to these proposals shortly thereafter;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives establishes a select committee on elections to consider and develop legislation on conducting primaries for partisan elective offices in this state, along with any other election matters referred to the committee, and report legislation on these subjects out of committee with all the powers and duties of a standing committee of the house; and

BE IT FURTHER RESOLVED, That the committee will consist of eight members, four Republican and four Democratic; and

BE IT FURTHER RESOLVED, That the committee will cease to exist on December 31, 2001.

Representative Kessler moved the adoption of the resolution.

Representative Kessler spoke in favor of the adoption of the resolution.

House Resolution No. 4602 was adopted.

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

### **STANDING COMMITTEE ASSIGNMENTS**

The Speakers announced the assignments to Standing Committees:

Ahern, John	Criminal Justice & Corrections, Vice Chair; Trade & Economic Development; Transportation
Alexander, Gary	Capital Budget, Co-Chair; Appropriations; Health Care
Anderson, Glenn	Education, Vice Chair; Technology, Telecommunications & Energy; Transportation
Armstrong, Mike	Capital Budget; Juvenile Justice; Transportation
Ballard, Clyde	Rules, Co-Chair
Ballasiotes, Ida	Criminal Justice & Corrections, Co-Chair; Children & Family Services; Health Care; Select Committee on Elections
Barlean, Kelly	Appropriations, Vice Chair; Capital Budget; Financial Institutions & Insurance
Benson, Brad	Financial Institutions & Insurance, Co-Chair; Appropriations
Boldt, Marc	Children & Family Services, Co-Chair; Appropriations; Judiciary
Buck, Jim	Appropriations; Natural Resources; Rules
Bush, Roger	Financial Institutions & Insurance, Vice Chair; Capital Budget; Rules; Technology, Telecommunications & Energy
Cairnes, Jack	Finance, Co-Chair; Criminal Justice & Corrections; Financial Institutions & Insurance
Campbell, Tom	Health Care, Co-Chair; Children & Family Services
Carrell, Mike	Judiciary, Co-Chair; Finance; Juvenile Justice
Casada, Sarah	Technology, Telecommunications & Energy, Vice Chair; Capital Budget; Judiciary
Chandler, Bruce	Commerce & Labor, Vice Chair; Agriculture & Ecology; Technology, Telecommunications & Energy
Chandler, Gary	Agriculture & Ecology, Co-Chair; Natural Resources; Transportation
Chopp, Frank	Rules, Co-Chair
Clements, Jim	Commerce & Labor, Co-Chair; Appropriations
Cody, Eileen	Health Care, Co-Chair; Appropriations
Conway, Steve	Commerce & Labor, Co-Chair; Finance; Health Care
Cooper, Mike	Agriculture & Ecology, Vice Chair; Transportation, Vice Chair; Technology, Telecommunications & Energy
Cox, Don	Higher Education, Co-Chair; Appropriations; Education
Crouse, Larry	Technology, Telecommunications & Energy, Co-Chair; Local Government & Housing; Select Committee on Elections
Darneille, Jeannie	Children & Family Services; Health Care; Juvenile Justice
DeBolt, Richard	Financial Institutions & Insurance; Local Government & Housing; Technology, Telecommunications & Energy

Delvin, Jerome	Juvenile Justice, Co-Chair; Agriculture & Ecology; Technology, Telecommunications & Energy	35
Dickerson, Mary Lou	Juvenile Justice, Co-Chair; Children & Family Services; Judiciary	
Doumit, Mark	Natural Resources, Co-Chair; Appropriations, Vice Chair	
Dunn, Jim	Trade & Economic Development, Vice Chair; Higher Education; Local Government & Housing	
Dunshee, Hans	Local Government & Housing, Co-Chair; Agriculture & Ecology; Appropriations	
Edmonds, Carolyn	Health Care; Local Government & Housing; Transportation	
Edwards, Jeanne	Local Government & Housing, Vice Chair; Health Care; Natural Resources	
Eickmeyer, William Ike	Juvenile Justice, Vice Chair; Natural Resources; Trade & Economic Development	
Ericksen, Doug	Transportation, Vice Chair; Education; Natural Resources	
Esser, Luke	Capital Budget, Vice Chair; Judiciary; Technology, Telecommunications & Energy	
Fisher, Ruth	Transportation, Co-Chair; Select Committee on Elections, Vice Chair	
Fromhold, Bill	Trade & Economic Development, Vice Chair; Appropriations; Higher Education	
Gombosky, Jeff	Higher Education, Vice Chair; Appropriations; Trade & Economic Development	
Grant, Bill	Agriculture & Ecology; Appropriations; Rules	
Haigh, Kathy	Education, Vice Chair; Rules; State Government; Transportation	
Hankins, Shirley	Transportation, Vice Chair; Capital Budget; Rules	
Hatfield, Brian	Financial Institutions & Insurance, Co-Chair; Local Government & Housing; Transportation	
Hunt, Sam	Agriculture & Ecology; Capital Budget; Commerce & Labor	
Hurst, Christopher	Judiciary, Vice Chair; Rules; Transportation	
Jackley, Brock	Natural Resources; Trade & Economic Development; Transportation	
Jarrett, Fred	Higher Education, Vice Chair; Local Government & Housing; Transportation	
Kagi, Ruth	Children & Family Services, Vice Chair; Appropriations; Criminal Justice & Corrections	
Keiser, Karen	Appropriations; Education; Financial Institutions & Insurance	
Kenney, Phyllis	Higher Education, Co-Chair; Appropriations	
Kessler, Lynn	Appropriations; Rules	
Kirby, Steve	Agriculture & Ecology; Criminal Justice & Corrections; Local Government & Housing; Rules	
Lambert, Kathy	Judiciary, Vice Chair; Appropriations; Rules; State Government	
Lantz, Patricia	Judiciary, Co-Chair; Capital Budget; Higher Education	
Linville, Kelli	Agriculture & Ecology, Co-Chair; Appropriations; Technology, Telecommunications & Energy	
Lisk, Barbara	Appropriations, Vice Chair; Commerce & Labor; Rules	
Lovick, John	Criminal Justice & Corrections, Vice Chair; Transportation, Vice Chair; Judiciary	
Marine, Joe	Juvenile Justice, Vice Chair; Health Care; Transportation	
Mastin, Dave	Appropriations; Rules	

36	<p>McDermott, Joe McIntire, Jim</p> <p>McMorris, Cathy Mielke, Tom</p> <p>Miloscia, Mark</p> <p>Mitchell, Maryann Morell, Dave</p> <p>Morris, Jeff</p> <p>Mulliken, Joyce</p> <p>Murray, Ed O'Brien, Al</p> <p>Ogden, Val</p> <p>Pearson, Kirk Pennington, John Pflug, Cheryl</p> <p>Poulsen, Erik</p> <p>Quall, Dave Reardon, Aaron</p> <p>Roach, Dan</p> <p>Rockefeller, Phil Romero, Sandra</p> <p>Ruderman, Laura</p> <p>Santos, Sharon Tomiko Schindler, Lynn Schmidt, Dave</p> <p>Schoesler, Mark Schual-Berke, Shay Sehlin, Barry Simpson, Geoff</p> <p>Skinner, Mary Sommers, Helen Sump, Bob</p> <p>Talcott, Gigi</p> <p>Tokuda, Kip</p>	<p>Education; Judiciary; State Government Capital Budget, Vice Chair; Financial Institutions &amp; Insurance, Vice Chair; Appropriations</p> <p>State Government, Co-Chair; Commerce &amp; Labor; Health Care Agriculture &amp; Ecology, Vice Chair; Local Government &amp; Housing, Vice Chair; Transportation</p> <p>State Government, Vice Chair; Children &amp; Family Services; Financial Institutions &amp; Insurance</p> <p>Transportation, Co-Chair Children &amp; Family Services, Vice Chair; Criminal Justice &amp; Corrections; Transportation</p> <p>Finance, Co-Chair; Select Committee on Elections; Technology, Telecommunications &amp; Energy</p> <p>Local Government &amp; Housing, Co-Chair; Appropriations; Trade &amp; Economic Development</p> <p>Capital Budget, Co-Chair; Natural Resources; Transportation Criminal Justice &amp; Corrections, Co-Chair; Capital Budget; Commerce &amp; Labor</p> <p>Select Committee on Elections, Co-Chair; Capital Budget; Rules; Transportation</p> <p>Natural Resources, Vice Chair; Appropriations; Education Finance; Health Care; Natural Resources; Rules Appropriations; Children &amp; Family Services; Trade &amp; Economic Development</p> <p>Technology, Telecommunications &amp; Energy, Co-Chair; Capital Budget; Rules</p> <p>Education, Co-Chair; Agriculture &amp; Ecology Finance, Vice Chair; Capital Budget; Rules; Technology, Telecommunications &amp; Energy</p> <p>Finance, Vice Chair; Agriculture &amp; Ecology; Financial Institutions &amp; Insurance</p> <p>Natural Resources, Vice Chair; Education; Transportation State Government, Co-Chair; Select Committee on Elections; Transportation</p> <p>Technology, Telecommunications &amp; Energy, Vice Chair; Appropriations; Health Care</p> <p>Education; Finance; Financial Institutions &amp; Insurance Education; State Government; Transportation Select Committee on Elections, Co-Chair; Appropriations; Education; State Government</p> <p>Agriculture &amp; Ecology; Capital Budget; Rules Health Care, Vice Chair; Appropriations; Education Appropriations, Co-Chair</p> <p>Financial Institutions &amp; Insurance; Technology, Telecommunications &amp; Energy; Transportation Health Care, Vice Chair; Higher Education; Transportation Appropriations, Co-Chair</p> <p>Natural Resources, Co-Chair; Agriculture &amp; Ecology; Transportation</p> <p>Education, Co-Chair; Select Committee on Elections, Vice Chair; Appropriations</p> <p>Children &amp; Family Services, Co-Chair; Appropriations;</p>
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Van Luven, Steve  
Veloria, Velma

Juvenile Justice  
Trade & Economic Development, Co-Chair; Finance  
Trade & Economic Development, Co-Chair; Capital Budget;  
Finance

Wood, Alex

Commerce & Labor, Vice Chair; Technology,  
Telecommunications & Energy; Transportation

Woods, Beverly

Capital Budget; Rules; Trade & Economic Development;  
Transportation

MOTION

On motion of Representative Mastin, the House adjourned until 11:45 a.m., January 9, 2001, the 2<sup>nd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SECOND DAY

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NOON SESSION

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House Chamber, Olympia, Tuesday, January 9, 2001

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

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

**MESSAGES FROM THE SENATE**

January 8, 2001

Mr. Speakers:

The President has signed:

and the same is herewith transmitted.

SENATE CONCURRENT RESOLUTION NO. 8400,

Brad Hendrickson, Deputy Secretary

January 8, 2001

Mr. Speakers:

The Senate has adopted:

and the same is herewith transmitted.

HOUSE CONCURRENT RESOLUTION NO. 4400,

Brad Hendrickson, Deputy Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,  
SENATE CONCURRENT RESOLUTION NO. 8400,

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder, Minority Leader Jim West, and Senators Pat Hale and Karen Fraser to seats on the Rostrum. The Senators were invited to sit within the Chamber.

**JOINT SESSION**

Speaker Chopp called the Joint Session to order. The Clerk called the roll of House members and a quorum was present. The Clerk called the roll of Senate members and a quorum was present.

The purpose of the Joint Session was to recognize retiring State officials for their long and effective service to the State of Washington. The Joint Session also complied with the constitutional requirement of canvassing the vote for and against referenda and initiatives, and for the constitutional elective officers.

**MESSAGE FROM THE SECRETARY OF STATE**



The Honorable Speakers  
House of Representatives  
State of Washington  
Olympia Washington

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29.62.130, I have canvassed the returns of the 2,517,028 votes cast by the 3,335,714 registered voters of the state for and against the initiatives and resolution which were submitted to the vote of the people at the state general election held on the 7<sup>th</sup> day of November, 2000, as received from the County Auditors.

**State of Washington , Initiative No. 713**

"Shall it be a gross misdemeanor to capture an animal with certain body-gripping traps, or to poison an animal with sodium fluoroacetate or sodium cyanide?"

Yes	1,315,903
No	1,093,587

**State of Washington , Initiative No. 722**

"Shall certain 1999 tax and fee increases be nullified, vehicles exempted from property taxes, and property tax increases(except new construction) limited to 2% annually?"

Yes	1,295,391
No	1,022,349

**State of Washington , Initiative No. 728**

"Shall school districts reduce class sizes, extend learning programs, expand teacher training, and construct facilities, funded by lottery proceeds, existing property taxes, and budget reserves?"

Yes	1,714,485
No	675,635

**State of Washington , Initiative No. 729**

"Shall school districts and public universities be authorized to sponsor charter public schools, independently operated, open to all students, and subject to revised state regulation?"

Yes	1,125,766
No	1,211,390

**State of Washington , Initiative No. 732**

"Shall public school teachers, other school district employees, and certain employees of community and technical colleges receive annual cost-of-living salary adjustments, to begin in 2001-2002?"

Yes	1,501,261
No	893,601

**State of Washington , Initiative No. 745**

"Shall 90% of transportation funds, including transit taxes, be spent for roads; transportation agency performance audits required; and road construction and maintenance be sales tax-exempt?"

Yes	955,329
No	1,394,387

**State of Washington , Senate Joint Resolution No. 8214**

"Shall the state constitution be amended to permit state funds held in trust for persons with developmental disabilities to be invested as authorized by law?"

Yes	1,450,749
No	786,185

I further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the 7<sup>th</sup> day of November, 2000, for all federal, legislative and joint judicial offices, and that the votes cast for candidates for these offices are as follows:

**Federal Offices , United States President**

Al Gore/Lieberman	D	1,247,652
George Bush/Cheney	R	1,108,864
Harry Browne/Olivier	L	13,135
David McReynolds/Hollis	SOC	660
Ralph Nader/LaDuke	GRN	103,002
Monica Moorehead/La Riva	WW	1,729
Howard Phillips/Frazier	CST	1,989
Phillip Buchanan/Foster	FDM	7,171
James E. Harris/Trowe	SW	304
John Hagelin/Goldhaber	NL	2,927

**Federal Offices , United States Senator**

Maria Cantwell	D	1,199,437
Slade Gorton	R	1,197,208
Jeff Jared	L	64,734

**Congressional District 1, U.S. Representative**

Jay Inslee	D	155,820
Dan McDonald	R	121,823
Bruce Newman	L	7,993

**Congressional District 2, U.S. Representative**

Rick Larsen	D	146,617
John Koster	R	134,660
Stuart Andrews	L	7,672
Glen S. Johnson	NL	4,231

**Congressional District 3, U.S. Representative**

Brian Baird	D	159,428
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Trent R. Matson	R	114,861
Erne Lewis	L	8,375
<b><u>Congressional District 4, U.S. Representative</u></b>		
Jim Davis	D	87,585
Doc Hastings	R	143,259
Fred D. Krauss	L	4,260
<b><u>Congressional District 5, U.S. Representative</u></b>		
Tom Keefe	D	97,703
George R. Nethercutt, Jr.	R	144,038
Greg Holmes	L	9,473
<b><u>Congressional District 6, U.S. Representative</u></b>		
Norm Dicks	D	164,853
Bob Lawrence	R	79,215
John Bennett	L	10,645
<b><u>Congressional District 7, U.S. Representative</u></b>		
Jim McDermott	D	193,470
Joel Grus	L	20,197
Joe Szwaja	GRN	52,142
<b><u>Congressional District 8, U.S. Representative</u></b>		
Heidi Behrens-Benedict	D	104,944
Jennifer Dunn	R	183,255
Bernard McIlroy	L	6,269
<b><u>Congressional District 9, U.S. Representative</u></b>		
Adam Smith	D	135,452
Chris Vance	R	76,766
Jonathan V. Wright	L	7,405

**State of Washington , Governor**

Gary Locke	D	1,441,973
John Carlson	R	980,060
Steve W. LePage	L	47,819

**State of Washington , Lt. Governor**

Brad Owen	D	1,247,838
Wm. "Mike" Elliott	R	872,853
Ruth E. Bennett	L	179,567

**State of Washington , Secretary of State**

Don L. Bonker	D	1,063,689
Sam Reed	R	1,073,911
J. Bradley Gibson	L	94,202
Chris Loftis	RFM	49,417

**State of Washington , State Treasurer**

Mike Murphy	D	1,266,969
Diane Rhoades	R	905,401
Tim Perman	L	96,910

**State of Washington , State Auditor**

Brian Sonntag	D	1,295,745
Richard McEntee	R	829,458
Chris Caputo	L	123,058

**State of Washington , Attorney General**

Christine Gregoire	D	1,292,887
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## JOURNAL OF THE HOUSE

Richard Pope	R	883,002
Richard Shepard	L	90,941
Stan Lippmann	NM	19,120
Luanne Coachman	NL	23,685
<b><u>State of Washington , Commissioner of Public Lands</u></b>		
Mike Lowry	D	1,052,366
Doug Sutherland	R	1,154,048
Steve Layman	L	125,985
<b><u>State of Washington , Supt. of Public Instruction</u></b>		
Teresa "Terry" Bergeson	NP	1,653,830
<b><u>State of Washington , Insurance Commissioner</u></b>		
Mike Kreidler	D	1,174,039
Don Davidson	R	933,568
Mike Hihn	L	92,185
<b><u>State Supreme Court , Justice, Position 2</u></b>		
Susan J. Owens	NP	982,275
Jeff Sullivan	NP	891,535
<b><u>State Supreme Court , Justice, Position 7</u></b>		
Bobbe J. Bridge	NP	1,523,168
<b><u>State Supreme Court , Justice, Position 8</u></b>		
Gerry L. Alexander	NP	1,491,751
<b><u>State Supreme Court , Justice, Position 9</u></b>		
Tom Chambers	NP	1,031,395
Jim Foley	NP	785,301
<b><u>Court of Appeals Division 1, District 3, Judge, Position 1</u></b>		
Mary Kay Becker	NP	93,148
<b><u>Court of Appeals Division 2, District 2, Judge, Position 2</u></b>		
David H. Armstrong	NP	183,673
<b><u>Court of Appeals Division 2, District 3, Judge, Position 1</u></b>		
J. Dean Morgan	NP	137,221
<b><u>Court of Appeals Division 3, District 1, Judge, Position 1</u></b>		
John A. Schultheis	NP	148,854
<b><u>Court of Appeals Division 3, District 3, Judge, Position 2</u></b>		
Frank L. Kurtz	NP	88,153
<b><u>Superior Court Benton, Franklin, Judge, Position 2</u></b>		
Robert (Bob) Swisher	NP	36,771
Carl Sonderman	NP	27,611
<b><u>Superior Court Ferry, Pend Oreille, Stevens, Judge, Position 1</u></b>		
Rebecca M. Baker	NP	16,963
<b><u>Superior Court Ferry, Pend Oreille, Stevens, Judge, Position 2</u></b>		
Larry M. Kristianson	NP	17,502
<b><u>Superior Court Island, San Juan, Judge, Position 1</u></b>		
Alan R. Hancock	NP	24,914
<b><u>Superior Court Island, San Juan, Judge, Position 2</u></b>		
Vickie I. Churchill	NP	24,160
<b><u>Superior Court Klickitat, Skamania, Judge, Position 1</u></b>		
E. Thompson "Tom" Reynolds	NP	8,260
<b><u>Superior Court Pacific, Wahkiakum, Judge, Position 1</u></b>		
Joel Penoyar	NP	8,049
<b><u>State Legislature District 1, Senator</u></b>		
Rosemary McAuliffe	D	25,460

Leo Van Hollebeke	R	21,247
<b><u>State Legislature District 1, Representative, Position 1</u></b>		
Al O'Brien	D	27,666
Eric Marrs	R	17,033
<b><u>State Legislature District 1, Representative, Position 2</u></b>		
Jeanne A. Edwards	D	25,917
Andy Vanderhoff	R	19,181
<b><u>State Legislature District 7, Representative, Position 1</u></b>		
Ronald Lloyd McCoy	D	16,939
Bob Sump	R	35,366
<b><u>State Legislature District 7, Representative, Position 2</u></b>		
Gary E. McKinney	D	14,544
Cathy McMorris	R	34,482
<b><u>State Legislature District 9, Senator</u></b>		
Larry Sheahan	R	29,645
Randall S. Keeney	L	5,678
<b><u>State Legislature District 9, Representative, Position 1</u></b>		
Mike Johnson	D	13,083
Don Cox	R	24,032
<b><u>State Legislature District 9, Representative, Position 2</u></b>		
Mark G. Schoesler	R	27,727
John Gearhart	L	6,803
<b><u>State Legislature District 10, Senator</u></b>		
Mary Margaret Haugen	D	27,689
Norma Smith	R	25,029
Bradley Carey	L	1,595
<b><u>State Legislature District 10, Representative, Position 1</u></b>		
Dave Anderson	D	24,707
Barry Sehlin	R	26,837
Dean Brittain	L	1,525
<b><u>State Legislature District 10, Representative, Position 2</u></b>		
John R. McCoy	D	19,613
Kelly Barlean	R	30,267
Lew Randall	L	1,918
<b><u>State Legislature District 12, Senator</u></b>		
Linda Evans Parlette	R	37,563
<b><u>State Legislature District 12, Representative, Position 1</u></b>		
Clyde Ballard	R	36,572
<b><u>State Legislature District 12, Representative, Position 2</u></b>		
Todd R. Smith	D	13,657
Mike Armstrong	R	30,465
<b><u>State Legislature District 13, Representative, Position 1</u></b>		
Aaron J. Anderson	D	12,301
Gary D. Chandler	R	32,685
<b><u>State Legislature District 13, Representative, Position 2</u></b>		
Michael W. Pearson	D	13,231
Joyce Mulliken	R	31,304
<b><u>State Legislature District 15, Representative, Position 1</u></b>		
William J. Yallup Jr.	D	10,600
Bruce Chandler	R	19,842
<b><u>State Legislature District 15, Representative, Position 2</u></b>		

## JOURNAL OF THE HOUSE

Walter J. Braten	D	10,736
Barb Lisk	R	19,480
<b><u>State Legislature District 16, Senator</u></b>		
Valoria H. Loveland	D	19,660
Mike Hewitt	R	21,717
<b><u>State Legislature District 16, Representative, Position 1</u></b>		
Yolanda Cortinas Trout	D	12,008
Dave Mastin	R	28,277
<b><u>State Legislature District 16, Representative, Position 2</u></b>		
Bill Grant	D	28,717
Lorne Blackman	AH	9,211
<b><u>State Legislature District 17, Senator</u></b>		
Lou Peterson	D	27,291
Don Benton	R	30,948
<b><u>State Legislature District 17, Representative, Position 1</u></b>		
Carl Dugger	D	24,116
Marc Boldt	R	30,491
Lori Loranger	L	3,211
<b><u>State Legislature District 17, Representative, Position 2</u></b>		
Jeanne Harris	D	25,961
Jim Dunn	R	31,654
<b><u>State Legislature District 18, Senator</u></b>		
Kent Landerholm	D	22,844
Joseph Zarelli	R	32,289
<b><u>State Legislature District 18, Representative, Position 1</u></b>		
Michele Cotner	D	21,380
Tom Mielke	R	32,954
<b><u>State Legislature District 18, Representative, Position 2</u></b>		
Marlene Adams	D	18,543
John Pennington	R	35,156
Jonathan Fant	RFM	1,073
<b><u>State Legislature District 19, Senator</u></b>		
Sid Snyder	D	27,174
Bill Schumacher	R	14,036
<b><u>State Legislature District 19, Representative, Position 1</u></b>		
Brian Hatfield	D	26,450
Doug Camenzind	R	14,812
<b><u>State Legislature District 19, Representative, Position 2</u></b>		
Mark L. Doumit	D	27,349
Rachel Alexy	R	12,973
<b><u>State Legislature District 20, Senator</u></b>		
Tom Beattie	D	16,175
Dan Swecker	R	30,276
Mary Lou Kaffel	NL	2,774
<b><u>State Legislature District 20, Representative, Position 1</u></b>		
Richard DeBolt	R	36,546
Carlos Perez	NL	9,272
<b><u>State Legislature District 20, Representative, Position 2</u></b>		
Gary Alexander	R	37,027
Bruce Brown	L	8,719
<b><u>State Legislature District 24, Senator</u></b>		

Jim Hargrove	D	40,746
William F. "Bill" Wolper	L	9,035
<b><u>State Legislature District 24, Representative, Position 1</u></b>		
Pat Slaten	D	20,519
Jim Buck	R	32,478
<b><u>State Legislature District 24, Representative, Position 2</u></b>		
Lynn Kessler	D	34,408
Teri Schwiethale	R	17,694
<b><u>State Legislature District 25, Senator</u></b>		
Jim Kastama	D	24,259
Joyce McDonald	R	23,804
Jerry Christensen	L	1,320
<b><u>State Legislature District 25, Representative, Position 1</u></b>		
Richard Hildreth	D	22,261
Sarah Casada	R	26,315
<b><u>State Legislature District 25, Representative, Position 2</u></b>		
Adrienne Thompson	D	23,474
Dave Morell	R	24,224
<b><u>State Legislature District 26, Representative, Position 1</u></b>		
Patricia Lantz	D	29,328
Randy Boss	R	23,827
Don Vandervelde	L	1,651
<b><u>State Legislature District 26, Representative, Position 2</u></b>		
Brock Jackley	D	27,589
Lois McMahan	R	26,525
<b><u>State Legislature District 30, Representative, Position 1</u></b>		
Mark Miloscia	D	24,633
Tom Pierson	R	18,036
<b><u>State Legislature District 30, Representative, Position 2</u></b>		
Michael R. Maine	D	15,962
Maryann Mitchell	R	25,292
<b><u>State Legislature District 31, Representative, Position 1</u></b>		
Mike Stensen	D	21,060
Dan Roach	R	22,761
Don Bingham	L	1,359
<b><u>State Legislature District 31, Representative, Position 2</u></b>		
Christopher Hurst	D	24,031
Steve Hammond	R	20,031
<b><u>State Legislature District 35, Representative, Position 1</u></b>		
Kathy Haigh	D	29,406
Frank Dare	R	17,491
Marti Lewis	L	2,600
<b><u>State Legislature District 35, Representative, Position 2</u></b>		
William "Ike" Eickmeyer	D	28,016
Edward B. Mitchell	R	17,935
Ronald A. Ralstin	L	2,364
<b><u>State Legislature District 39, Senator</u></b>		
Fredda J. Smith	D	23,302
Val Stevens	R	31,176
Craig Chase	L	2,268
<b><u>State Legislature District 39, Representative, Position 1</u></b>		

## JOURNAL OF THE HOUSE

Hans Dunshee	D	29,012
Dan Kristiansen	R	26,564
Robert Donat	L	1,736
<b><u>State Legislature District 39, Representative, Position 2</u></b>		
Liz Loomis	D	26,866
Kirk Pearson	R	27,164
Christine Lawniczak	L	2,039
<b><u>State Legislature District 40, Senator</u></b>		
Harriet A. Spanel	D	33,349
Jerry Ferrier	R	19,079
Ian N. Bannerman	L	2,432
<b><u>State Legislature District 40, Representative, Position 1</u></b>		
Dave Quall	D	38,976
Mark G. Leigh	L	11,160
<b><u>State Legislature District 40, Representative, Position 2</u></b>		
Jeff Morris	D	30,887
Bruce Ayers	R	19,122
Charles (Chuck) Manning	L	3,159

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 7<sup>th</sup> day of December 2000.

RALPH MUNRO  
Secretary of State

In view of the election results, certified to by the Secretary of State, and to which there have been no protests, the Joint Session declared the following qualified citizens to be elected the constitutional elected officials for the State of Washington:\*\*\*

Gary Locke	Governor
Brad Owen	Lieutenant Governor
Sam Reed	Secretary of State
Mike Murphy	State Treasurer
Brian Sonntag	State Auditor
Christine Gregoire	Attorney General
Terry Bergeson	Superintendent of Public Instruction
Doug Sutherland	Commissioner of Public Lands
Mike Kreidler	Insurance Commissioner

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

The President appointed a special committee to escort the Supreme Court Justices from the State Reception Room to the House Chamber: Representatives Carrell, Hatfield, Lantz and Pearson and Senators Constantine, Kline, Sheahan and Zarelli.

The President appointed a special committee to escort the statewide elected officials from the State Reception Room to the House Chamber: Representatives Edmonds, Hunt, Morell and Schmidt and Senators Costa, Oke, Roach and T. Sheldon.



The President appointed a special committee to escort the statewide elected officials and honoree from the State Reception Room to the House Chamber: Representatives Ballasiotes and Veloria and Senators Honeyford and Prentice.

The President appointed a special committee to advise Governor Gary Locke that the Joint Session had assembled and to escort him from his chamber to the House Chamber: Representatives Armstrong and Linville and Senators Deccio and Eide.

The Supreme Court Justices arrived, were escorted to the floor of the House Chamber and were introduced: Chief Justice Gerry L. Alexander and Justices Charles W. Johnson, Richard B. Sanders, Faith Ireland, Bobbe J. Bridge, Tom Chambers and Susan J. Owens.

The statewide elected officials arrived, were escorted to the floor of the House and were introduced: State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine O. Gregoire, and Superintendent of Public Instruction Terry Bergeson. The statewide elected officials-elect were introduced: Secretary of State-elect Sam Reed, Commissioner of Public Lands-elect Doug Sutherland and Insurance Commissioner-elect Mike Kreidler.

The Governor arrived, was escorted to the Rostrum of the House and was introduced.

The statewide elected officials and honoree arrived, were escorted to the Rostrum of the House and were introduced: Secretary of State Ralph Munro, Commissioner of Public Lands Jennifer Belcher and Insurance Commissioner Deborah Senn, and Representative Renee Radcliff.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kyle Ritter and Tyler Seick.

Prayer was offered by Mr. Joe Harris, Chief Financial Officer, St. Vincent De Paul, Seattle.

Mr. Harris: "Lord, you have called us to a unique vocation, that of service to your people in Washington State. Grant us patience to listen carefully to every request for help. Give us also wisdom to seek just solutions to the problems affecting our community.

And, finally, show us the meaning of humility that we may know that successes and failures as defined by the standards of the world are sometimes only an exercise in vanity. We ask for this help in the name of the Lord, Amen."

Speaker Ballard: "It is with great sadness that we say goodbye temporarily to a distinguished colleague Representative Renee Radcliff. Renee has served her constituents in this institution with honor and dignity. She raised the level of esteem for public service. In her own way, she has touched each of us and leaves a lasting mark on this institution by setting high standards for herself and all of us as law makers. We owe a great deal of thanks to Renee Radcliff for her years of dedicated service in Olympia. We will miss her thoughtful leadership and her kind manner. She has been a model legislator. Each of us would do well to conduct the business of our offices with the same strong compassionate approach that has made her such an effective voice for her constituents. We will miss her warm demeanor and her great singing voice. I asked her to help me with my singing. She listened briefly. She said 'I don't mind the difficult but I can't handle the impossible.' We will miss her great sense of humor. We will lose her as a colleague but never as a friend. And I hope she will accept this invitation to be here to spend time with us, to counsel us, and to laugh with us whenever she wishes to bless us with her presence.

You are welcome back anytime, Renee. Perhaps the only consolation that I have is that I know she has the desire and the strength to return to us someday as a legislator. You, I and the people of this State can look forward to a day when she will serve in this body once again.

Renee, we love you and God's speed."

Representative Renee Radcliff: "Speaker Ballard told me I had to open this and it's quite heavy. And it's from Talcotts. I was hoping it was a diamond; it's very large. I've got a hunch it's a paper weight. It's the seal of the State of Washington and a beautiful paper weight – thank you so much and thank you for your kind remarks, Speaker Ballard. I knew I should have prepared remarks and I didn't.

Until very recently I thought I would serve in this chamber forever or at least until I'm as old as Speaker Ballard. You know, he can't take me off any committee at this point.

Sometimes life deals us a hand that we are not entirely prepared to play but we take those cards and we play them to the best of our ability. And even at times when the game is painful and difficult, we still play to win. Those of you who know me best, know that ultimately I never lose. And so it is with difficult that I leave you. But I do hope that some day I'll be able to return. I have thoroughly enjoyed serving with each and every one of you, and even on those days when we had vigorous disagreements, I never doubted for a moment that you had the best interest of the people of your districts at heart. I value that in you. If there is just one thing I could leave you with – and I would like to leave you with a thousand things but this is not an opportunity for me to lobby you – but just one thing, if you are having some of those vigorous disagreements, work those issues out because those tend to be the most important things we do. But as you work those issues diligently remember who you are dealing with and that each one of you represents the people of this State. Treat each other with the kindness, the dignity and the respect that each one of you so richly deserves.

In closing, I want to say thank you to the House Republican Caucus, to Speaker Ballard and to my Legislative Assistant Nian Fakkema. Thank you to all of you for putting up with me – some days that was the greatest challenge of them all. And I appreciate it. To each one of you thank you for your friendship. I hope that even though I'm not here, you'll know that my heart is here with you. That friendship will continue. Especially, thank you so much for so thoughtfully representing the people of your district and for caring so much about this State that we all love.

Thank you and do good work."

Representative Shay Schual Berke: "It is a distinct privilege for me to have the honor to say thank you to Deborah Senn. For all the dedication and service that you have given to the people of this State of Washington. Deborah, you are talented and bright. You have always championed the people.

Deborah's commitment to fairness and justice shines thorough her every action and has for every moment she's been in public service. We know that Deborah has transformed the Office of the Insurance Commissioner from a little known agency, quietly working with the insurance industry into a strong and an effective consumer advocacy agency that has been there for our people when they have most needed it. And thanks to her vision and effort, every one knows they can call the SHEBA hotline when they need to. She has worked for the vulnerable and to create meaningful solutions for them – solutions which will continue. This is Deborah Senn's real gift and her legacy to us – the people of the State of Washington.

Her instinct has always been for how real people feel the effects of what we do. One of my most moving experiences as a freshman legislator was when I met a young woman who had had a heart transplant. It is not difficult to imagine how sick that young woman must have been but she survived her surgery and was doing well thanks to life sustaining medication. I met her though after her insurance company denied continued coverage for that medication, and despite the fact that she had done everything she could for herself, I met her because Deborah Senn and her office intervened for this young woman. She got her coverage continued for her medication and today Victoria is healthy and vibrant. There are so many others who have Deborah and her good work to thank for their continued well being.

I know in the short time that I've known Deborah Senn, I've come to realize she can also surprise us. Many have come to expect to see her riding her Harley in black leather at a parade and she certainly hasn't shied away from the press or publicity, now has she? I heard a story when I first got here about then Representative Phil Dyer introducing a bill that some felt was just a little bit favorable for the insurance industries and how Commissioner Senn held a press conference with bags of gravy train dog food at her door.

Well, Deborah is also committed to family like all of us. She has many sides and despite all of her hard work, she spends much time with her mother.

She is a ardent advocate of fairness and justice. We know that many people have opinions but relatively few step up to the plate to take action. A personally relevant example from this past session was when Deborah championed Holocaust survivors' right to get the insurance assets that been withheld from them for so many years. If her style has at times been controversial – well that's what people that fight for our rights sometime need to be. There are many people in Washington that are alive today because Deborah Senn was fighting in their corner, in their time of need and today feel a tremendous sense of lost.

Now, Deborah, I would like to tell you what I think your true legacy is, and for which we all owe a great debt of gratitude – never again will the Office of the Insurance Commissioner be seen as the quiet agency working only with the insurance industries. Never again will consumers feel that they have nowhere to turn in their time of need. Never again will we have an insurance commissioner who does not believe that he or she is the true champion of all the people of the State of Washington. So for myself personally, and on behalf of the Legislature and all those out there grateful for the good work that will endure, I thank you, Deborah Senn."

Insurance Commissioner Deborah Senn: "Thank you, Shay. Thank you, members of the Legislature and State elected officials, and Governor Locke. I'm so honored to be here. I was going to wear my leather but I didn't think it was suitable until I saw Ralph's tartan. So I'm kind of sorry that I didn't wear my leather outfit like I had planned.

I want to start by asking my chief deputy and members of my staff who have come to be here today to stand and be recognized because this is the most awesome staff in State Government. So please stand up. I love you guys.

Also, everyone in this room knows how hard political life is on a spouse or partner. They are truly the unsung heroes of politics. They share your joys and highs but they also suffers your blows and your stress. They are very patient about the countless hours of out of town meetings in which you're missing in action. About sixteen years ago, I had a big wedding reception but we held the ceremony in private because I was too shy to get married in front of people. Well I'm over my shyness. So I want to, in front of all of you, recognize and say thank you, my incredible husband Rudy Burch, and tell you I love him so much.

Thank you, this has been the best eight years of my life and I know that everyday because when I'm in a restaurant in Seattle, the waiter comes up to me and says our rules limiting preexisting conditions enabled him to get health insurance. And I know that everyday because just last week at Cosco, a meat cutter stuck her head out from behind the counter and thanked me for my work on prescription drug coverage. I know that because at the Ellenberg's rodeo, one of the one hundred thousand Prudential policy holders came up to me and said thank you, that Prudential gave \$13,000 in a refund because of the settlement on the case on unfair sales practices. I know that everyday because Kim was able to rebuild the home her spouse blew up and was able to do it with her home owners insurance money because of the work of my great staff and because the Legislature passed a good law. And perhaps the greatest satisfaction is to know my staff and I have been part of saving a life. The scriptures tell you that if you save one life, you save the world. I am proud everyday that we fought to continue the coverage that Shay mentioned of Victoria Dole's heart transplant medicine. We also fought to get Jay Ellison's stem cell transplant for his multiple sclerosis coverage and now he is walking. Both Jay & Victoria in spite of their struggle, came Olympia to advocate for patients bill of rights. They came today so please recognize Jay Ellison and Victoria Dole because it was you – the Legislature, Jay and Victoria – who did this for the people of the State of Washington.

So the next time you hear about a poll that says young people don't want to go into politics or public service, just remember they are young, just shrug and remind them that public service is a sacred trust. So when you pass transportation this session, which will no doubt make our roads safer, you will save one life and will save the world and when you pass the DSHS budget and help children or a bill to protect our resources or to save our salmon, you will have saved one life and you will save the world. What you do here in this Chamber is a sacred trust.

Finally on a personal note – perhaps one of the proudest moments of this eight years was when this Legislature unanimously passed the Holocaust Survivors Assistant Act. I thank you Senators Margarita

Prentice, Adam Kline, Jim West, Don Benton. I thank you Representatives Shay Schual-Berke, Renee Radcliff, Sharon Tomiko Santos and Brad Benson. And many others.

So I bid you farewell. But of the four us honored today, my departure from public service is not entirely voluntary. Yesterday one of my staff suggested that I quote a very wise man Arnold Schwarzeneger 'I'll be back'. I thank you from the bottom of my heart."

Senator Karen Fraser: "Thank you. It is my honor to recognize Commissioner of Public Lands Jennifer Belcher.

As we gather here in the House Chamber today in joint session, I suspect Public Land Commissioner Jennifer Belcher's thoughts must be filled with many memories and a lot of nostalgia – in part because she began her elected career in this chamber as a member of the House of Representatives. Her service began in 1983 and she served five consecutive terms; that's ten vigorous years. I was privileged to serve with her during my first two terms and her last two terms, along with Insurance Commissioner-elect Mike Kreidler who at that time was State Senator. I always appreciated her kind and informative assistance in helping me to learn the ways of the House and the Legislature. All who have been here know how important it is to get some good advice early on.

In the House, Representative Belcher was widely admired for her strong capable leadership. She made a major mark on many policy areas. She chaired the Natural Resources Committee; she worked hard to improve the status of women; she sought fair pay and just treatment for all working people; and she was one of the 'Steel Magnolias' that developed the foundation for our growth management policies.

Representative Belcher was highly regarded for her caring, her commitment to public service and as a tough negotiator. She has always been dedicated to the voters who recognized her enormous capabilities and elected her twice to serve as Commissioner of Public Land. She continued to demonstrate these qualities in addition to showing what a capable executive she is.

In the role of Public Lands Commissioner, for those who are watching this ceremony who are not as familiar with it as some of us, it is truly a position of very great public trust for present and future generations. The impact of her work will last a century or more. Her role is critical to our state's economy, the quality of our natural resources, our state's financial capacity and continuation of our recreational and cultural heritage. As Commissioner of Public Lands, she been the manager of our great state's legacy of trust lands and resources granted to us at Statehood. We are one of the few western states that continues to have a large amount of these lands still in the public trust. These lands include timber lands, agricultural lands, aquatic lands which includes the bottom of Puget Sound and the bottom of many of our lakes and rivers, and she was entrusted with leadership on forest practices policies. As we all know there no shortage of divers and strongly held opinions on what should be contained in all these complex policies. So it takes a head and firm commitment to serve effectively in this role which she has certainly done and this is in the easiest of times.

During her tenure, we have gone through a period of considerable change in our State. The context has included very great population growth, significant economic change, growing stress on our natural resources which has culminated in many listings under the Endangered Species Act.

So Commissioner Belcher will be remembered for much during her 8-year two-term tenure as Commissioner of Public Lands. She has promoted a shared vision for natural resources. She is very good at establishing goals and working through strategies to implement them. She has promoted the management of our ecosystems as a whole, not just piece meal which is essential to good judgement. She has worked to enhance the value of our public lands legacy through diversification. She has increased the priority attention given to our aquatic land resources and particularly to some of the pollution problems. She has promoted quality public administration through investing in a quality work force, in efficiency through technology and use of best available science.

Absolutely vital to success is her work to forge strong partnerships between the Department of Natural Resources and a myriad of local, state and federal agencies, tribal and private organizations, and land owners throughout the State. And through all this, she has served with intelligence, integrity and a steady commitment to the public interest for which we can all be proud and appreciative. So, Jennifer, we thank you for your truly dedicated leadership to the people of the State of Washington – present and future. Thank you for the great legacy you are leaving and personally thank you for being a wonderful colleague and friend. And we wish pleasant opportunities to engage in your many personal interest now that you will have a little more personal

time. We would like to present you with a wonderful gift which is a replica of the historic door knob from in the Legislative Building. We hope you will view this as an invitation to come visit."

Commissioner of Public Lands Jennifer Belcher: "Thank you. This is a particularly appropriate gift since I serve on the State Capital Committee and have been actively engaged in helping to get these buildings back into some greater condition. So I will truly treasure this.

Ladies and gentleman, honored guests and my treasured colleagues – it is with distinct pleasure, that only those of you in this room can truly understand, that I can say in this chamber today I am '29 years of public service to the State of Washington' old. Or as a really good friend of mine said "you finally reached where the State of Washington will pay you to do nothing." I like that definition of retirement. I think that's very good.

I have had a wonderfully varied career, as Karen pointed some of the things out. I began as an administrative secretary in what was then known as the State Planning and Community Affairs Agency. I was working for Dan Evans' State Planning Director who had been brought to the State of Washington to try to adopt a statewide land use plan in 1967. Ironically while he was not successful then, a little more than twenty years later I was one of the members of this body who helped to pass a growth management act and for me it brought things full circle. I very much appreciated my opportunity to participate in creating that act.

I served as staff to two very different Governors, Dan Evans and Dixie Lee Ray. And learned a lot from both of those people, different lessons but a lot from each one. It was there that I met my very good friend Ralph Munro who has continued to be a mentor to me and has helped me to achieve many successes.

For ten years, I was fortunate to represent the people from the 22<sup>nd</sup> in this Chamber and to work on many important policy changes. My class of 1982 has given the State two speakers of this House, several judges, a governor and a commissioner of Public Lands. My time in this body was especially rewarding. I will never forget the thrill of taking that first oath of office and being sworn in to serve the people. It is an incredible experience nor the thrill of adopting good policy. In the ten years, I was here we adopted the Growth Management Act as much hard work. We adopted the Model Toxic Control Act. We increased the state's minimum wage and set in place a process to ensure that it never again falls behind. We passed the family leave act. We passed Comparable Worth Act. Those are just some of the successes of the time I served here in this body.

But we also knew how to have fun. I hope you will not forget that as you serve here. I will never forget slipping into this Chamber in the wee hours of the morning when it was dark. I was with my two very good cohorts and co-troublemakers, Representative Katie Allen, who was an absolutely incredible Republican activist, and someone who was not as well known, Gary Locke, who is now Governor. We switched the yes and no buttons on some very key desks. We were innocent then, and we picked a cut off day by mistake. As a result, later in the day when votes were taken, all pandemonium broke out. But you don't get the kind of leaders my class produced if you aren't willing to take a few risks. And we demonstrated that.

During my last eight years as Commissioner of Public Lands, I have concentrated on the natural resources of this State which are truly unique throughout the world. Being Commissioner is an incredible job; the challenges are overwhelming and they will become more so as we continue toward doubling of the State's population in the next forty five years. My service as Commissioner has been extremely rewarding because we have been able to make long lasting change and to enhance the value of the legacy your grandchildren will inherit.

I just sent you my final report chronically our achievements and making recommendations. But let me bring just one to your attention today; the rest I will let you read for yourselves. In 1992 I set out to demonstrate that we could generate revenue from our lands and be environmentally responsible -- something that in 1992 few people believed we could do. We adopted a habitat conservation plan which was a totally new way of doing business. But we also filled the coppers of the Trust. Since Statehood the Trust Lands have generating 5.5 billion dollars in revenue to the people of this State. In the last eight years we have generate 2.1 billion dollars of that 5.5 billion dollars; 39% of the total revenue since Statehood has been generated during my administration.

We should once and for all reject the notion that we must chose between environmental responsibilities and money for our schools.

My report to you includes as the statute requires recommendations. I know you have a difficult session before you but there are two areas that I would ask you to consider this session. They are both vitally important to the health of this State.

First, commit to cleaning up Puget Sound. There are currently more than one hundred and twelve underwater contaminated landfills in Puget Sound. Here is a fact that you should all know. Between 1992 and 1996, Washington discharged 1.5 million pounds of cancer-causing pollutants directly into water. That is more than any other state in the Nation and that my friends is appalling.

Second, protect our shorelines from inappropriate development. The people in this State felt so strongly in the 1970s we should protect these fragile areas that they passed the Shoreline Management Act by initiative. And yet we have granted more than 26,000 substantial development permits not counting single family residencies since the Act was passed. We cannot recover salmon and other troubled species unless we step up to the need for greater protection of this critical habitat area.

Well, that is enough seriousness. When my good friend, Charlie Reed retired from DSHS last year, he named the things he would miss and the things he would not miss. I want to share a few of mine.

I won't miss people who call you at home on Sunday to discuss a problem with their neighbor. I won't miss the few members of the press who think a balanced news story means getting 2 bad quotes from people on the opposite side of the issue. I won't miss legislators who take 10 minutes to ask you a question and give you 1 minute to answer. I won't miss biting my tongue while listening to jokes about politicians.

Things I will miss: the many friends I have made over the years. I too will be back to visit you. The dedicated State employees who work without recognition for often 60 plus hours a week, every week. And while I'm at it, let me recognize my staff, some of whom joined me today. Would you stand and be recognized? They are a phenomenal team, they've done great things for you. And I would also like to recognize the person on the podium with me today, Michelle Benton, my Administrative Assistant and good friend. She has worked with me for eleven years.

Things I will miss: the Department's airplane – way cool! And my movie pass. Thank you Gordon wherever you are for helping to keep me sane during these eighteen years by providing a little bit of entertainment and thank you all for the experience of my life."

Senator Patricia Hale: "Mr. President, Governor Locke, colleagues and honored guests. It is a privilege and an honor to rise today in recognition of the outstanding contributions to the State of Washington by one of its most effective and certainly most beloved leader our retiring Secretary of State Ralph Munro.

Ralph has been a guiding light to many of us in this body for a long time. His dedication to public service and his commitment to the people of our State is unsurpassed by those who have walked these halls. His career has been a model of public service and an example for the rest of us to follow. You sound like a saint, don't you Ralph? As our ambassador to the world, Ralph has helped bring of thousands of new jobs to the State, he has opened countless markets for our products overseas and he has won friends for us around the globe. I can say that with authority because I've watched. I had the good fortune to accompany Ralph on a trade mission to Northern Ireland and I was amazed at the way all the people we met related to Ralph. Whether they were heads of state, a hotel clerk or people who served us at the tavern. He made an instant contention to people because he treated everyone with respect, he treated everyone as a friend.

His understanding of good business practices and common sense government led him to streamlined the State's business licensing requirements into a "one stop shop". Ralph also knows that good work requires good people. So he developed incentive plans to reward employees who have figured out ways to save the State money on improved efficiencies.

He has worked to help the developmentally disabled for thirty years. At Ralph's retirement party, not long ago, former Governor Dan Evans said, "Ralph is a person who taught me to care." The person who taught me to care – that is a powerful testimonial.

He was the State's first volunteer coordinator and he has been volunteering to help others ever since. His commitment to the preservation of wildlife and the environment is well known. So is Ralph's reverence for the State's history. And his gratitude for the opportunities it has provided for his own family. He has been involved in historic preservation efforts throughout Washington and has helped established four regional archives to

preserve that history. As Secretary of State he has been a tireless promoter of voter education, registration and participation. He has also been a tireless champion of the best and newest voting technologies. I dare say he is an example for others to follow when it comes to conducting recounts without judicial interference.

The Florida fiasco could not have happened on Ralph's watch – he would not have allowed it.

Ralph's accomplishments in over thirty years of public service have been recognized by many organizations in this State and in the nation. He has been honored by foreign countries and international heads of state. They include Spain, King Juan Carlos and former Russian president Boris Yeltsen, both of whom honored Ralph with the highest awards they could give to noncitizens. Ralph has truly been a world wide secret weapon.

That's Ralph – the consummate professional. But we here at home have had an opportunity to get to know Ralph the man – the warm and supportive friend with the booming and gravel for breakfast voice, the relentless sense of humor.

Ralph is one in a million. We are going to miss you so much, Ralph – your sensitivity, your decency, your honesty. We are going to miss your caring, your civility and your boundless good nature. We are going to miss your stories and your kilts but probably not your bagpipes. Your grandfather Alexander may have craved some of these stones used to build this great building but you, my friend, have been the rock that has helped to make it grow.

Good luck to you and Karen. God bless and God speed."

Ralph Munro: "Thank you. Governor Locke and members of the Legislature and members of the Court and citizens all, thank you so very much. It has been an honor and a pleasure to serve. Not one of us as elected officials could possibility carrying out these tasks without an outstanding team beside us. In the front room of the Gallery today there are four or five individuals I'd like to briefly introduce.

The first is Don Whiting, often called "Mr. Credibility in State Government". Don started as a clerk in the Secretary of State's Office over 30 years ago. He has served as a junior level staff person, a clerk for numerous task forces, the chief elections officer of the State of Washington and finally as Assistant Secretary of State. He is the best that I know and I'm so proud of his work. Mr. Don Whiting.

The second is Tracy Guerin. Tracy can stretch a dollar farther than any other financial officer in a State agency that I know of. If she was in charge of the State's budget you would have so much money to spend you wouldn't know where to put it all. She is outstanding. Most recently she has served as our Assistant Secretary of State. Tracy Guerin.

The third is Michelle Burkheimer. Her work in the international arena and the development of international student programs including our well known database has contributed immensely to Washington State's business development both here and other seas. She has been an excellent Deputy Secretary of State. Michelle Burkheimer.

The fourth is David Brine. David took the office of Communications Director to entirely new levels with improvements to the Voters' Pamphlet, the development of our website and the beginnings of a system to announce timely election results over the Web immediately following the close of the polls. I should tell you that our election reporting website had more than 2 million hits in the thirty hour period following the polls closing. David Brine. Of those 2 million hits, 1.6 million came from the personal computers of Maria Cantwell and Slade Gorton.

The final is Jan Nutting, my personal secretary. She is the best that state government has and I will be indebted to her for the rest of my life. One of our outstanding state employees – Jan Nutting.

We can all be thankful that Washington State government attracts the very best – and our team in the Secretary of State's Office including these folks and many others have been the very best.

Karen and I wear our kilts today to pay respect to my grandparents who came to America. My grandfather, a poor Scottish stonemason having experience working on the castles of North Scotland, went to worked on state capitol buildings. Recruited to work on the Texas capitol, he later worked on the capitol buildings in Kansas, Colorado, Victoria British Columbia and finally here in Olympia. He considered this structure to be the grandest of all. He worked full time on the job, starting at the Wilkerson Stone Quarry at the

side of Mount Rainier and then at the Walkercutt's Stone Company on the Tacoma Tide Flats and finally here in Olympia from 1922 to 1928. What a task it was to create such a beautiful structure.

Our family has always been immensely proud of this building. As it was completed and the workers stared into the lavish new offices for the elected officials, I doubt that my grandfather ever dreamed that one of his grandchildren would occupy a spot in this capitol.

I came to work here several days before Christmas in 1966. I was a supply clerk for the House of Representatives. The Republicans had taken control and Speaker Don Eldridge and Sergeant at Arms Eugene Prince hired me fresh out of college. I've worked as a supply clerk, a reader on this podium, Bill Room supervisor, Assistant Sergeant at Arms, the State's first volunteer coordinator, Assistant to Governor Dan Evans, a lobbyist for handicapped children and finally as the Secretary of State. I am afraid my career has not been very successful since my opening day of work in 1966 the farthest I've ever moved is about 150 feet down the hall and in all those years I've only moved up one floor.

My roommate Mel Dodd and I were prowling the halls looking for good looking women to date on the opening day of Session in 1971 . . .

Mrs. Karen Munro: "I guess that's how I come in. I had just started working for the Senate Republican Caucus that year. Things were a little different back then because a woman named Helen Bonds and myself were the two people who did the press relations for the Senate Republican Caucus. We did the press releases and the radio and television contacts and whatever needed to be done. And we had our desks right in the caucus room then. All the senators were men and from time to time one of them would light up a cigar – cigarettes were quite common but the cigars were a little more unusual and some of the jokes told would not be told today – but we had a good time there and we got a lot of work done as well. Mel Dodd, Ralph's roommate, did come by my desk one day to say to hello and I thought that was nice of him. And the next day my roommate Maryann Holte said that she had an invitation for dinner that night from her very good friend Ralph and they wanted me to come along. That sounded like a good idea. That must have been just thirty years ago tomorrow because I know we were going to have dinner and then go up to hear the Governor's address. So we went off in Ralph's old truck to Shakey's Pizza Pallor. The truck had one window that was stuck down and you couldn't roll it up and it was a driving snow storm that night. It was a little unusual and I wasn't very impressed with the truck but I was impressed with the fact that Ralph worked for Dan Evans and he owned two ponies which I thought was a very good omen. I had been quite 'horsey' in my youth and that was a nice find. We started dating quite frequently. Later that year we both moved to Washington, D.C. Ralph didn't last very long at all; when he had a chance to come back here and go on Dan Evans' personal staff, he came right away. But I stayed a while and worked for the Drug Abuse Prevention Office for the White House. Then Ralph persuaded me that maybe I should come back to Washington State and so I did. We became engaged and were married in 1973. At that point, I determined that one politician in the family was probably enough. I had the opportunity to become the assistant director of the Washington Commission for the Humanities which was just being formed at the time. We had a wonderful experience and then came this program and starting it and it's still a very successful program today. When Dan Evans went out of office, Ralph and I moved up to Bainbridge Island and George was born. But he did spend most of his childhood when we came back to Olympia, most of his childhood was spent here. I remembered how he and his friends like to slide the marble rampettes of the Capitol out here. I remember some football games that took place in the House garage . . ."

George Munro: "Speaker Ballard, let the record show the ball that hit your car was in."

Karen Munro: "Later as many of you know, I did some lobbying here in the Capitol. First I worked for the National Facility of Humanities, Arts and Sciences to obtain funding for summer institutes which held we held for teachers from all across the State. Then later as a volunteer, I have lobbied on behalf of Washington State Horse Park Foundation and most recently for the Washington Wildlife and Recreation Coalition. In fact, this year I may be in the building more than Ralph is because I will still representing the WWRC around here. Like Ralph, I have many wonderful memories of the times we spent here with the Secretary of State's Office as well as



in these other activities. I would like personally thank you all for your support and for all the good times we have had here."

Ralph Munro: "So you can see that this old Capitol Building means a lot to us. When I die you can scatter my ashes out there in Ulcer Gulch. The lobbyists have been trampling on my bills and legislation for so many years now, they might as well trample me after I'm gone.

Our parting request to you regards this beautiful structure that Grandpa Munro help to build. I hope you will cherish it. I know that the Capitol committees are going to be faced with terrible decisions, how much money to spend to preserve and restore the internal workings of this grand old Capitol Building which serves as our symbol of government itself. I urge you to be supportive.

In conclusion, Karen, George and I have tremendous respect for each of you. We have always admired the people who had the courage to leave the bleachers and grandstands and to enter the arena of politics. The people who are willing to stand up to the challenges, the hard work as well as the dust and dirt of the arena itself.

You have the opportunity in the months and years ahead to make a remarkable difference for the people of the State of Washington. I urge you to do so.

Best of luck to our new Secretary of State Sam and his wife Margy Reed. They will do an excellent job.

Good luck and God's speed to each and everyone of you. Thank you."

President of the Senate Brad Owen: "We have the great distinction in the State of Washington of having a Governor who is recognized and respected not only across the State but across the nation. It is my great privilege and honor to present to you His Excellency the Honorable Governor Gary Locke."

Governor Gary Locke: "Justices of the Supreme Court of the State of Washington, our statewide elected officials and members of the Legislature and members of the Public, I am really pleased and honored to be here today to say good bye to four of our best public servants. Last Friday, the statewide elected officials met and had a great dinner and shared stories and said many of our goodbyes then. So I want to keep my remarks brief because we have heard some outstanding tributes already.

Let me first start with Ralph. Ralph Munro is that Republican office holder that Democrats are proud to openly say they have voted for. Olympia will simply not be the same without Ralph Munro and this really does mark the end of the kilt as we know it. Ralph, we will miss you. You are the most dedicated of civil servants and you truly have made your mark. Your innovations have made State Government more productive and have saved taxpayers millions of dollars through efficiencies and programs that you have overseen. Your campaign reforms have made Washington voting simpler and, more importantly, chad proof. You have insured the preservation of our heritage and history with your work with the oral history program but also with your co-chairmanship of our State's Centennial Celebration. Not only have you earned the people's trust and carried out the people's work, you have done it with style, flair and grace. Who else can play the bagpipes, design the State's tartan and count ballots at the same time? Mona and I wish you, Karen and George all the very best. Ralph – you are a class act and we will sorely miss you.

For the past eight years, Jennifer Belcher has served with distinction and courage as our State Lands Commissioner. I want to thank you for all your good work, Jennifer in preserving our State's natural resources and specifically our forest lands that generate as you indicated billions of dollars in revenue for our school construction and remodeling programs. Thanks to you, Jennifer, for helping to ensure the future of our children.

Jennifer, I know it was not an easy decision for you to leave state government but please know that your legacy is secure. And the pranks you played in the State Capitol – though we did change virtually all the buttons – but I remember the time that we both came into the Legislature together and you gave me some words that I have never forgotten – that while we are all replaceable and there are talented people who could occupied our seats whatever office we hold, we bring to our jobs the ability to shape and improve people's lives in a way that no other person can. As Deborah Senn, our Insurance Commissioner said, if you save the life you save the world, if you benefit one person you benefit entire communities. Thank you, Jennifer for that admonition. I admire you on your

decision to take on new challenges in your life. Mona and I wish you the very best. Thank you for your great service to the people of our state.

Deborah Senn, you've left your mark on state government as a standard bearer for consumers in the insurance field. Among your more notable achievements and one of great personal satisfaction I know is the overdue recognition of payments to Holocaust survivors and victims. Deborah, what an incredible legacy you leave. I want to thank you for your service to all of us in the State of Washington. We wish you and Rudy all the very best.

And to these three statewide elected officials who leave us, Ralph, Jennifer and Deborah, as President Clinton has shown us, you have twelve hours left in office, you can still issue a lot of rules and regulations.

Renee, your strength and integrity will be missed. It will be missed by all your colleagues here in the Rotunda. Thank you for your work in helping to nurture high technology in our State's new economy and thanks for helping to bring State government into the 21<sup>st</sup> Century. Our state has received national recognition because of the advent of technology and you are a key part of that. We want you to know that we are thinking of you during this difficult time and we know from our association with you, that you will win. And as Barry Sehlin has shown, people don't ever retire from the Legislature; they just take a respite and come back assuming an even higher position. We expect that of you, Renee.

To our statewide elected officials who are departing and to you Renee thank you. Thank you for making a difference in the lives of so many people in our state and for setting a course a legacy that will survive generations to come. On behalf of the great state of Washington, thank you and we wish you all the very best."

President of the Senate Owen: "It has certainly been a privilege to serve with all of these distinguished retiring state officials. We can be very proud in the State of Washington of the quality of the representatives that our citizens send to this incredible capitol of ours. Thank you all of you. And thanks to our speakers today who have helped us honor all of them. Thank you to all the friends and families for being here to help honor these distinguished people today as well."

The President requested that the committee come forward and escort the honorees from the House Chamber to the State Reception Room.

The President requested that the committee come forward and escort the Governor from the House Chamber to the State Reception Room.

The President requested that the committee come forward and escort the State elected officials from the House Chamber to the State Reception Room.

The President requested that the committee come forward and escort the Supreme Court Justices from the House Chamber to the State Reception Room.

#### MOTION

Representative Kessler moved that the Joint Session be dissolved. The motion was carried.

The President called upon Speaker Chopp to preside. Speaker Chopp requested the Sergeant at Arms of the House and the Sergeant at Arms of the Senate escort President Owen, President Pro Tempore Franklin, Majority Leader Snyder and Minority Leader West and members of the Senate from the House Chamber.

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

#### INTRODUCTIONS AND FIRST READING

HB 1009 by Representatives Quall, McDermott, Rockefeller, Haigh, Eickmeyer, Cooper, Jackley, Lantz, Kenney, Hatfield, Kirby, Keiser, O'Brien, Fromhold, Conway, Ericksen, Darneille, Ruderman, Kessler, Dickerson, Wood, Murray, Tokuda, Schual-Berke, Ogden, Edmonds, Kagi, Hunt, Romero, Santos and Linville

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, and 39.36.020; repealing RCW 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

HB 1010 by Representatives Delvin, Quall, Sump and G. Chandler

AN ACT Relating to motorcycle equipment; and amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Transportation.

HJR 4201 by Representatives Quall, McDermott, Rockefeller, Haigh, Cooper, Eickmeyer, Jackley, Lantz, Kenney, Hatfield, Kirby, Keiser, O'Brien, Fromhold, Conway, Ericksen, Darneille, Ruderman, Kessler, Dickerson, Wood, Murray, Tokuda, Schual-Berke, Ogden, Edmonds, Kagi, Romero, Hunt, Santos and Linville

AN ACT RELATING To Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.

Referred to Committee on Education.

#### MOTION

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

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

#### MOTION

On motion of Representative Kessler, the House adjourned until 11:30 a.m., January 10, 2001, the 3<sup>rd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
**THIRD DAY**

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MORNING SESSION

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House Chamber, Olympia, Wednesday, January 10, 2001

The House was called to order at 11:30 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

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

**MESSAGE FROM THE SNOHOMISH COUNTY COUNCIL**

December 19, 2000

The Honorable Speakers of the House of Representatives  
State of Washington  
P.O. Box 40600  
Olympia WA 98504-0600

Gentlemen:

As you know Representative Renee Radcliff submitted her resignation effective January 10, 2001 creating a vacancy in the 21st Legislative District.

I am writing to inform you that the Snohomish County Council completed the interviews of the three nominees chosen by the Snohomish County Republican Party Central Committee and Precinct Committee Officers to fill the vacancy created by Representative Radcliff's resignation.

The County Council, after thoughtful deliberation, unanimously selected Joe Marine to fill the position of 21st District State Representative, effective January 10, 2001.

Sincerely,

Barbara Cothorn, Chair  
Snohomish County Council

**INTRODUCTIONS AND FIRST READING**

HB 1011 by Representatives Campbell, Conway, Benson, Mielke, Skinner, Pennington, DeBolt, Delvin, Ogden, Esser, Reardon, Linville, Pearson, Alexander, Barlean, Ericksen, Carrell, Morell, Dunn, Van Luven, O'Brien, Ahern and Talcott

AN ACT Relating to property tax exemptions for persons with disabilities related to the performance of military duties; amending RCW 84.36.379, 84.36.381, and 84.36.383; and creating a new section.

Referred to Committee on Finance.

HB 1012 by Representatives Mitchell, Fisher, Poulsen, McDermott, Ogden and Dunn

AN ACT Relating to allowing Washington state ferry fares to be increased in excess of the fiscal growth factor; amending RCW 47.60.326; and declaring an emergency.

Referred to Committee on Transportation.

HB 1013 by Representatives Pennington, Hatfield, Mielke, Buck, DeBolt, Pearson, Mulliken, Dunn, Van Luven and Talcott

AN ACT Relating to hunting and fishing license transaction fees; and amending RCW 77.32.050.

Referred to Committee on Natural Resources.

HB 1014 by Representatives Pennington, Mielke, Buck and Jackley

AN ACT Relating to the landowner contingency forest fire suppression account; amending RCW 76.04.630, 43.84.092, and 43.84.092; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 1015 by Representatives Pennington, Mielke, Schindler, Ogden, Esser, Ruderman, Linville, Pearson, Ericksen, Morell and Talcott

AN ACT Relating to the use of gasoline additives; adding a new section to chapter 19.112 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Ecology.

HB 1016 by Representative Pennington

AN ACT Relating to lead entities in salmon recovery; adding a new section to chapter 77.85 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1017 by Representatives Pennington and Mielke

AN ACT Relating to fish and wildlife lands vehicle use permits; and amending RCW 77.32.380.

Referred to Committee on Natural Resources.

HB 1018 by Representatives Pennington, Mielke, Pearson and Alexander

AN ACT Relating to tax relief for disasters; adding a new section to chapter 82.08 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1019 by Representatives Pennington, Hatfield, Mielke and Ogden

AN ACT Relating to the fish and wildlife commission; and amending RCW 77.04.030.

Referred to Committee on Natural Resources.

HB 1020 by Representatives Pennington, Hatfield, Mielke and Buck

AN ACT Relating to fish and wildlife lands vehicle use permits; and amending RCW 77.32.380.

Referred to Committee on Natural Resources.

HB 1021 by Representatives Pennington, Hatfield, DeBolt, Pflug, G. Chandler, Talcott, Woods, Clements, Rockefeller, Delvin, Mielke, B. Chandler, Eickmeyer, Schmidt, Buck, Doumit, Mulliken, Ogden, Boldt, Esser, Ruderman, Linville, Alexander and Dunn

AN ACT Relating to the definition of a motorcycle helmet; and amending RCW 46.37.530.

Referred to Committee on Transportation.

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

The Senate requested to be admitted to the Chamber for Joint Session. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder and Minority Leader Jim West to the Rostrum. The Senators took seats on the Floor.

### **JOINT SESSION**

Speaker Ballard called the Joint Session to order. The Clerk called the roll of the House members and a quorum was present. The Clerk called the roll of Senate members and a quorum was present.

Speaker Ballard called upon President of the Senate Owen to preside.

President Owen: "The purpose of the Joint Session is to administer the Oath of Office to Statewide elected officials and to receive the inaugural address from His Excellency, Governor Gary Locke."

The President appointed a special committee to escort the Supreme Court Justices from the State Reception Room to the House Chamber: Representatives Ahern, Esser, Miloscia and Romero, and Senators Constantine, Johnson, Kline and Sheahan.

The President appointed a special committee to escort the Statewide Elected Officials from the State Reception Room to the House Chamber: Representatives Mielke, Ruderman, Simpson and Skinner, and Senators Costa, Hochstatter, Oke and T. Sheldon.

The President appointed a special committee to advise Governor Gary Locke that the Joint Session had assembled and to escort him from his chamber to the House Chamber: Representatives Lisk and Ogden and Senators Finkbeiner and Rasmussen.

The Supreme Court Justices arrived, were escorted to the Floor of the House Chamber and were introduced: Chief Justice Gerry L. Alexander, Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Faith Ireland, Justice Bobbe J. Bridge, Justice Tom Chambers and Justice Susan J. Owens.

The Statewide Elected Officials arrived, were escorted to the Floor of the House Chamber and were introduced: Secretary of State Sam Reed, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine O. Gregoire, Superintendent of Public Instruction Terry Bergeson, Commissioner of Public Lands Doug Sutherland and Insurance Commissioner Mike Kreidler.

The President introduced former Governor Al Rosellini. The President also introduced the members of the Diplomatic Corps and asked the Chamber to welcome them:

The Honorable Ronald Masnik, President of the Consular Association of Washington and Consul of Belgium

The Honorable Dave Baron, Secretary of the Consular Association of Washington and Vice Consul of the of the United Kingdom

The Honorable Roger Simmons, P.C., Consul General of Canada

The Honorable Jorge Gilbert, Consul of Chile

The Honorable Fumiko Saito, Consul General of Japan

The Honorable Moon Byung-rok, Consul General of the Republic of Korea

The Honorable Miguel Angel Velasquez, Consul of Peru

The Honorable Andre Veklenko, Consul General of the Russian Federation, and Dean of the Consular Corps

The Honorable David Broom, Her Majesty's Consul, United Kingdom

The Honorable Frank Lew, Director General, Taipei Economic & Cultural Office Seattle

Governor Gary Locke and Mona Lee Locke arrived, were escorted to the Rostrum and were introduced.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages the Washington State Patrol Color Guard. The National Anthem was sung by Marci Morrell, accompanied by Dainius Vaicekonis. Prayer was offered by Pastor Joseph Yoshihara, Cornerstone Christian Fellowship, Bellevue.

### OATH OF OFFICE

Chief Justice Gerry Alexander administered the Oath of Office to Joe Marine, Representative, 21st District.

Justice Tom Chambers administered the Oath of Office to Mike Kreidler, Insurance Commissioner.

Justice Charles Johnson administered the Oath of Office to Doug Sutherland, Commissioner of Public Lands.

Justice Susan Owens administered the Oath of Office to Terry Bergeson, Superintendent of Public Instruction.

Justice Faith Ireland administered the Oath of Office to Christine Gregoire, Attorney General.

Justice Charles Johnson administered the Oath of Office to Brian Sonntag, State Auditor.

Justice Barbara Madsen administered the Oath of Office to Mike Murphy, State Treasurer.

Chief Justice Gerry Alexander administered the Oath of Office to Sam Reed, Secretary of State.

Justice Bobbe Bridge administered the Oath of Office to Brad Owen, Lieutenant Governor.

Chief Justice Gerry Alexander administered the Oath of Office to Gary Locke, Governor.

**GOVERNOR'S INAUGURAL ADDRESS**

Governor Gary Locke: "Mr. President, Mr. Speakers, Honorable Chief Justice, distinguished Justices of the Supreme Court, members of the Consular Association, statewide elected officials, members of the Washington State Legislature, citizens of Washington it's been an honor to have served the people of Washington for four years and it is a privilege to serve four more.

I'm excited about the prospects before us.

I am humbled by our large margin of victory maybe because of the influx of people fleeing the energy crisis in California or my new haircut or because I'm the bold, dynamic leader the press has made me out to be. Whatever the reason, I want to thank the people of our state for their confidence in me to lead our state for another four years. Let me also take this opportunity to introduce and thank my family who have been so supportive all of these years and so instrumental to my success.

The 57th Legislature is the first of the new century and we must ask ourselves: what are the ingredients for prosperity in this new century? The answer: a transportation system that works, an education system that enriches every child, enough water and energy to meet the needs of our people and our industries.

These are the basics. Let's focus on those basics and accomplish much. Over the past four years I've traveled our state from corner to corner. I've met people thrilled to be off of welfare, now holding down jobs that pay well. I've seen children in our schools beaming because they've participated in the Reading Corps and are now great readers. Young adults, the first in their families to go to college thanks to the Promise Scholarship. Young parents who now have low-cost health insurance for their children for the first time.

Each individual I meet reinforces in me the belief that the job of state government is to provide the foundations upon which our citizens can build quality lives. Legislators and all of us sworn in today we're ordinary people entrusted to do extraordinary things. Nothing is more extraordinary, more rewarding, than helping to fulfill the hopes, dreams and desires of the very people who make this the vibrant state that it is.

This 57th Legislature marks a time of passage. Yesterday we said farewell to three statewide elected officials. And we begin this session in remembrance because of the passing of State Representative Pat Scott, Senator George Sellar, and Tour Coordinator Don Shaw. All three accomplished extraordinary things. We will miss them. Our thoughts and prayers are with their families. Let's carry their spirit with us through this session.

Families like yours and mine want to spend more time with each other instead of being stuck in traffic. We want to know our children will get the very best education with the very best teachers in the best learning environments. We want clean, cool water for our families and for fish, and enough affordable energy to light our homes, cook our meals and power our industries.

These are the basics.

We cannot predict the future. One hundred years ago our nation couldn't have known we would soar the heavens or communicate across the globe with the click of a button and that much of that progress would originate right here because of the insight and innovation of people in the State of Washington. But we do know future generations will need transportation, education, water and energy so they can build their lives on solid ground.

Given our population growth, two million new vehicles will hit our roads over the next twenty years. After Referendum 49 and Initiative 695, however, we now have less money for transportation today than we did ten years ago. Our state's record on transportation has been nothing but a series of fits and starts -- projects begun but never finished, solutions presented then dismissed, years wasted. If we don't fix our transportation problems now, our businesses won't grow, they'll leave our state. If we don't have businesses, we won't have jobs. It's that simple. Our traffic congestion is among the worst in the nation and we're losing two billion dollars a year in productivity because of it. A state that gave a "turbo charge" to the Information Superhighway should not have a transportation system that's out of gas. The Legislature created the Blue Ribbon Commission on Transportation. I embrace its solutions. Bipartisan remedies are right in front of us -- remedies that were two-and-a-half years in the making. We all campaigned on transportation improvements. Any mention of needing more time to think about this is out of the question.



It's time to Get Washington Moving Again. And Now. We will make our Department of Transportation as lean and efficient as it can possibly be. We will streamline the permitting process and expedite projects without compromising our environment. There is no reason we can't enact these reforms within the first few weeks of this session. That's the first order. The second order is that we must reach agreement on critical projects to be completed within the next six years. This summer we're breaking ground on a new traffic lane to eliminate the snarl at I-405 and Highway 167 in Renton. But we will do more than that. The new transportation plan I've presented will also: widen lanes on I-90 in Spokane, extend HOV lanes on I-5 all the way from Everett to Tacoma, widen SR 17 to four lanes in Moses Lake, separate downtown train and auto traffic in Yakima and Seattle, guarantee transit services for seniors and vulnerable adults, and replace our pre-Depression era ferries.

These are just some of the projects I've proposed to improve congestion across our state. But all are solutions we can implement right now for the greatest good. You may wonder: how will we pay for this? Well, we're not just going to drop a pile of money on the table and then figure out how to spend it. My proposal is a deliberate strategy to get results. Only after we agree on these improvements will I outline and recommend a funding plan. We will stay in session until we've agreed on all three: efficiencies, projects and funding.

People of Washington: especially those of you listening on your car radios because you're stuck in traffic – hold us accountable. We must and we will move on transportation -- just like we did for education.

My vision of education is straightforward: great learning, great teaching and great leadership. With the hard work of this Legislature and the firm and active support of our citizens, we have reached the threshold of educational excellence with higher expectations of both students and teachers. We've made great strides. More and more of our students are exceeding our tough new academic standards. And you, the people, have responded with tremendous enthusiasm. Last year I proposed class-size reduction without a tax increase. When the Legislature didn't respond I helped put it on the ballot as Initiative 728, which swept through our state, county by county, passing with the largest margin of any initiative in our history -- because people care passionately about improving our education system. It's their number one priority.

But this isn't only about money. Lawmakers, I call on you to join me. We will give educators the powers and the tools that they need to spend that money effectively. We will not leave Olympia this session until we have removed the barriers hindering academic performance and great teaching. Specifically, we'll agree to abolish the current education code and have a new one in place by 2004. To get the ball rolling, I propose to waive regulations for schools that want to set even higher achievement standards and to reward schools for meeting those goals. Exceptional teachers deserve exceptional compensation. If we're to attract and retain the best teachers in the face of a national teacher shortage --we must change the way we pay them. My proposal calls for select school districts to lead the way and design a new teacher compensation system based on knowledge, skill and performance. To further encourage great teaching, and to increase the number of great educators, we will adopt alternative certification programs for teachers. If a Microsoft retiree wants to teach math she should be able to do so without going back to college for an education degree. The Professional Standards Board we created just six months ago has devised a quicker method for qualified people to get into the classroom. So a person can retire from one profession in May and be teaching in September. You know, just recently a Dean of a teaching college applied to be a school principal. She has a Ph.D. She's taught hundreds of the teachers in our schools. The school wanted to hire her; she wanted the job. But it went to someone else. Why? Because the education code says to be a principal in a Washington school, you have to be a certificated teacher. So we have an expert who can't enter the school. It's time to stop letting the education code hinder our schools and start doing things the right way, with common sense.

Finally, a good learning environment has to be a safe one. Until now, only schools that applied received money for school safety. Safety is as essential as the three R's. So this year, each and every school will receive money for school safety. Great Learning, Great Teaching, Great Leadership. That's where we're headed. This session we'll empower our teachers and our schools to move to the next level of performance so our children can do the same.

No one has to tell us the importance of water. We need it for people, wildlife and agriculture. Our water laws are not in concert with present reality. That sentiment was expressed 25 years ago by Governor Dan Evans, and virtually no progress has been made since then. Indeed, our water laws have hardly changed in 100 years even though we have five times as many people. We have towns battling farmers for water. We have businesses

battling fish, towns battling towns. Some of our cities have been forced to enact building moratoriums no new homes, no new businesses, rivers and streams drying up. Why? There isn't enough water to accommodate growth. We will not have the paved troughs that pass for rivers in Los Angeles. So, I say it again in 2001, "Our water laws are not in concert with reality." This session we will make progress. We're not going to leave until we've reformed our water permitting process so people aren't waiting years for a simple, non-controversial permit. We had an agreed-upon remedy last year. There's no reason why we can't pass that remedy in the first few weeks of this session. We must put common sense into our water laws. Incentives for water conservation, re-use, and storage are critical. We will let those who conserve keep a portion of the water they save, and compensate citizens for the water they put back in our streams for fish. My "Yakima Water Action Plan" is a great example of how to provide water for people, fish and farms.

Let's get that action plan in place.

Our fourth challenge this session is energy. We have greater demands for electricity than ever before. Energy is as essential to our economy as water is to life. Thank goodness we said, "no" to energy deregulation three years ago. Look what's happened to California. But we still face a crisis that we must address immediately. Georgia Pacific laid off 850 people just before Christmas; 850 families were affected. Why the layoffs? Georgia Pacific could not afford its power bill. I'm proposing tax breaks so utilities can convert part-time polluting generators into full-time, clean generators, and tax breaks for companies who want to produce their own permanent power, thereby freeing up electricity for the rest of us. I'm also proposing tax breaks for citizens and businesses buying clean and renewable energy sources such as solar, wind and fuel cells. I'm calling on utilities to diversify their energy sources so our citizens aren't hurt when price- or supply-problems hit a particular industry like natural gas or hydroelectric. And I propose additional financial assistance so low-income citizens don't go without power during these cold winter months. These solutions are necessary for the future of our state and there is simply no excuse not to act. Folks at home? Let me take this opportunity to say again, we must conserve. I'm calling on everyone to reduce consumption by 10 percent. We only have so much energy, and we need to treat it as a precious resource. It's going to take each and every one of us. These are ambitious goals but they are doable. And to set the example, tonight, at my Inaugural Ball, for the first time in history the traditional "three miles of lights" that volunteers placed along Capital Way will not be lit. The Capital Dome will remain dark. We must all do our part.

Finally, this budget was one of the toughest I've ever written and I've written many. We've made reductions -- especially in human services and in the number of state workers. Services benefiting real people and state workers with families to support. Reductions I didn't want to make but had to, to pay for unavoidable costs, to better protect our children but also to move our state forward. Our state faces real problems demanding real solutions. The people who can provide those solutions are right here in this Chamber. They're the people watching on television. They're the people listening on the radio. They're the people who will read this in tomorrow's paper. They're all of you. I'm enormously proud of the people of Washington. We have never been afraid to tackle the big issues. We're a state that built the airplanes that connect the world. We pioneered a whole new economy based on technology and information. We cleaned up rivers and streams after 100 years of pollution. And in that innovative and can-do spirit, let us embrace the opportunities and the challenges before us. Legislators, statewide elected officials: we can and we must do the work before us. We are ordinary people entrusted to do extraordinary things but all of it is within our ability. We can find solutions. We can reach agreement. As I've said before 25, 50, 100 years from now citizens won't remember what parties we belonged to, but rather what we accomplished.

We must put politics aside and get down to work. I want us to leave this session proud that we've solved the tough issues. Let's make our citizens proud of us. Thank you all and God bless you all."

The President asked the special committee to escort Governor and Mrs. Locke from the House Chamber to the State Reception Room.

The President asked the special committee to escort the Statewide Elected Officials from the House Chamber to the State Reception Room.

The President asked the special committee to escort the Supreme Court Justices from the House Chamber to the State Reception Room.

MOTION

On motion of Representative DeBolt, the joint session was dissolved.

President Owen thanked the House for the excellent job and effort put forth in the Joint Session. He returned the gavel to Speaker Ballard.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted the President of the Senate Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder, Minority Leader Jim West and members of the Washington State Senate from the House Chamber.

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

There being no objection, the House adjourned until 9:55 a.m., January 11, 2001, the 4<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FOURTH DAY

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MORNING SESSION

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House Chamber, Olympia, Thursday, January 11, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1022 by Representatives Lovick and O'Brien

AN ACT Relating to carrying children in pickup truck beds; and amending RCW 46.61.660.

Referred to Committee on Transportation.

HB 1023 by Representatives Delvin, Sump, Alexander, Buck and Armstrong

AN ACT Relating to annexations by cities and towns; amending RCW 35.13.125, 35.13.130, 35.13.140, 35.13.150, 35.13.160, 35A.14.120, 35A.14.130, 35A.14.140, and 35A.14.150; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and repealing RCW 28A.335.110.

Referred to Committee on Local Government & Housing.

HB 1024 by Representatives Doumit, G. Chandler, Linville, Sump, Quall, Clements, Schoesler, Hatfield and Grant

AN ACT Relating to short-rotation hardwoods; amending RCW 84.33.035; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1025 by Representatives Sump, Kessler, McMorris, B. Chandler, Linville, Schoesler, Doumit, G. Chandler, Grant, DeBolt, Hatfield, Benson, Clements, Skinner, Pearson, Morell, Cox, Eickmeyer, Armstrong, Delvin, Mulliken, Schindler, Schmidt, Ahern, Talcott, Kagi, Ericksen, Dunn, Haigh and Van Luven

AN ACT Relating to the annual transfer of general fund money to the fair fund; and amending RCW 15.76.115.

Referred to Committee on Appropriations.

HB 1026 by Representatives O'Brien, Lovick, Hurst, Ballasiotes, Ahern and Kagi (Requested by Department of Corrections)

AN ACT Relating to the authority of the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds; adding a new section to chapter 72.09 RCW; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1027 by Representatives Cairnes, Cody, Kenney, Schmidt and Dunn (Requested by Horse Racing Commission)

AN ACT Relating to the live horse racing compact; and adding a new chapter to Title 67 RCW.

Referred to Committee on Commerce & Labor.

HB 1028 by Representatives Haigh, Schmidt, Romero, Conway, Kenney and Talcott

AN ACT Relating to military leave for public employees; amending RCW 38.40.060; and providing an effective date.

Referred to Committee on State Government.

HB 1029 by Representatives Haigh, Eickmeyer, Hunt and Cox

AN ACT Relating to nonhigh school district payments; amending RCW 28A.545.070, 28A.545.090, and 28A.310.300; and adding a new section to chapter 28A.545 RCW.

Referred to Committee on Education.

HB 1030 by Representatives Pennington, Schmidt, Kagi, Haigh and Pflug

AN ACT Relating to providing incentives to reduce air pollution through the use of clean alternative fuel vehicles; amending RCW 70.94.030, 82.36.010, and 82.36.280; reenacting and amending RCW 82.36.025; adding new sections to chapter 70.94 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; repealing RCW 43.19.637 and 82.38.075; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.

HB 1031 by Representatives Pennington, Schmidt, Kagi and Ruderman

AN ACT Relating to the use of high-occupancy vehicle lanes by clean-fuel vehicles; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.61 RCW; adding a new section to chapter 70.120 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

HB 1032 by Representatives Pennington and Pflug

AN ACT Relating to emissions testing of motor vehicles; and amending RCW 70.120.170.

Referred to Committee on Agriculture & Ecology.

HB 1033by Representatives Pennington and Mielke

AN ACT Relating to local air authorities; and amending RCW 70.94.100 and 70.94.130.

Referred to Committee on Agriculture & Ecology.

HB 1034by Representatives Pennington, Mielke and Schindler

AN ACT Relating to outdoor burning; and amending RCW 70.94.743 and 70.94.745.

Referred to Committee on Agriculture & Ecology.

HB 1035by Representative Pennington

AN ACT Relating to the management board created to implement the habitat portion of the lower Columbia steelhead conservation initiative; amending RCW 77.85.200; amending 1998 c 60 s 1 (uncodified); and providing an effective date.

Referred to Committee on Natural Resources.

HB 1036by Representatives Benson and Hatfield

AN ACT Relating to the investigation of alien banks; and amending RCW 30.42.140.

Referred to Committee on Financial Institutions & Insurance.

HB 1037by Representatives Dunn, Ogden, Dunshee, Mulliken, Edmonds, O'Brien, Fromhold, Lambert, Boldt and Mielke

AN ACT Relating to moving permits for owners of mobile home parks; and amending RCW 46.44.170.

Referred to Committee on Transportation.

HB 1038by Representatives Pennington, Ogden, Talcott and Pflug

AN ACT Relating to the voluntary listing of emergency contact information on drivers' licenses; adding a new section to chapter 46.20 RCW; and creating a new section.

Referred to Committee on Transportation.

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

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

#### COMMITTEE ASSIGNMENT

The Speaker (Representative Ogden presiding) announced the following changes to Standing Committee assignments:

Representative Eickmeyer is assigned as Vice Chair of the Committee on Trade and Economic Development.

Representative Kenney is reassigned from the Committee on Trade and Economic Development to the Committee on Commerce & Labor.

Representative O'Brien is reassigned from the Committee on Commerce and Labor to the Committee on Trade & Economic Development.

There being no objection, the House adjourned until 9:55 a.m., January 12, 2001, the 5<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Friday, January 12, 2001

The House was called to order at 9:00 a.m. by the Speaker (Representative Pennington presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1039 by Representatives Ballasiotes, O'Brien, Ahern, Morell and Woods

AN ACT Relating to persistent offenders; amending RCW 9.94A.030; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1040 by Representatives Ballasiotes, O'Brien, Jarrett, Conway and Simpson

AN ACT Relating to authorizing crime victims' compensation benefits in hit-and-run vehicular assault cases; and amending RCW 7.68.020.

Referred to Committee on Criminal Justice & Corrections.

HB 1041 by Representatives Ballasiotes, O'Brien, Lambert, Ruderman, Woods and Hurst

AN ACT Relating to protection orders for unlawful harassment; amending RCW 10.14.020; and reenacting and amending RCW 10.14.040.

Referred to Committee on Juvenile Justice.

HB 1042 by Representatives Campbell, Schual-Berke, Skinner, Haigh and Lantz

AN ACT Relating to sterilization procedures in the commercial practices of electrology and tattooing; amending RCW 18.130.040; and adding new sections to Title 70 RCW.

Referred to Committee on Health Care.

HB 1043 by Representatives Alexander, Conway, Lambert, Doumit, Sommers, Kagi, O'Brien, McIntire, Haigh, Kenney, Edmonds and Simpson (Requested by Joint Commission on Pension Policy)

AN ACT Relating to temporarily increasing the maximum benefit allowance that public employees' retirement system plan 1 members may earn from sixty to sixty-eight percent; adding a new section to chapter 41.40 RCW; and creating a new section.

Referred to Committee on Appropriations.



HB 1044 by Representatives Conway, Lambert, Sommers, Talcott, Doumit, Pearson, Alexander, Kagi, McIntire, Hurst, Hatfield, Haigh, Kenney, Edmonds, Keiser and Simpson (Requested by Joint Commission on Pension Policy)

AN ACT Relating to converting the number of months into hours that teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees may work without a reduction in their retirement allowance; amending RCW 41.32.802, 41.32.860, 41.32.862, 41.35.060, 41.40.037, and 41.40.750; and providing an effective date.

Referred to Committee on Appropriations.

HB 1045 by Representatives Conway, Delvin, Doumit, Barlean, Sommers, Lambert, Alexander, Kagi, O'Brien, McIntire, Hurst, Hatfield, Haigh, Kenney, Edmonds, Keiser and Van Luven (Requested by Joint Commission on Pension Policy)

AN ACT Relating to reducing the law enforcement officers' and fire fighters' retirement system plan 2 disability actuarial reduction age from fifty-five to fifty-three; amending RCW 41.26.470 and 41.26.470; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1046 by Representatives Doumit, Alexander, Conway, Lambert, Sommers, Delvin, Kagi, O'Brien, McIntire, Hurst, Haigh, Kenney, Edmonds and Simpson (Requested by Joint Commission on Pension Policy)

AN ACT Relating to the Washington state patrol retirement system retirement and survivor benefits; amending RCW 43.43.040, 43.43.120, 43.43.260, 43.43.270, 43.43.274, 43.43.278, and 41.45.060; adding new sections to chapter 43.43 RCW; adding a new section to chapter 41.45 RCW; repealing RCW 43.43.272, 43.43.276, and 43.43.300; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1047 by Representatives Sommers, Lambert, Conway, Doumit, McIntire, Haigh and Kenney (Requested by Joint Commission on Pension Policy)

AN ACT Relating to exempting trainers and trainees in housing authority resident training programs from membership in the public employees' retirement system; and reenacting and amending RCW 41.40.023.

Referred to Committee on Appropriations.

HB 1048 by Representatives Lambert, Doumit, Cox, Mulliken, Sommers, Clements, Talcott, Pearson, Alexander, Conway, Kagi, Ruderman, Hunt, McIntire, Hurst, Haigh, Kenney, Edmonds, Keiser and Simpson (Requested by Joint Commission on Pension Policy)

AN ACT Relating to increasing the number of hours that teachers' retirement system plan retirees may work in an eligible position to eight hundred forty without a reduction in their retirement benefits; and amending RCW 41.32.570.

Referred to Committee on Appropriations.

HB 1049 by Representatives Lambert, Doumit, Conway, Sommers, Kagi, O'Brien, Hunt, McIntire, Hurst, Hatfield, Haigh, Kenney, Edmonds, Keiser and Simpson (Requested by Joint Commission on Pension Policy)

AN ACT Relating to temporarily increasing the maximum benefit allowance that teachers' retirement system plan 1 members may earn from sixty to sixty-eight percent; adding a new section to chapter 41.32 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1050 by Representatives Alexander, Sommers, Lambert, Doumit, O'Brien, Haigh, Kenney and Edmonds (Requested by Joint Commission on Pension Policy)

AN ACT Relating to creating a supplemental actuarially reduced survivor benefit for qualified law enforcement officers' and fire fighters' retirement system plan 1 members who choose to actuarially reduce their benefits; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

HB 1051 by Representatives Doumit, Lambert, Conway, Sommers, Kagi, O'Brien, McIntire, Hurst, Haigh, Kenney, Edmonds and Keiser (Requested by joint Commission on Pension Policy)

AN ACT Relating to public employees' retirement system, plan 1 and teachers' retirement system, plan 1 age and retirement requirements for receipt of the annual increase amount; amending RCW 41.40.197 and 41.32.489; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1052 by Representatives O'Brien and Ballasiotes

AN ACT Relating to reorganization of, and technical, clarifying, nonsubstantive amendments to, community supervision and sentencing provisions; amending RCW 9.94A.660 and 9.94A.715; reenacting and amending RCW 9.94A.145; reenacting RCW 9.94A.120; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1053 by Representatives Romero, Lambert, McIntire, Haigh, Kenney and Van Luven

AN ACT Relating to protecting privacy in the use of governmental information services; adding new sections to chapter 43.105 RCW; and providing an effective date.

Referred to Committee on State Government.

HB 1054 by Representatives Edmonds, Lambert, Ogden, Kagi, O'Brien, Haigh, Kenney and Lantz

AN ACT Relating to third-party visitation; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

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

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

There being no objection, the House adjourned until 9:55 a.m, January 15, 2001, the 8<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
EIGHTH DAY

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MORNING SESSION

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House Chamber, Olympia, Monday, January 15, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

Speaker Chopp assumed the chair. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Sergeant at Arms Color Guard, Pages Dominic Adams and Sarah Chambers. Speaker Chopp lead the Chamber in the Pledge of Allegiance. The prayer was offered by Dr. Don Shorter, pastor at Pacific Christian Center, Tacoma.

Speaker Chopp introduced students from the Institute for Community Leadership. The Institute is comprised of statewide youth and nonviolence leaders who study and practice the teachings of Dr. Martin Luther King. The group was led by Roy Wilson and Karen Boehlke. Students Melissa Edwards, Jackie Lopez, Sequoya Hinman, Stephen Ball, Raychel Valentine, and Armando Martinez addressed the Chamber. Joining the students was former Representative Dawn Mason.

**MESSAGE FROM THE SENATE**

January 12, 2001

Mr. Speakers:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8401,  
SENATE CONCURRENT RESOLUTION NO. 8402,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

**INTRODUCTIONS AND FIRST READING**

HB 1055 by Representatives Haigh and Eickmeyer

AN ACT Relating to ad valorem taxation of certain property that would otherwise be subject to leasehold excise tax; amending RCW 84.36.451; adding a new section to chapter 82.29A RCW; adding a new section to chapter 84.40 RCW; adding a new section to chapter 84.55 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1056 by Representatives Haigh, Cox, Hunt, Talcott, Rockefeller, Linville, Kagi, McDermott, Schual-Berke, Keiser, Anderson, Edwards, Kenney and Jackley

AN ACT Relating to gathering and maintaining teacher education and experience information; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 1057 by Representatives Hatfield, Pennington, O'Brien, Carrell, DeBolt, Woods, Rockefeller, McMorris, Lovick, Delvin, Roach, Lambert, Dunshee, Poulsen, Buck, Quall, Cooper, Esser, Anderson, Mielke, Dunn, Wood, Clements, G. Chandler, Fisher, Hurst, Schmidt, Talcott, Alexander, Pflug and Marine

AN ACT Relating to motorcycles; amending RCW 46.68.065; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Transportation.

HB 1058 by Representatives Ruderman, Campbell, Cody, Skinner, Linville, Barlean, Lovick, Doumit, Ballasiotes, Lambert, Cox, Gombosky, Schual-Berke, Darneille, Van Luven, Ogden, Conway, Keiser, O'Brien, Edmonds, Anderson, Edwards, McDermott, Haigh, Kenney, Kirby, Kagi, Hunt, Esser, McIntire and Jackley

AN ACT Relating to medical assistance for breast and cervical cancer treatment for low-income women; reenacting and amending RCW 74.09.510; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1059 by Representatives Cox, Hatfield, Cairnes and Pflug

AN ACT Relating to personal property taxation; and amending RCW 84.48.080 and 84.40.190.

Referred to Committee on Finance.

HB 1060 by Representatives Rockefeller, Ericksen, Barlean, Jackley, Doumit, Eickmeyer, Linville, Haigh and Esser

AN ACT Relating to reconveyance of state forest board transfer lands for drinking water protection; amending RCW 76.12.072, 76.12.073, and 76.12.074; and creating a new section.

Referred to Committee on Natural Resources.

HB 1061 by Representatives Rockefeller, Barlean, Doumit, Eickmeyer, Edwards, McDermott, Haigh, Kenney and Jackley

AN ACT Relating to funding for forest fire protection; and amending RCW 76.04.167 and 76.04.610.

Referred to Committee on Natural Resources.

HB 1062 by Representatives O'Brien, Ballasiotes, Delvin, Lovick and Haigh (Requested by Criminal Justice Training Commission)

AN ACT Relating to certification of peace officers; amending RCW 43.101.010; adding new sections to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 1063 by Representatives Ballasiotes, O'Brien, Lovick, Haigh and Benson

AN ACT Relating to adding a victim notification system to the state jail booking and reporting system; amending RCW 36.28A.040; and adding a new section to chapter 36.28A RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1064 by Representatives Delvin, Lovick, O'Brien, Ballasiotes, Hankins, Edwards and Haigh

AN ACT Relating to nonpartisan sheriffs; amending RCW 29.18.010, 29.21.010, 29.21.015, 29.21.070, and 29.30.025; and adding a new section to chapter 36.28 RCW.

Referred to Committee on Local Government & Housing.

HB 1065 by Representatives O'Brien, Ballasiotes, Delvin, Lovick and Haigh

AN ACT Relating to law enforcement mobilization; and adding a new chapter to Title 38 RCW.

Referred to Committee on State Government.

HB 1066 by Representatives O'Brien, Ballasiotes, Delvin, Lovick, Keiser and Haigh (Requested by Criminal Justice Training Commission)

AN ACT Relating to the authority of the criminal justice training commission to own and operate training facilities; amending RCW 43.101.080; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1067 by Representatives O'Brien, Ballasiotes, Delvin, Lovick and Haigh (Requested by Criminal Justice Training Commission)

AN ACT Relating to the commissioning and training of railroad police; and amending RCW 81.60.010, 81.60.020, 81.60.030, 81.60.040, 81.60.050, and 81.60.060.

Referred to Committee on Criminal Justice & Corrections.

HB 1068 by Representatives Delvin, Hankins, Grant and Benson (Requested by Administrator for the Courts)

AN ACT Relating to superior court judges; amending RCW 2.08.064; and creating a new section.

Referred to Committee on Judiciary.

HB 1069 by Representatives Campbell, Cody and Edwards (Requested by Department of Health)

AN ACT Relating to the health professions' use of pro tem board members; and amending RCW 18.130.060.

Referred to Committee on Health Care.

HB 1070 by Representatives Delvin, Dickerson, Ogden, Conway, Haigh, Kagi and Hurst (Requested by Department of Social & Health Services)

AN ACT Relating to the juvenile offender basic training camp program; and amending RCW 13.40.320, 13.40.210, and 74.15.020.

Referred to Committee on Juvenile Justice.

HB 1071 by Representatives Doumit, Buck, Sump, Ogden and Dunn (Requested by Interagency Commission for Outdoor Recreation)

AN ACT Relating to salmon recovery funding board grant application deadlines; and amending RCW 77.85.140.

Referred to Committee on Natural Resources.

HB 1072 by Representatives Sommers, Lambert, Doumit, Alexander, Van Luven, Ogden, Edmonds, Haigh, Kagi and Marine (Requested by Joint Commission on Pension Policy)

AN ACT Relating to establishing a law enforcement officers' and fire fighters' health and welfare risk assumption program; amending RCW 41.26.110, 41.26.150, 43.84.092, 43.84.092, 43.79A.040, 44.44.040, 48.62.031, and 48.62.051; adding new sections to chapter 43.63A RCW; adding a new section to chapter 41.45 RCW; adding new sections to chapter 43.79 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1073 by Representatives Benson, Wood, McMorris, Dunn, Gombosky, Schoesler, Esser, Sump, Hunt, Crouse, Kenney, Schindler, Kagi, Edwards, Lantz and McDermott

AN ACT Relating to technology fees; and amending RCW 28B.15.051.

Referred to Committee on Higher Education.

HB 1074 by Representatives Benson, McMorris and Talcott

AN ACT Relating to student transportation allocation information; and amending RCW 28A.160.170 and 28A.160.190.

Referred to Committee on Education.

HB 1075 by Representatives Miloscia, Mulliken, Dunshee, Simpson, Cairnes, Ogden and Pflug

AN ACT Relating to the board of commissioners of a water-sewer district; amending RCW 57.12.015; and repealing RCW 57.08.110.

Referred to Committee on Local Government & Housing.

HB 1076 by Representatives Schual-Berke, Campbell, Cody, Skinner, Pennington, Ruderman, Kagi, Darneille, Edmonds, Marine, Edwards, McDermott, Haigh and Kenney

AN ACT Relating to a limited license to practice medicine; and amending RCW 18.71.095.

Referred to Committee on Health Care.

HB 1077 by Representatives Ruderman, DeBolt and Dunn

AN ACT Relating to promoting competition for broadband telecommunications service using cable modem technology; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HJM 4001 by Representatives Hatfield, Pennington, Eickmeyer, Benson, Wood, Doumit, Simpson, DeBolt, Bush, Cooper, Linville, Morris, Reardon, Darneille, Mielke, Lovick, Kessler, Dunshee, Kirby, Hurst, Campbell, Ogden, Grant, Keiser, O'Brien, Edwards, Haigh, Kagi, Alexander and Jackley

AN ACT Relating to requesting continuation of the blanket primary.

Referred to Committee on Select Committee on Elections.

HJR 4202 by Representatives Sommers, Sehlin, Benson, Hatfield and McIntire (Requested by State Investment Board)

AN ACT Relating to investing state investment board funds.

Referred to Committee on Financial Institutions & Insurance.

HCR 4401 by Representatives Rockefeller, Woods, Hunt and Lantz

AN ACT Relating to creating a joint select committee on the disposal of derelict vessels.

Referred to Committee on Natural Resources.

SCR 8401 by Representatives Snyder, West, Spanel, Hale and B. Sheldon

AN ACT Relating to adopting joint rules.

Held on First Reading.

SCR 8402 by Representatives Snyder, West, Spanel, Hale and B. Sheldon

AN ACT Relating to establishing cutoff dates.

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

There being no objection, Senate Concurrent Resolution No. 8402 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

**SECOND READING**



**SENATE CONCURRENT RESOLUTION NO. 8402 by Representatives Snyder, West, Spanel, Hale and B. Sheldon**

**Establishing cutoff dates.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third, and the concurrent resolution was placed on final adoption.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final adoption of Senate Concurrent Resolution No. 8402.

Senate Concurrent Resolution No. 8402 was adopted.

**RESOLUTION**

HOUSE RESOLUTION NO. 2001-4603 by Representatives Woods, Lovick, Cairnes, Wood, Jarrett, Clements, Skinner, Rockefeller, Miloscia, Morell, Santos, Ogden, Dunn, Veloria, Roach, Jackley, Sommers, Hunt, Lantz, Kenney, Fromhold, Anderson, Haigh, Keiser, Tokuda, Ahern, G. Chandler, Lambert, Carrell, Edmonds, Darneille, Kessler, Casada, Dickerson, Linville, Esser, Schmidt, Talcott, Hankins, Hatfield, Murray, Conway, Van Luven and Ruderman

WHEREAS, January 15, 2001, is the day on which we as a nation commemorate the work and life of Dr. Martin Luther King Jr.; and

WHEREAS, Dr. Martin Luther King Jr. dedicated his life to instill freedom, unity, justice, and peace in the hearts of the American people and throughout the world; and

WHEREAS, Dr. Martin Luther King Jr. has become one of the world's best known advocates for nonviolent social change strategies; and

WHEREAS, This noble man fought for his vision of a better future, to uphold the principles established in the Declaration of Independence that all people are created equal; and

WHEREAS, The legacy left by Dr. Martin Luther King Jr. serves as a reminder symbolizing the nation's dedication to peace through justice and a democratic society based on the standards of freedom, unity, equality, and justice for all people; and

WHEREAS, The state of Washington commends the youth from the Institute for Community Leadership who are continually striving to integrate the principles of nonviolence taught by Dr. Martin Luther King Jr. within their schools and peer groups; and

WHEREAS, The United States Congress recognizes the work of Dr. Martin Luther King Jr. by creating a federal holiday; and

WHEREAS, The efforts of Dr. Martin Luther King Jr. are also honored by the state of Washington by declaring a state holiday;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the citizens of Washington state, pause in our endeavors to commemorate the life of Dr. Martin Luther King Jr. and recommit ourselves to a society founded on the standard of dignity for all races and all people.

Representative Woods moved the adoption of the resolution.

Representatives Woods, Lovick, Skinner, Veloria, Pennington, Santos, Quall, DeBolt and Miloscia spoke in favor of the adoption of the resolution. Representative Lovick asked that the names of Denise McNair, Addie Mae Collins, Cynthia Wesley and Carol Robertson be read into the record.

House Resolution No. 4603 was adopted.

HOUSE RESOLUTION NO. 2001-4604 by Representatives Marine, Ahern, Lambert, Edmonds, Sommers, Kessler, Casada, Edwards, Pflug, Esser, Schmidt, Talcott and Hankins

WHEREAS, It is the policy of the Washington state legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Guide Dogs for the Blind, Inc. was founded in 1942 to serve the needs of visually impaired people by providing Guide Dogs with the goal of raising well-trained Guide Dogs and responsible youth; and

WHEREAS, Guide Dogs for the Blind, Inc. is a privately funded organization that relies on volunteers to train Guide Dog puppies and where families and individuals give their time and energy to offer loving homes to puppies in training and the gift of sight to the blind; and

WHEREAS, The first Guide Dog puppies came to Washington state in 1965 and today over one hundred thirty families in Benton, Chelan, Clark, King, Kitsap, Kittitas, Lewis, Pierce, Snohomish, Spokane, Thurston, Walla Walla, Whatcom, and Yakima counties share their home with a Guide Dog puppy; and

WHEREAS, These families are provided control training, socialization, and support by more than fifty adult and youth volunteer Guide Dog and 4-H leaders; and

WHEREAS, Guide Dog puppies move to Washington at eight weeks of age and live with raiser families until they are fourteen months old so that the families can "socialize" the puppies in all areas of the community and train them to behave in a controlled manner at all times; and

WHEREAS, Washington state offers many unique training opportunities for Guide Dog puppies as they "practice" shopping; visit the waterfront, beaches, and mountains; attend sporting events; learn to work with doors, elevators, wildlife, livestock, traffic, and travel on cars, buses, ferries, and trains; and

WHEREAS, Guides Dogs are placed throughout North America with Washington state having over one hundred thirty working Guide Dogs from Guide Dogs for the Blind, Inc. providing greater mobility for people who are visually impaired; and

WHEREAS, The 4-H Guide Dog Puppy Raising Program promotes positive youth development, through teamwork, leadership, problem solving, and teaching. The program also is where young people learn: The needs of people who are visually impaired; how to care and train puppies for guide work; how to teach their puppies proper self-control in public and at home; how to develop parenting skills; how to lead and teach youth and adult raisers; how to recruit raiser families; and how to educate the public about Guide Dogs and the challenges faced by the visually impaired;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor Guide Dogs for the Blind, Inc. and the 4-H Organization and all their staff, volunteers, and supporters for their dedicated commitment to raising and training Guide Dogs and serving the needs of visually impaired people throughout the state of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Althea Cawley-Murphree, Assistant Guide Dog 4-H Leader and 4-H Alum.

Representative Marine moved the adoption of the resolution.

Representatives Marine and Haigh spoke in favor of the adoption of the resolution.

House Resolution No. 4604 was adopted.

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

MOTION

EIGHTH DAY, JANUARY 15, 2001

81

On motion of Representative Kessler, the House adjourned until 10:00 a.m., January 16, 2001, the 9<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
NINTH DAY

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MORNING SESSION

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House Chamber, Olympia, Tuesday, January 16, 2001

The House was called to order at 10:00 a.m. by Speaker Ballard.

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

**MESSAGE FROM THE SENATE**

January 15, 2001

Mr. Speakers:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8402,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SENATE CONCURRENT RESOLUTION NO. 8402,

**INTRODUCTIONS AND FIRST READING**

HB 1078 by Representatives Romero, Alexander, O'Brien, DeBolt, Hunt, Pearson, Dunshee, Keiser, Edwards and Benson

AN ACT Relating to locating facilities to house and/or provide inpatient treatment for sexually violent predators who have been determined to be eligible for release to a less restrictive alternative than being confined in a secure facility; adding a new section to chapter 71.09 RCW; and adding a new section to chapter 43.63A RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1079 by Representatives Romero, Hankins, Haigh, Miloscia, Dickerson, McDermott, Kenney and Edwards

AN ACT Relating to naming state buildings; and adding a new section to chapter 43.34 RCW.

Referred to Committee on State Government.

HB 1080 by Representatives Ruderman, Campbell, Linville, Ericksen, Cody, Ballasiotes, Darneille, Schmidt, Haigh, Miloscia, Rockefeller, Edmonds, Wood, Barlean, Schual-Berke, Mitchell, Kagi, Quall, Dickerson, Romero, Kenney, Hunt, Ogden, Hurst, Murray, Conway, McIntire, Lantz, Keiser, Jackley, O'Brien, Lovick, McDermott, Tokuda, Simpson, Cooper, Dunshee, Hatfield, Edwards, Bush, Santos and Skinner

AN ACT Relating to policies of the parks and recreation commission; and creating a new section.

Referred to Committee on Health Care.

HB 1081 by Representatives Carrell and Lantz

AN ACT Relating to jury service; and amending RCW 2.36.010.

Referred to Committee on Judiciary.

HB 1082 by Representatives Delvin, Conway, Cooper, Ogden, Hurst, McIntire, Kenney and Haigh

AN ACT Relating to making an irrevocable choice to become a member of the Washington school employees' retirement system plan 2 or plan 3; amending RCW 41.35.610 and 41.35.010; and providing an effective date.

Referred to Committee on Appropriations.

HB 1083 by Representatives Cody, Campbell, Quall, Ruderman, Schual-Berke, Edmonds, Conway, Skinner, Kenney, Tokuda, Simpson, Linville, Keiser, Edwards and Haigh

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

Referred to Committee on Health Care.

HB 1084 by Representatives Ogden, Dunn, Boldt and Fromhold

AN ACT Relating to independent commissions to set salaries for city and town elected officials, and county commissioners and councilmembers; amending RCW 35.22.200 and 36.17.020; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.17 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1085 by Representative Dunshee

AN ACT Relating to impact fees for state-owned or operated transportation facilities; and amending RCW 36.70A.070, 36.70A.280, 82.02.050, 82.02.060, 82.02.070, and 82.02.090.

Referred to Committee on Local Government & Housing.

HB 1086 by Representative Mulliken

AN ACT Relating to the consideration of prior felony convictions in employment and occupational licensing; and amending RCW 9.96A.020.

Referred to Committee on Children & Family Services.

HB 1087 by Representatives Dunshee and Edwards

AN ACT Relating to the authority to issue civil penalties by health districts; adding a new section to chapter 70.46 RCW; and prescribing penalties.

Referred to Committee on Local Government & Housing.

HB 1088 by Representatives Dunshee and Edwards

AN ACT Relating to allowing a second open record hearing and closed record appeal in certain instances; and amending RCW 36.70B.060.

Referred to Committee on Local Government & Housing.

HB 1089 by Representatives Dunshee and Simpson

AN ACT Relating to impact fees; and amending RCW 82.02.060.

Referred to Committee on Local Government & Housing.

HB 1090 by Representatives Dunshee, Bush, DeBolt and Mielke

AN ACT Relating to the use of body-gripping traps as they apply to moles, gophers, and mountain beavers; and amending RCW 77.15.192 and 77.15.194.

Referred to Committee on Natural Resources.

HB 1091 by Representatives Lambert, Sommers, Miloscia, Cairnes, Schindler, Talcott and Mielke

AN ACT Relating to sexual misconduct with a minor; amending RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1092 by Representatives Lambert, Miloscia, Talcott, Pearson, Cairnes, Boldt, Anderson, Schmidt, Simpson, Bush and Mielke

AN ACT Relating to tax exemptions for church and church camp property; amending RCW 84.36.020 and 84.36.030; and creating a new section.

Referred to Committee on Finance.

HB 1093 by Representatives Schual-Berke, Ballasiotes, Cody, Campbell, Ruderman, Skinner, Conway, Edmonds, Kenney and Kagi

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

Referred to Committee on Health Care.

HB 1094 by Representatives Skinner, Schual-Berke, Cody, Campbell, Conway, Ruderman, Dunshee, Alexander, Edmonds, Kenney, Edwards and Kagi

AN ACT Relating to the surrender of a health care professional's license; and amending RCW 18.130.160.

Referred to Committee on Health Care.

HB 1095 by Representatives Mitchell, Fisher and Hankins (Requested by Department of Transportation)

AN ACT Relating to the authority to issue special permits for oversize or overweight movements; amending RCW 46.44.090; and repealing RCW 46.44.038.

Referred to Committee on Transportation.

HB 1096 by Representatives Mitchell, Fisher, Hankins, Jarrett, Tokuda and Dickerson (Requested by Department of Transportation)

AN ACT Relating to intercity passenger rail service; adding new sections to chapter 47.79 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 1097 by Representatives Fisher, Mitchell, Hankins and Haigh (Requested by Department of Transportation)

AN ACT Relating to transportation safety and planning; and amending RCW 81.104.115.

Referred to Committee on Transportation.

SCR 8401 by Representatives Snyder, West, Spanel, Hale and B. Sheldon

Adopting joint rules.

Held on First Reading.

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

#### **POINT OF PERSONAL PRIVILEGE**

Representative DeBolt explained the golfs balls on the members' desks as an invitation to the "miniature" golf tournament happening in the Rotunda. All were invited to participate.

The Sergeant at Arms announced the Senate had arrived. Speaker Ballard instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder and Minority Leader Jim West to seats on the Rostrum. The Senators were invited to seats on the Floor.

#### **JOINT SESSION**

Speaker Ballard called the Joint Session to order. The Clerk called the roll of the members of the House and a quorum was present. The Clerk called the roll of the Senate and a quorum was present.

Speaker Ballard called upon President of the Senate Owen to preside.

The flags were escorted to the Rostrum by the Sergeant at Arms Color Guard Jennifer Zilar and Brian Schlect. The prayer was offered by Pastor Terry Kaiser, Faith Assembly of Lacey.

The President appointed a special committee to escort the Supreme Court Justices from the State Reception Room to the House Chamber: Representatives Glenn Anderson, Sarah Casada, Bill Fromhold and Sharon Tomiko Santos and Senators Dow Constantine, Steve Johnson, Adam Kline and Larry Sheahan.

The President appointed a special committee to escort the State Elected Officials from the State Reception Room to the House Chamber: Representatives Jim Dunn, Brock Jackley, Fred Jarrett and Steve Kirby and Senators Jim Kastama, Jeanine Long, Bob Morton and Debbie Regala.

The President appointed a special committee to escort Chief Justice Gerry Alexander to the Rostrum: Representatives Shirley Hankins and Joe McDermott and Senators Lisa Brown and Jim Horn.

The Supreme Court Justices arrived, were escorted to the front of the Chamber and were introduced: Associate Chief Justice Charles Z. Smith, Justices Charles W. Johnson, Barbara A. Madsen, Richard B. Sanders, Faith Ireland, Bobbe J. Bridge, Tom Chambers and Susan J. Owens.

The State Elected Officials arrived, were escorted to the front of the Chamber and were introduced: Mike Murphy, State Treasurer, Brian Sonntag, State Auditor and Christine Gregoire, State Attorney General.

Supreme Court Chief Justice Gerry Alexander arrived, was escorted to the Rostrum and was introduced.

### **STATE OF THE JUDICIARY**

Chief Justice Gerry Alexander: "Governor Locke, Lieutenant Governor Owen, Speakers Chopp and Ballard, state elected officials, members of the House and Senate, fellow justices and judges, ladies and gentlemen.

Good morning. Let me first thank all of you for the warm welcome that you have accorded me and my fellow justices on this and other occasions. As you have undoubtedly observed we have been frequent guests in this building of late, what with various oath taking sessions, a ceremony for departing statewide elected officials, a State of the State message, and the inaugural ball. The truth is that we really enjoy being a part of those occasions, but we promise you now that the traditional opening rituals of this session of the Legislature are behind us, we will recede into the Temple of Justice across the way and be far less ubiquitous.

That, I suppose, is as it should be under our doctrine of separation of powers, one of the crown jewels of our form of government. I would venture the opinion, though, that it is a good thing for the branches of government to have contact such as we have had this past week or so, because our government functions better, it seems to me, if the elected members of the three branches know each other and gain a better appreciation of the other's role.

Let me also thank the members of the Legislature for inviting me to deliver this message on behalf of the judiciary. We know that time is precious to all of you during a legislative session. We know also that you need not accord me this privilege. The state constitution, as you know, does require the governor to deliver a message to you at every session. That same constitution requires the judges of the Supreme Court to report to the governor in writing in January of each year on defects and omissions in the law. It does not, however, require the courts to report to the Legislature nor does it require you to provide us that opportunity. But by a custom that has developed over the last decade the chief justice has been invited to speak to the Legislature every other year, on the state of our justice system, and we are most grateful for that opportunity.

Relevant to that subject I would like to say a brief word about the court on which I sit-the State Supreme Court. I am here to tell you that we have a fine court. I am proud of my colleagues and I am very honored that they have elected me to serve as chief justice for a four-year term. As some of you know, I was raised in Olympia. My father was a state employee during much of my childhood and I went to high school just across



Capitol Way at the old Olympia High School. It was common for students then, particularly during legislative sessions, to roam the halls of this building and soak up the atmosphere. Consequently, I have a special place in my heart for this building, our state government, and the work that you do as citizen legislators. So I am deeply honored to be able to address you.

As I indicated, we have a fine court. I can tell you that we are absolutely unified in our desire to work with our judicial colleagues at all levels of court to deliver on the promise of equal and quality justice for all. The current Supreme Court is very experienced. All of us practiced law in this state early in our careers and collectively we have 124 years of judicial service, including our tenure at the Supreme Court. At the same time we are all free thinking individuals. We come from different places and backgrounds, reflecting to some extent the diversity of our state's population.

I think that most of you are familiar somewhat with the returning members of the court. But let me, if I may, briefly say a word about our two newest members, Justices Chambers and Owens. Tom Chambers was raised in the Yakima Valley, at Wapato, but he chose to practice law in the big city-Seattle-where he had a remarkable career. Notably, he is a past president of the Washington Trial Lawyers Association and the Washington State Bar Association. Interestingly, he is the first former State Bar president to serve on the Supreme Court since Thomas Grady of Yakima served on the court in the 1940s and '50s.

Susan Owens is a North Carolinian who chose Forks, Washington, out on our coast as her home. She never regretted that decision even though Forks is said to be the city with the greatest annual rainfall in the lower 48 states. In Forks she has served as a Clallam County District Court judge and as a judge of the Quileute and Lower Elwha Tribal Courts. She is the first person from Clallam County to ever serve on our court in our 111 years as a state and the first to ever have prior service as a tribal court judge. I am proud to say that upon her inauguration the Washington Supreme Court now has more women among its members than any Supreme Court in the union, including the United States Supreme Court.

Before I move to my main topic, let me say a word about a recently retired member of the Washington Supreme Court. Our court and the entire judiciary of our state is more unified than I have ever seen it during my almost 28 years as a judge. That is so for a number of reasons, not the least of which was the leadership and personality of my predecessor as chief justice, Richard Guy. Justice Guy is present here today and I would like to ask him to stand and be recognized for his many and significant contributions to the administration of justice in the state of Washington.

Let me now, in my capacity as the state's 52nd chief justice, speak to you about the state of Washington's justice system. I can tell you that it is in good shape despite the many demands that have been placed upon it. I know that there are reputable persons who would suggest otherwise, claiming that our justice system is in crisis. I disagree with that and so do the many judges I have talked to in recent months. The system's 215 full- and part-time judges of our municipal and district courts efficiently manage caseloads made heavy with annual filings of over two million matters. Our 174 superior court judges do the same with the over a quarter of a million cases being filed each year in those courts that are located in every county of our state. Collectively these trial courts entertain one case filing for every 2 ½ citizens every year-cases that run the gamut from parking citations to aggravated first degree murder, and from small claims to cases that involve millions, and in some cases, billions, of dollars.

I wish that I had the time to tell you about all of the innovative things our judges are doing, often on a shoestring, to make the system more efficient and more responsive to the public while still maintaining the goal of fundamental fairness. A few examples: Pend Oreille District Court Judge Phillip J. Van de Veer offers citizens that enter the courthouse in Newport an information map that tells them, most of whom are not represented by counsel, how to navigate the court. Similarly, Chelan County District Court Judge Thomas Warren has reached out to the Hispanic community in his area by creating brochures in Spanish, as well as English, that describe how one uses the court system. King County Superior Court Judge Patricia Clark, working with our state's Gender and Justice and Minority and Justice Commissions, is dedicated to erasing the bias that is sometimes felt by women of color in our courts-with a program entitled "When Bias Compounds."

Many of our judges are doing pioneer work in the relatively new concept of restorative justice. Spokane County District Court Judge Vance Peterson has a program that is designed to let people reinstate their suspended driver's license by making monthly payments on outstanding court-ordered financial obligations. In Mason

County District Court, Judge Victoria Meadows utilizes the services of a restorative justice panel, composed of citizen volunteers, who recommend to her alternatives to jail for nonviolent offenders.

The problem of domestic violence has, of course, captured the attention of the judiciary-just as it has captured the attention of the legislative and executive branches. In 1995, Governor Lowry, the Supreme Court, and Attorney General Gregoire co-sponsored the first ever statewide Domestic Violence Summit. It was an important step to bring leaders of each branch of government together with professionals in the field to discuss this cycle of violence, which affects many families directly and all of us indirectly. Since that first summit we have made much progress. Under the leadership of my colleague Justice Barbara Madsen, local domestic violence summits are held each year in many counties to bring people together to discuss better coordination and delivery of services to victims of domestic violence.

The Clark County Superior and District Court benches have been innovative in this field, consolidating their domestic violence calendars under one judge. Judge Robert Harris, the presiding judge of that superior court is present here today. Last year also saw the debut of King County's specialized Domestic Violence Court. At three locations in that county dedicated judges of the district court, prosecutors, and defense counsel work solely on these cases each day to provide more effective and consistent justice.

Kitsap County District Court Judge James Riehl, a national leader in this field, is training Washington judges on the means by which domestic violence orders of courts of other states and of tribal courts can be enforced in our courts. Judge Riehl is also here.

In several of our counties, Unified Family Courts have been established to better serve families and children who find themselves in the system. These have been established under the theory that the 'one-judge/one family' approach improves court proceedings for families by allowing one judge to fully deal with the legal problems that members of a family may face.

You may be aware through press reports of some of the innovative work that our courts are doing in dealing with drug offenders. Currently 12 superior courts in this state have a drug court and this past year, Snohomish County Superior Court Judge Joe Thibodeau designed a drug court specifically for juveniles. Island County Superior Court judges Vickie Churchill and Alan Hancock have started a similar program in that county. Participants in these programs commit to a stringent drug-treatment regimen and have weekly meetings to make sure they keep on track with their recovery.

Despite the many innovative programs that have been launched in recent years, I am not telling you that our justice system is perfect and cannot be improved. There is no institution that has been created by humans that cannot be improved. The judiciary and our many fine employees know that and we are dedicated to making the justice system better.

In accomplishing that goal we will benefit from one of the many legacies left by former Chief Justice Guy. This vision was that the judiciary would be united in seeking improvements and would speak to the executive and legislative branches in one voice. That vision led to a reorganization and revitalization of our state's Board for Judicial Administration (the BJA). Its membership has been broadened to provide for increased representation of all levels of court, as well as the non-voting bar members. In addition a new position of "member-chair" was added. That person co-chairs the Board along with the chief justice. Spokane County Superior Court Judge James M. Murphy, who is here, has shown tremendous leadership as the first member-chair, in addition to his duties as president of the Superior Court Judges' Association. The BJA is meeting in Olympia today. In fact, we started at 8:00 a.m. and adjourned for this session.

These changes have been significant. Within the past two years, the BJA formed two committees to explore major issues of concern to the courts. Out of those committees came various proposals to the BJA. The BJA, in turn, approved many of the proposals. I would like to discuss them with you-particularly those that require legislation in order to be implemented.

The first proposals came from the Washington Jury Commission which was chaired by Thurston County Superior Court Judge Daniel Berschauer. That commission was composed of citizens, former jurors, judges, lawyers, court personnel, business persons, and three members of the legislature, Senator Adam Kline, Representative Mike Carrell, and then Representative and now Senator Dow Constantine. The commission's charge was to look at our state's jury system from top to bottom and recommend ways that it could be improved. This was important work because the right to trial by jury is one of the cornerstones of our democracy. The

commission found that despite the importance we attach to juries, the courts of our state were experiencing difficulty in finding jurors. Indeed in some jurisdictions less than 15 percent of the persons summoned for jury service actually made it on to the jury panel. Most troubling was that about 20 percent of persons who were summoned did not even bother to respond to the summons.

The commission quickly discovered that there were many reasons for this underwhelming response to what we generally consider an obligation of citizenship, but that certainly a general belief among citizens that jury service is somewhat unpleasant, definitely contributed to the problem. The commission, therefore, made nearly 40 recommendations to the BJA for improving jury administration and for making jury service more palatable. The BJA approved most of these proposals and many can and will be accomplished within the court system without the necessity of legislation. A few, though, will require legislative action in order to be realized.

Chief among these is a fee increase for jurors. The statutory minimum was set in 1959 at \$10 a day. We are now at the year 2001 and most counties, including all of our metropolitan counties, still pay the minimum \$10. I recall thinking, when I was a young superior court judge in the 1970s, that \$10 was an inadequate amount to pay our jurors. Well if I was right then, and I think that I was, it is woefully inadequate now.

To bring home the inadequacy of the \$10 fee, if that is necessary, I should tell you that I recently attended a meeting at the King County Courthouse. It was a rainy day and prior to the meeting we parked about a block away from the courthouse in an open parking lot. The charge for parking for several hours was \$13, but I was told that it would be \$18 for the entire workday. Obviously the jurors' fee would not even cover that cost.

We are asking you to correct this inequality by passing legislation that maintains the fee at \$10 per day for the first day of jury service, on the theory that every citizen should be willing to devote one day at little or no cost to being a juror, but increasing it to \$45 for every succeeding day of jury service. We are asking you to provide that the additional \$35 be underwritten by the State of Washington with the local jurisdictions remaining responsible for \$10 of the fee.

We are also asking that you approve legislation shortening jury service to two days or one trial.

The other major committee formed by the BJA was Project 2001. This committee was chaired by retired Judge Tom Swayze and former WSBA President Paul Steere. It was also a broad based committee and included state legislators Senator Jeanine Long, Representative Luke Esser, Senator Pam Roach, Senator Adam Kline. The committee was asked to thoroughly review the judicial system, the way that it operates, its funding system, and more important, it was to make recommendations as to how it may be made more efficient. The project got started in the spring of 2000. It worked hard and submitted its report to the BJA, which has approved many of its recommendations. Those have been reported to you and are contained in this final recommendation to the Legislature. Again, many of those approved recommendations, like mandatory judicial education for all judges and a strengthening of the role of trial court presiding judges, can be adopted by the courts internally by court rule. A few of the recommendations, though, require legislation to implement them and I will just briefly touch on one of them.

The most significant recommendation is for a constitutional amendment providing for what we call transportability of judges. In a nutshell, this would allow a previously elected judge, active or retired, to sit in any trial court at the request of the presiding judge of that trial court. Currently, active or retired judges or even lawyers can serve as pro tem judges but only on the agreement of both sides of counsel in the case. It is that veto right of attorneys that the constitutional amendment would eliminate. Although this may not seem, at first blush, to be a significant step, it really is. This would give the presiding judges of our trial courts greater flexibility in managing their dockets and would allow the trial courts of our state to have the advantages that might be realized from a formal merger of our two levels of trial court without the attendant cost of doing so and without eliminating our courts of limited jurisdiction which are designed to handle matters within their jurisdictional limits in a less formal way than the superior court. To me this is a sensible recommendation and one that will allow the courts to use existing judicial personnel more efficiently.

Finally, and somewhat related to these proposals I wish to advise you that we are seeking an appropriation to maintain, update, and modernize the state's judicial information system. Our state's court system has been blessed by having one of the most established and efficient judicial information systems in the nation-one to which all of our trial and appellate courts are tied.

The bad news that goes with that is that the system's hardware and software are old, at least as we measure age in the fast moving technological world. Our Judicial Information System Committee, which is chaired by my colleague, Justice Bobbe Bridge, has compared our current system to an eight-track tape system. We think it is time to get a CD player. With this funding, greater efficiencies can be realized, all to the benefit of our courts in every part of the state. We think this would be a prudent investment in an established and proven system.

Let me close where I began by thanking you for your time and your willingness to listen to this report on the state of the judiciary. As I indicated, I think our judges and the court's' employees are doing a magnificent job providing justice. We can and want to do even better, though, and we believe these modest proposals for legislation, coupled with changes we can make without the necessity of legislation, will allow us to do even a better job. Thank you."

The President thanked Chief Justice Alexander for his remarks.

The President asked the special committee to escort Chief Justice Alexander from the Rostrum to the State Reception Room.

The President asked the special committee to escort the Supreme Court Justices from the Chamber to the State Reception Room.

The President asked the special committee to escort the State Elected Officials from the Chamber to the State Reception Room.

#### MOTION

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

The President thanked Speaker Ballard and members of the House for their hospitality and returned the gavel to him.

Speaker Ballard asked the Sergeant at Arms of the House and Senate to escort President of the Senate Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder, Minority Leader Jim West and members of the State Senate from the House Chamber.

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

#### MOTION

On motion of Representative Mastin, the House adjourned until 9:55 a.m., January 17, 2001 the 10<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Wednesday, January 17, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1098 by Representatives Fisher, Woods, McIntire, Haigh, Edwards and Linville (Requested by Department of Transportation)

AN ACT Relating to use of funds in the commute trip reduction program; and amending RCW 70.94.544.

Referred to Committee on Transportation.

HB 1099 by Representatives Santos, Benson, Tokuda, Bush, DeBolt, Hatfield and McIntire

AN ACT Relating to the PACE program; amending RCW 48.44.037; adding a new section to chapter 74.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1100 by Representatives Fisher and Woods (Requested by Marine Employees' Commission)

AN ACT Relating to notice requirements; and amending RCW 47.64.260.

Referred to Committee on Transportation.

HB 1101 by Representatives Doumit, Lisk, Lovick, Clements, Gombosky, Delvin, Haigh, Barlean, Simpson, Mulliken, Kagi, Conway, Lantz, Hunt, Wood, Rockefeller, G. Chandler, Dunshee, Skinner, Ballasiotes, Schmidt, Romero, Kenney, Linville and Jackley

AN ACT Relating to funding for local government criminal justice; amending RCW 46.63.110; adding a new section to chapter 46.64 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1102 by Representatives Boldt, Woods and Clements

AN ACT Relating to foster parents' rights; amending RCW 74.13.280 and 74.13.330; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 1103 by Representatives Lambert, Ruderman, Esser, Miloscia, Buck, Pflug, McDermott, Simpson, Schmidt and Armstrong

AN ACT Relating to restrictions on mailing by legislators; and amending RCW 42.52.185.

Referred to Committee on State Government.

HB 1104 by Representatives Jackley, Kirby, Rockefeller, Lantz, Haigh, Dunn, Pearson, Hunt and Edwards

AN ACT Relating to providing funding and incentives for protecting and restoring salmon habitat and shorelines; amending RCW 82.46.070, 84.34.230, and 84.34.240; adding a new section to chapter 84.34 RCW; adding a new section to chapter 84.33 RCW; adding a new section to chapter 36.33 RCW; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1105 by Representatives Poulsen, Crouse, Morris, Casada, Ruderman, Esser, DeBolt, Anderson, B. Chandler, Simpson, Wood, Linville, Cooper, Bush, Santos, O'Brien, Schmidt, Grant, Romero, Haigh, Kenney, Cody, Lovick, Rockefeller, Murray, McDermott, Edmonds, Schual-Berke, Kagi, Jackley, Hurst, Lantz and Kessler

AN ACT Relating to exempting electric generating facilities powered by wind, sun, or landfill gas from sales and use taxes; amending RCW 82.08.02567 and 82.12.02567; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1106 by Representatives Barlean, Rockefeller, Schmidt, Haigh and Jackley

AN ACT Relating to trust land transfer; and adding a new section to chapter 79.08 RCW.

Referred to Committee on Natural Resources.

HB 1107 by Representative Barlean

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

Referred to Committee on Natural Resources.

HB 1108 by Representatives Bush, Kenney, Talcott, Lambert, Schmidt, Lantz, Benson, Cox, Campbell, Woods, Veloria, Esser, Haigh, Mulliken, Ogden, Mielke, Boldt, Casada, Morell, Buck, Pearson, Roach, Clements, Schoesler, Romero, Darneille, Carrell, Van Luven, Edwards, Kagi and Hurst

AN ACT Relating to the secretary of state; and adding a new section to chapter 29.04 RCW.

Referred to Committee on State Government.

HB 1109 by Representatives Bush, O'Brien, Lambert, Ruderman, Mielke, Delvin, Lovick, Cox, Benson, Schmidt, Carrell, Esser, Talcott, Mulliken, Clements, Keiser, Schoesler, Boldt, Woods, Buck, Morell,

Pearson, Schindler, Roach, Schual-Berke, Sump, Miloscia, Ballasiotes, Dunn, Haigh, Campbell, Van Luven, Darneille and Kessler

AN ACT Relating to prohibiting the use of voluntary intoxication as a defense against a criminal charge; and amending RCW 9A.16.090 and 9A.08.010.

Referred to Committee on Judiciary.

HB 1110 by Representatives Bush, Dunshee, Cox, Rockefeller, Campbell, Dunn, Clements, Carrell, Pennington and Kagi

AN ACT Relating to body-gripping animal traps; and amending RCW 77.15.---

Referred to Committee on Natural Resources.

HB 1111 by Representative Bush

AN ACT Relating to absentee ballots; and amending RCW 29.36.010.

Referred to Committee on State Government.

HB 1112 by Representatives Bush, Casada, Morell, Campbell, Delvin, Anderson, Cox, Roach and Boldt

AN ACT Relating to penalties for the sale or gift of drug paraphernalia; amending RCW 69.50.4121 and 7.80.120; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1113 by Representatives Clements, Skinner, Mulliken, Schmidt, Hunt, Fromhold and Armstrong

AN ACT Relating to allowing school districts to provide voters adequate information regarding school levy elections; and amending RCW 42.17.130.

Referred to Committee on State Government.

HB 1114 by Representatives Cairnes, Morris, Hunt, Cooper, O'Brien, Lisk, Hatfield, Wood, Schmidt, Haigh, Van Luven, Simpson and Woods

AN ACT Relating to the sale of thoroughbred horses; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 1115 by Representatives Reardon, Pennington, Cairnes, Morris, Linville, Voloria, Santos, Schmidt, Haigh, Kenney, Edwards, Jackley and Lantz

AN ACT Relating to infrastructure financing; amending RCW 84.52.043, 84.52.065, 84.52.067, 36.33.220, 36.79.140, 36.82.040, 46.68.124, 82.03.130, 35.87A.010, 82.14.050, and 35.80.030; adding a new section to chapter 82.14 RCW; adding a new section to chapter 27.12 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.75 RCW; adding a new section to chapter 52.12 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a

new section to chapter 67.38 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 84.55 RCW; adding a new section to chapter 35.80 RCW; adding a new chapter to Title 82 RCW; adding a new chapter to Title 39 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

HB 1116 by Representatives Campbell, Cody, Carrell, Morris, Roach, Santos, Pennington, Conway, Romero, O'Brien, Hunt, Edmonds, Darneille, Veloria, Schual-Berke, Reardon, Lantz, Simpson, Cairnes, Dunshee, Dickerson, Alexander, Fromhold, Schmidt, Haigh and Jackley

AN ACT Relating to clarifying tax exemptions for sale or use of orthotic devices; amending RCW 82.08.0283 and 82.12.0277; and declaring an emergency.

Referred to Committee on Finance.

HB 1117 by Representatives Carrell, Lantz, Lambert, O'Brien, Lovick, Hunt and Haigh

AN ACT Relating to enforcement of court-ordered restitution obligations; and adding a new section to chapter 3.66 RCW.

Referred to Committee on Judiciary.

HB 1118 by Representatives Lovick, Delvin, O'Brien, Armstrong, Ogden, Edmonds, Cooper, Fisher, Boldt, Mitchell, Simpson and Fromhold

AN ACT Relating to regulating the use of traffic safety cameras; amending RCW 46.63.030 and 46.63.140; adding a new section to chapter 46.63 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1119 by Representatives Schoesler, Gombosky, Ahern and Schindler

AN ACT Relating to the business and occupation taxation of sales of new and used motor vehicles; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1120 by Representatives Rockefeller, Cox, Talcott, Quall, Santos, Haigh, Anderson, McDermott, Schindler, Schmidt, Pearson, Keiser and Jackley

AN ACT Relating to the conditional employment of teachers with lapsed certifications; and reenacting and amending RCW 28A.410.010.

Referred to Committee on Education.

HB 1121 by Representatives Ballasiotes, Jarrett, Hankins, Tokuda, Lovick, Schual-Berke, Ruderman, Mitchell, Darneille, O'Brien, McIntire, Keiser, Kenney, Hunt, Cody, Edwards, Edmonds, Kagi and Lantz



AN ACT Relating to safe storage of firearms; amending RCW 9A.36.050; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1122 by Representatives Miloscia, Fisher and Morell

AN ACT Relating to drivers' education; adding a new section to chapter 46.20 RCW; creating new sections; making an appropriation; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

HJM 4002 by Representatives Veloria, Campbell, Cody, Pennington, Cox, Kessler, Woods, Kenney, Romero, Bush, Keiser, Schoesler, Armstrong, Clements, Delvin, Santos, McIntire, O'Brien, Schmidt, Tokuda, Haigh, Edwards, Darneille, Schual-Berke and Talcott

Asking that the federal government provide veterans' benefits owed to Filipino veterans.

Referred to Committee on State Government.

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

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

There being no objection, the House adjourned until 10:00 a.m., January 17, 2001, the 11<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
ELEVENTH DAY

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MORNING SESSION

---

House Chamber, Olympia, Thursday, January 18, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joel Sommer and Erin Briggs. Prayer was offered by Pastor Paul Walterman, Evergreen Community Church, Bothell.

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

**INTRODUCTIONS AND FIRST READING**

HB 1123 by Representatives Cox, Quall, Schoesler, Haigh, Bush, Keiser, Ahern, Schual-Berke, Benson, Barlean, Cairnes, Pearson, Simpson, O'Brien, Conway and Schmidt

AN ACT Relating to property tax relief for school volunteers; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1124 by Representatives Darneille, Morell, Tokuda, Campbell, Hunt, Kagi, Miloscia, Ballasiotes, Veloria, Linville, Dickerson, Edwards, Kenney, O'Brien, Keiser, Edmonds, Schual-Berke, Jackley, Lovick, Santos, McIntire and Haigh

AN ACT Relating to mental health services for children; amending RCW 71.36.005 and 71.36.030; and adding a new section to chapter 71.36 RCW.

Referred to Committee on Children & Family Services.

HB 1125 by Representatives Cairnes, Morris and Esser

AN ACT Relating to limiting the maximum combined sales tax rate on lodging; adding a new section to chapter 82.14 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 1126 by Representatives O'Brien, Benson, Hatfield, Ogden, Esser, Murray, McIntire, Miloscia, Barlean and Roach

AN ACT Relating to collection of business to business debts; and amending RCW 19.16.100 and 19.16.250.

Referred to Committee on Financial Institutions & Insurance.

HB 1127 by Representatives Clements and Schoesler

AN ACT Relating to safety and health rules related to musculoskeletal disorders; amending RCW 49.17.040 and 49.17.050; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1128 by Representatives O'Brien, Cairnes, Woods, Lambert, Conway, Cody, Fromhold, Jackley, Kessler, Simpson, Edwards, Kenney, Wood, Keiser, Darneille, Schual-Berke, Tokuda, Santos and Haigh

AN ACT Relating to health care coverage for retired or disabled school employees and retired state employees; adding a new section to chapter 41.05 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 1129 by Representatives O'Brien, Cairnes, Conway, Cody, Fromhold, Jackley, Edwards, Schual-Berke, Tokuda, Santos and Haigh

AN ACT Relating to subsidies for health benefit premiums; amending RCW 41.05.085; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1130 by Representatives Delvin, Lambert and Benson

AN ACT Relating to the wholesale and retail sale and distribution of alcoholic beverages; amending RCW 66.04.010, 66.08.020, 66.08.026, 66.08.030, 66.08.050, 66.08.090, 66.08.095, 66.12.110, 66.12.120, 66.12.140, 66.16.040, 66.16.100, 66.16.110, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.24.160, 66.24.210, 66.24.290, 66.24.310, 66.24.360, 66.24.371, 66.24.380, 66.24.540, 66.28.030, 66.28.040, 66.28.060, 66.28.180, 66.28.190, 66.40.140, 66.44.150, 66.44.160, 66.44.318, 66.44.340, and 66.08.170; reenacting and amending RCW 66.28.070; adding new sections to chapter 66.24 RCW; adding a new section to chapter 66.28 RCW; adding a new section to chapter 66.44 RCW; adding new sections to chapter 66.08 RCW; creating a new section; repealing RCW 66.08.070, 66.08.160, 66.08.235, 66.12.020, 66.16.010, 66.16.030, 66.16.041, 66.16.050, 66.16.060, 66.16.070, 66.16.080, 66.16.090, 66.20.160, 66.24.440, 66.32.010, and 66.44.120; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1131 by Representatives Mulliken, Dunshee, Edwards, G. Chandler, DeBolt, Dunn and Hatfield

AN ACT Relating to public hospital districts; and amending RCW 70.44.060.

Referred to Committee on Local Government & Housing.

HB 1132 by Representatives Conway, Schmidt, Haigh, Linville, Hatfield, Poulsen and Esser

AN ACT Relating to veterans memorial plaza; and adding a new section to chapter 79.24 RCW.

Referred to Committee on State Government.

HB 1133 by Representatives Carrell, Lantz, Lambert, Hurst, Casada, Morell, Kagi, Marine, Cox, Talcott, Tokuda, Fisher, Bush, Edwards, O'Brien, Darneille, Edmonds, Esser and Haigh

AN ACT Relating to limiting liability for donated labor on community projects; and amending RCW 51.12.050.

Referred to Committee on Commerce & Labor.

HB 1134 by Representatives Skinner, Edmonds, Alexander, Cody, Campbell, Ruderman, Edwards, Van Luven, Schoesler, Wood, O'Brien, Schual-Berke, Pflug, Tokuda, Esser and Haigh

AN ACT Relating to the medicaid related payment of property costs in licensed nursing facilities; amending RCW 74.46.020, 74.46.370, 74.46.421, 74.46.433, and 74.46.435; adding new sections to chapter 74.46 RCW; repealing RCW 74.46.908; and declaring an emergency.

Referred to Committee on Health Care.

HB 1135 by Representatives Lantz, Esser and McDermott

AN ACT Relating to powers of attorney; amending RCW 11.94.040, 11.96A.040, 11.96A.050, 11.96A.120, and 11.94.050; and adding new sections to chapter 11.94 RCW.

Referred to Committee on Judiciary.

HB 1136 by Representatives Schoesler, Wood, Ahern, Gombosky, Cox, Grant, Doumit, G. Chandler, Rockefeller, Linville, Schindler, Mulliken, Buck, Mastin, McMorris, Benson and Eickmeyer

AN ACT Relating to product standards; and amending RCW 43.19A.020.

Referred to Committee on Agriculture & Ecology.

HB 1137 by Representatives Cairnes, Conway, Campbell, Dunshee, O'Brien, Cooper, Hunt, Simpson, Santos, Kenney, Schmidt, Kirby and Keiser

AN ACT Relating to civil penalties for prevailing wage settlements; and amending RCW 39.12.065.

Referred to Committee on Commerce & Labor.

HB 1138 by Representatives Cairnes, Conway, Campbell, Dunshee, O'Brien, Cooper, Simpson, Roach, Kenney, Schmidt, Kirby and Keiser

AN ACT Relating to prevailing wage civil penalties; and amending RCW 39.12.050, 39.12.065, and 39.12.080.

Referred to Committee on Commerce & Labor.

HB 1139 by Representatives Schoesler, Grant, Cox, McMorris, G. Chandler, Sump, Mielke, B. Chandler, Armstrong, Mastin, Benson and Haigh

AN ACT Relating to excess weight permits for trucks hauling certain bulk agricultural commodities; and amending RCW 46.44.0941.

Referred to Committee on Agriculture & Ecology.

HB 1140 by Representatives Schoesler, Grant, Sump, G. Chandler, Cox, McMorris, Doumit, Mielke, Armstrong, Mastin, B. Chandler, Linville, Hatfield, Alexander, Benson and Haigh

AN ACT Relating to the taxation of grain warehouse companies; amending RCW 82.04.090 and 82.04.280; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1141 by Representatives Lantz, Dickerson, Kenney, Conway and Haigh (Requested by Administrator for the Courts)

AN ACT Relating to jury service; amending RCW 2.36.150, 3.50.135, and 35.20.090; adding a new section to chapter 2.36 RCW; and adding a new section to chapter 3.02 RCW.

Referred to Committee on Judiciary.

HB 1142 by Representatives Crouse, Benson, Schindler and Esser

AN ACT Relating to provision of utilities to mobile home parks; adding a new section to chapter 35.67 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 57.08 RCW; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1143 by Representatives Schmidt, Morris, Benson, Edmonds, Ogden, Jackley and Lovick

AN ACT Relating to presidential electors; and amending RCW 29.71.020 and 29.71.040.

Referred to Committee on State Government.

HB 1144 by Representatives Kessler, Tokuda, Ogden, Keiser, Cody, Santos, Edmonds, Kenney, Linville, Darnelle, O'Brien, Ruderman, Rockefeller, Dickerson, McDermott, Edwards, Conway, Schual-Berke, Jackley, Lovick, McIntire and Haigh

AN ACT Relating to the WorkFirst program participation exemption; and amending RCW 74.08A.270.

Referred to Committee on Children & Family Services.

HB 1145 by Representatives O'Brien, Dunn, Woods, Mielke, Roach, Edmonds, Miloscia, Rockefeller, Edwards, Van Luven, Schoesler, Clements, Pennington, McMorris, Schindler, Mulliken, Ahern, Campbell, Benson, Bush, Cairnes, Pflug, Anderson, Armstrong, Schmidt, Esser, Carrell and Haigh

AN ACT Relating to rental payments to landlords from public assistance; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Local Government & Housing.

HB 1146 by Representatives Haigh, Cox, Hunt, Armstrong, Rockefeller, Fromhold, Linville, McDermott, Jackley, Quall, Lantz, O'Brien, Romero, Keiser, Benson and Eickmeyer

AN ACT Relating to the creation of a commission on school funding review; and creating a new section.

Referred to Committee on Education.

HB 1147 by Representatives Haigh, Schmidt, Miloscia, Bush, Conway, Lovick, Jackley, Benson and Esser

AN ACT Relating to employment rights of members of the reserve and national guard forces called to duty; amending RCW 73.16.015, 73.16.031, 73.16.033, 73.16.035, 73.16.051, 73.16.061, and 73.16.070; and adding new sections to chapter 73.16 RCW.

Referred to Committee on State Government.

HB 1148 by Representatives Lantz, O'Brien, Lovick, Ballasiotes, McDermott, Carrell and Esser

AN ACT Relating to unwitting possession of a firearm; and amending RCW 9.41.040, 9.41.070, and 46.20.265.

Referred to Committee on Judiciary.

HB 1149 by Representatives Lovick, Esser, Dunshee, Casada, McDermott, Reardon, Carrell, Miloscia, Keiser, Hurst, Lantz, Kenney and Benson

AN ACT Relating to opening or consuming liquor in a public place; amending RCW 66.44.100; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1150 by Representatives Lovick, Ballasiotes, O'Brien, Kagi, Haigh, Ahern, Simpson, Grant, Campbell, Keiser, Benson, Bush, Conway and Esser

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

Referred to Committee on Criminal Justice & Corrections.

HB 1151 by Representatives Clements, Grant, Mulliken, Gombosky, G. Chandler, Mastin, Schoesler, Armstrong, Skinner, Lisk, Benson, B. Chandler, Linville, Hatfield, Kessler, Talcott, McMorris, O'Brien and Pflug

AN ACT Relating to land use flexibility for family farms owned or operated by senior citizens; amending RCW 36.70A.177; adding a new section to chapter 36.70A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Local Government & Housing.

HB 1152 by Representatives Schmidt, Miloscia and Romero

AN ACT Relating to awarding contracts for building engineering systems; and adding a new section to chapter 39.04 RCW.

Referred to Committee on State Government.

HB 1153 by Representatives Schmidt, Miloscia and Romero

AN ACT Relating to job order contracting for public works; amending RCW 39.10.020, 39.08.030, 39.30.060, and 60.28.011; adding new sections to chapter 39.10 RCW; and adding new sections to chapter 39.12 RCW.

Referred to Committee on State Government.

HB 1154 by Representatives Schmidt, Miloscia and Romero

AN ACT Relating to limited public works; and amending RCW 39.04.155.

Referred to Committee on State Government.

HB 1155 by Representatives Schmidt, Miloscia and Romero

AN ACT Relating to alternative public works contracting procedures; amending RCW 39.10.010, 39.10.020, 39.10.050, 39.10.065, 39.10.110, 39.10.115, and 39.10.902; amending 2000 c 138 s 106 (uncodified); reenacting and amending RCW 39.10.060 and 39.10.120; adding a new section to chapter 39.10 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1156 by Representatives Schmidt, O'Brien, Edwards, Dunshee, Lovick, Marine, Sehlin, Pearson, Cooper and Barlean

AN ACT Relating to public transportation systems; and amending RCW 36.57A.110 and 36.57A.130.

Referred to Committee on Transportation.

HB 1157 by Representatives Murray, Hankins, Lovick, Fisher and Keiser

AN ACT Relating to identifying rebuilt vehicles; and amending RCW 46.12.005 and 46.12.050

Referred to Committee on Transportation.

HB 1158 by Representatives Lantz, Carrell and Benson

AN ACT Relating to reconveyance of deeds of trust; amending RCW 61.24.005, 61.24.010, and 61.24.110; and adding a new section to chapter 61.24 RCW.

Referred to Committee on Judiciary.

HB 1159 by Representatives Schual-Berke, Campbell, Cody, Skinner, Ruderman, Pennington, Conway, Schmidt, Linville, Kenney, Wood, Benson, Edmonds, Ogden, Keiser, Lovick, Esser and Haigh

AN ACT Relating to reimbursing nursing homes for direct care costs; amending RCW 74.46.431; reenacting and amending RCW 74.46.506; adding a new section to chapter 74.46 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 1160 by Representatives Hunt, Clements, Conway and Kenney (Requested by Department of Licensing)

AN ACT Relating to real estate appraisers; and amending RCW 18.140.155.

Referred to Committee on Commerce & Labor.

HB 1161 by Representatives Conway, Clements and Kenney (Requested by Department of Licensing)

AN ACT Relating to engineers and land surveyors; amending RCW 18.43.080; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1162 by Representatives McMorris, Cody, Alexander, Schual-Berke, Mastin, Cox, Mulliken, Sump, G. Chandler, Lisk, B. Chandler, Hatfield, Schoesler, Grant, Armstrong, Kessler, Doumit, DeBolt, Delvin, Dickerson, Kenney, Bush, Conway, Edmonds, Pflug and Haigh

AN ACT Relating to providing state medical assistance reimbursements for small, rural hospitals that meet the criteria of a critical access hospital; adding new sections to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 1163 by Representatives Eickmeyer, Doumit, Rockefeller, Jackley and Haigh

AN ACT Relating to disposal of garbage and junk vehicles; and amending RCW 70.93.060, 70.95.240, and 46.55.230.

Referred to Committee on Agriculture & Ecology.

HB 1164 by Representatives Eickmeyer, Rockefeller, Woods, Jackley, Lantz, Gombosky, Benson and Haigh

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

Referred to Committee on Trade & Economic Development.

HB 1165 by Representatives Barlean, Reardon and Talcott

AN ACT Relating to grandparent visitation rights; amending RCW 26.09.240 and 26.10.160; and adding a new section to chapter 26.10 RCW.

Referred to Committee on Judiciary.

SCR 8401 by Representatives Snyder, West, Spanel, Hale and B. Sheldon

Adopting joint rules.



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

There being no objection, Senate Concurrent Resolution No. 8401 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

### **SECOND READING**

**SENATE CONCURRENT RESOLUTION NO. 8401 by Representatives Snyder, West, Spanel, Hale and B. Sheldon**

**Adopting joint rules.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final adoption.

Representative Mastin spoke in favor of adoption of the concurrent resolution.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final adoption of Senate Concurrent Resolution No. 8401.

Senate Concurrent Resolution No. 8401 was adopted.

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

### **MOTION**

On motion of Representative DeBolt, the House adjourned until 9:55 a.m., January 19, 2001, the 12<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
TWELFTH DAY

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MORNING SESSION

---

House Chamber, Olympia, Friday, January 19, 2001

The House was called to order at 9:55 a.m. by Speaker Chopp.

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

**MESSAGE FROM THE SENATE**

January 19, 2001

Mr. Speakers:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8401,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SENATE CONCURRENT RESOLUTION NO. 8401,

**INTRODUCTIONS AND FIRST READING**

HB 1166 by Representatives Rockefeller, Buck, Doumit, Pennington and Edwards; by request of Salmon Recovery Funding Board)

AN ACT Relating to entities eligible to be project sponsors for salmon recovery funding board grants; and amending RCW 77.85.010.

Referred to Committee on Natural Resources.

HB 1167 by Representatives Cooper, Fromhold, Murray, Campbell, Tokuda, Kenney, Veloria, Cody, Conway, Quall, Simpson, Edwards, Gombosky, Lovick, Wood, Eickmeyer, Edmonds, Jarrett, Jackley, Haigh, Keiser, Hurst, Kagi, Schual-Berke and Santos

AN ACT Relating to health insurance; and adding a new section to chapter 41.04 RCW

Referred to Committee on Appropriations.

HB 1168 by Representatives Cooper, Edwards, Murray, Tokuda, Campbell, Veloria, Kenney, Conway, Fromhold, Simpson, Quall, Gombosky, Lovick, Wood, Cody, Edmonds, Eickmeyer, Jackley, Ruderman, Keiser, Hurst and Santos

AN ACT Relating to restrictions on public passenger transportation system agreements for services by private entities; adding a new section to chapter 41.56 RCW; and declaring an emergency.

Referred to Committee on State Government.

HB 1169 by Representatives Ogden, Dunn, Fromhold and Reardon

AN ACT Relating to annexation; and amending RCW 35.13.130, 35.21.005, and 35A.01.040.

Referred to Committee on Local Government & Housing.

HB 1170 by Representatives O'Brien, Campbell, Dickerson, Tokuda, Kessler, Skinner, Murray, Schindler, Cody, Dunn, Barlean, Lantz, Darneille, Edmonds, Rockefeller, Quall, Keiser, Edwards, Veloria, Kagi, Kenney, Dunshee, Lovick, Miloscia, Doumit, Ogden, Conway, Woods, Van Luven, Haigh, Simpson, Jackley, Hurst, Mulliken, Schual-Berke and Santos

AN ACT Relating to the safety of newborn children; amending RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, and 26.20.035; creating new sections; prescribing penalties; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Children & Family Services.

HB 1171 by Representatives O'Brien, Barlean, DeBolt, Edmonds, Quall, Kagi, Edwards, Rockefeller, Keiser, Murray, Lovick, Miloscia, Ogden, Conway, Van Luven, Haigh, Simpson, Campbell, Ruderman, Linville, Schual-Berke, Schmidt, Wood and Santos

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

Referred to Committee on Education.

HB 1172 by Representatives Dunshee and Mulliken

AN ACT Relating to authorizing additional fire protection district levies; and amending RCW 52.16.160.

Referred to Committee on Local Government & Housing.

HB 1173 by Representatives Mulliken and Dunshee

AN ACT Relating to fire district purchases; and amending RCW 52.14.110.

Referred to Committee on State Government.

HB 1174 by Representatives Hurst, Carrell, Lantz, Lovick and O'Brien

AN ACT Relating to vacation of records of conviction for misdemeanor and gross misdemeanor offenses; and adding a new section to chapter 9.96 RCW.

Referred to Committee on Judiciary.

HB 1175 by Representatives Doumit, Hurst, O'Brien, Conway, Simpson, Delvin, Cooper, G. Chandler, Lovick, Roach, Rockefeller, Cairnes, Haigh, Armstrong, Campbell, Kenney, Keiser, Linville, Schmidt and Santos

AN ACT Relating to admitting law enforcement officers of the department of fish and wildlife into the law enforcement officers' and fire fighters' retirement system; reenacting and amending RCW 41.26.030; and creating a new section.

Referred to Committee on Appropriations.

HB 1176 by Representatives Hankins, Fisher, Murray, Skinner, Romero, G. Chandler, Cooper, Rockefeller, Lovick, DeBolt, Hatfield, Cairnes, Hurst, Armstrong, Conway, Woods, O'Brien, Haigh, Keiser and Wood

AN ACT Relating to motorist assault upon department of transportation employees; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 1177 by Representatives Kenney, B. Chandler, Conway, Clements and Keiser

AN ACT Relating to reasonable assurance of employment for employees of educational institutions; amending RCW 50.44.053 and 50.44.080; adding a new section to chapter 50.44 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1178 by Representative Ericksen

AN ACT Relating to placement of large woody debris; amending RCW 77.55.120; adding a new section to chapter 77.55 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1179 by Representatives Ericksen, Lovick, G. Chandler and O'Brien

AN ACT Relating to positive drug or alcohol test results of commercial motor vehicle operators; amending RCW 46.25.090, 46.25.100, and 46.25.120; adding new sections to chapter 46.25 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1180 by Representatives Cody, Marine, Ruderman, McMorris and Schual-Berke; by request of Department of Health)

AN ACT Relating to obtaining and expending funds for the public health system; amending RCW 43.70.040 and 43.79A.040; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1181 by Representatives O'Brien, Crouse, Cooper, Delvin, Poulsen, Simpson, Lovick, Reardon, Clements, Haigh, Wood and Santos

AN ACT Relating to the authority of the statewide enhanced 911 program to support the statewide enhanced 911 system; amending RCW 38.52.540; adding a new section to chapter 38.52 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1182 by Representatives G. Chandler, Clements, Conway, Schoesler, Grant, McMorris, B. Chandler, Hunt, Wood, Lisk and Linville

AN ACT Relating to equipment dealers; amending RCW 19.98.010, 19.98.020, 19.98.030, 19.98.040, 19.98.100, 19.98.120, and 19.98.130; adding new sections to chapter 19.98 RCW; repealing RCW 19.98.110; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1183 by Representatives Miloscia, McMorris, Haigh and Crouse

AN ACT Relating to housing; and amending RCW 19.85.011, 19.85.020, 19.85.025, 19.85.030, 19.85.040, 19.85.050, and 19.85.070.

Referred to Committee on State Government.

HB 1184 by Representatives Conway, Clements, B. Chandler and Kenney; by request of Employment Security Department)

AN ACT Relating to use of school hours and wages for unemployment compensation claims for educational employees; amending RCW 50.44.050; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1185 by Representatives Dickerson, Keiser, Kessler, Fisher, Murray, Tokuda, Conway, Kenney, Wood, Hunt, Schual-Berke, Romero, Edmonds, Kagi, O'Brien, Haigh, Ruderman and Santos

AN ACT Relating to family leave insurance; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1186 by Representatives O'Brien, Lambert, G. Chandler, Casada, Quall, Delvin, Talcott, Reardon, Veloria, Schoesler, Esser, Haigh, Morell, Darneille and Schmidt; by request of Military Department)

AN ACT Relating to the Washington national guard; adding a new section to chapter 38.08 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1187 by Representatives Haigh, Miloscia, Darneille, McMorris, Lambert, Reardon, Dunshee, O'Brien, Delvin, Talcott, Campbell, G. Chandler, Quall, Anderson, Alexander, Schoesler, Esser and Schmidt; by request of Military Department)

AN ACT Relating to the public disclosure of specific and unique information related to criminal acts of terrorism; reenacting and amending RCW 42.17.310; and creating a new section.

Referred to Committee on State Government.

HB 1188 by Representatives Haigh, McMorris, O'Brien, Miloscia, Dunshee, Lambert, Campbell, Delvin, G. Chandler, Talcott, Quall, Reardon, Alexander, Sommers, Voloria, Schoesler, Esser, Anderson, Morell, Darneille and Schmidt; by request of Military Department)

AN ACT Relating to authorizing the military department to dispose at public bid of the state armory land and buildings known as the Pier 91 property and acquire replacement property and improvements; and creating a new section.

Referred to Committee on State Government.

HB 1189 by Representatives Lantz, Dunn, Edmonds, Hunt, Dunshee, Ogden, Kenney and Wood; by request of Department of Community, Trade & Economic Development)

AN ACT Relating to the protection of archaeological sites; amending RCW 27.53.020, 27.53.060, and 27.53.080; adding a new section to chapter 27.53 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1190 by Representatives Schual-Berke, Campbell, Romero and McMorris

AN ACT Relating to department of social and health services medical billing practices; amending RCW 74.09.200; adding new sections to chapter 74.09 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1191 by Representatives Carrell, Morris, DeBolt, Cairnes, Armstrong, Pennington, Conway, O'Brien and Haigh

AN ACT Relating to sales and use tax exemptions for electrical energy generating facilities; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1192 by Representatives Romero, Boldt, Mielke, Dunn, Ahern, Tokuda, Fromhold, Dickerson and Santos

AN ACT Relating to interpreters for the deaf; amending RCW 2.42.010, 2.42.050, 2.42.110, 2.42.120, 2.42.130, 2.42.140, 2.42.150, 2.42.160, 2.42.170, and 2.42.180; adding a new chapter to Title 18 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Children & Family Services.

HB 1193 by Representatives Benson and Ahern

AN ACT Relating to enforcement of school bus stop sign violations; and amending RCW 46.61.372.

Referred to Committee on Transportation.

HB 1194 by Representatives Roach, Bush, Cairnes, Anderson and Campbell

AN ACT Relating to requiring voter approval on significant alterations to regional transit authority projects; and amending RCW 81.112.030.

Referred to Committee on Transportation.

HB 1195 by Representatives Gombosky, Benson and Crouse

AN ACT Relating to public facilities districts; and amending RCW 35.57.010, 35.57.020, 35.57.040, 35.57.060, 35.57.100, 35.57.110, 36.100.030, 36.100.060, 36.100.210, 36.100.220, and 82.14.390.

Referred to Committee on Trade & Economic Development.

HB 1196 by Representatives Gombosky, Mulliken, Dunshee and Cox

AN ACT Relating to parking and business improvement areas; and adding a new section to chapter 35.87A RCW.

Referred to Committee on Trade & Economic Development.

HB 1197 by Representatives Morell, O'Brien, Ballasiotes, Schoesler, Benson, Fromhold, Schmidt, Kirby, Delvin, Carrell, Bush, Ahern, Roach, Marine, Boldt, Pearson, Conway, Woods, Van Luven, Campbell and Hurst

AN ACT Relating to increasing penalties for manufacturing methamphetamine; amending RCW 69.50.406, 69.50.415, 9.94A.154, and 13.40.0357; reenacting and amending RCW 69.50.401, 9.94A.310, and 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1198 by Representatives G. Chandler and Cooper; by request of Department of Health)

AN ACT Relating to naming drinking water assistance subaccounts to place them in interest-bearing accounts; amending RCW 43.84.092, 43.84.092, and 70.119A.170; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.

HB 1199 by Representatives Schindler, Mielke, Sump, G. Chandler, McMorris and Armstrong

AN ACT Relating to the display of fish and wildlife lands vehicle use permits; and amending RCW 77.32.380.

Referred to Committee on Natural Resources.

HB 1200 by Representatives Schindler, Mielke, G. Chandler, Sump, Lambert, McMorris, Boldt, Pennington, Schoesler, Armstrong, Van Luven, Campbell and Mulliken

AN ACT Relating to replacement of license plates; and repealing RCW 46.16.233.

Referred to Committee on Transportation.

HB 1201 by Representatives Dunshee, Barlean, Cairnes, Santos, Morris and Kessler; by request of Department of Revenue)

AN ACT Relating to cooperative agreements concerning the taxation of cigarettes sold on Indian lands; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.24 RCW; creating a new section; repealing RCW 82.24.070; and providing an effective date.

Referred to Committee on Finance.

HB 1202 by Representatives Cairnes and Morris; by request of Department of Revenue)

AN ACT Relating to improving property tax administration by providing for consistency in taxpayer appeals to county boards of equalization; requiring the use of personal property valuation data over a three-year period to avoid abrupt changes in the state equalization ratio applied to the assessed value of property in a county; and providing a process for correcting levy errors; amending RCW 84.14.110, 84.26.130, 84.33.120, 84.33.130, 84.33.140, 84.34.035, 84.36.385, 84.36.812, 84.38.040, 84.40.038, and 84.48.080; reenacting and amending RCW 84.34.108; adding a new section to chapter 84.52 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1203 by Representatives Cairnes and Morris; by request of Department of Revenue

AN ACT Relating to department of revenue authority regarding sales and use tax exemption documentation and retention requirements; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1204 by Representatives Ogden, Dunn, Fromhold, Benson, Gombosky, Sump, Wood and Conway

AN ACT Relating to downtown and neighborhood commercial district revitalization; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1205 by Representatives Keiser, DeBolt, Barlean, Simpson and Santos; by request of Department of Financial Institutions

AN ACT Relating to licensing and regulation of consumer loan companies; amending RCW 31.04.015, 31.04.025, 31.04.045, 31.04.055, 31.04.075, 31.04.085, 31.04.093, 31.04.105, 31.04.145, 31.04.155, 31.04.165, and 31.04.175; adding new sections to chapter 31.04 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.



HB 1206 by Representatives Dickerson, Sommers, O'Brien, Edwards, Kenney and Kagi

AN ACT Relating to drug-affected infants; amending RCW 13.34.030, 13.34.070, 13.34.132, 74.09.310, 18.71.950, 18.57.920, and 18.79.903; adding new sections to chapter 13.34 RCW; creating new sections; and repealing RCW 18.57.930, 18.71.960, 18.79.904, 70.96A.330, and 70.96A.340.

Referred to Committee on Children & Family Services.

HB 1207 by Representatives Morris, Poulsen, Carrell, Reardon, Conway, Edwards and Linville

AN ACT Relating to energy; amending RCW 43.21F.015, 43.21F.025, 43.21F.045, 41.06.070, 43.09.025, 43.21F.060, 43.84.092, 43.84.092, 82.16.010, 82.16.020, 82.16.050, 82.16.090, 35.21.860, 35.21.865, 35.21.870, 52.18.020, and 82.02.030; adding new sections to chapter 43.21F RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.16.0491, 82.16.053, 54.28.010, 54.28.011, 54.28.020, 54.28.025, 54.28.030, 54.28.040, 54.28.050, 54.28.055, 54.28.060, 54.28.070, 54.28.080, 54.28.090, 54.28.100, 54.28.110, 54.28.120, 43.21F.055, 43.21F.090, 80.50.010, 80.50.020, 80.50.030, 80.50.040, 80.50.060, 80.50.071, 80.50.075, 80.50.080, 80.50.090, 80.50.100, 80.50.105, 80.50.110, 80.50.120, 80.50.130, 80.50.140, 80.50.150, 80.50.160, 80.50.175, 80.50.180, 80.50.190, 80.50.300, 80.50.310, 80.50.900, 80.50.901, 80.50.902, 80.50.903, and 80.50.904; providing effective dates; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1208 by Representatives Morris, Reardon, Conway, Hatfield, O'Brien, Edwards and Linville

AN ACT Relating to international marketing of agricultural products; adding a new section to chapter 43.23 RCW; and making appropriations.

Referred to Committee on Trade & Economic Development.

HB 1209 by Representative Morris

AN ACT Relating to space and satellite systems; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1210 by Representatives Morris, Poulsen, Reardon and Linville

AN ACT Relating to fuels used in research and development by institutions of higher education; and amending RCW 82.38.080 and 82.08.0255.

Referred to Committee on Transportation.

HB 1211 by Representatives Benson, Simpson, Barlean and Hatfield; by request of Department of Financial Institutions

AN ACT Relating to creating the financial services regulation fund; amending RCW 43.320.080, 43.320.110, 18.44.121, 19.146.205, 19.146.228, 19.146.280, 31.35.050, 31.35.080, 31.40.070, 31.40.110, 31.45.030, 31.45.050, and 31.45.077; creating a new section; repealing RCW 43.320.120 and 43.320.130; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1212 by Representative Bush

AN ACT Relating to sealing juvenile records relating to misdemeanors, diversions, and gross misdemeanors; and amending RCW 13.50.050.

Referred to Committee on Juvenile Justice.

HB 1213 by Representatives Delvin, Conway, Sommers, Lambert, Doumit and Hurst; by request of Joint Commission on Pension Policy

AN ACT Relating to correcting statutes pertaining to the public employees' and school employees' retirement systems; amending RCW 41.34.060, 41.35.010, and 41.04.270; reenacting and amending RCW 41.45.061; decodifying RCW 41.54.050; and providing an effective date.

Referred to Committee on Appropriations.

HB 1214 by Representatives Sommers, Lambert, Doumit and Delvin

AN ACT Relating to the composition and responsibilities of the employee retirement benefits board; amending RCW 41.50.086 and 41.34.130; and reenacting and amending RCW 41.50.780.

Referred to Committee on Appropriations.

HB 1215 by Representatives Sommers, Alexander, Doumit and Kagi; by request of Joint Committee on Pension Policy

AN ACT Relating to continuing law enforcement officers' and fire fighters' plan 1 split benefit payments to ex spouses of members pursuant to preretirement divorce orders made after July 1, 2002; and amending RCW 41.26.162, 41.50.670, and 41.50.700.

Referred to Committee on Appropriations.

HB 1216 by Representatives Lambert, O'Brien, Carrell and Delvin

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

Referred to Committee on Judiciary.

HJM 4003 by Representatives Marine, Darneille, Skinner, Cody, Ballasiotes, Schual-Berke, Campbell, Conway, O'Brien, Haigh, Kenney, Ruderman, Kagi and Santos

Requesting the addition of a prescription drug benefit to Medicare.

Referred to Committee on Health Care.

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

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

There being no objection, the House adjourned until 9:55 a.m., January 22, 2001, the 15<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Monday, January 22, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Pennington presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1217 by Representatives Benson, Hatfield, Reardon, Bush, Roach, Cairnes, G. Chandler and Schmidt

AN ACT Relating to fees imposed by mortgage brokers licensed under the mortgage brokers practices act; amending RCW 82.04.280; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1218 by Representatives Cooper, O'Brien and Conway

AN ACT Relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

HB 1219 by Representatives Marine, Schmidt, Roach, Delvin, Cooper and Skinner

AN ACT Relating to property tax exemptions for community radio stations; reenacting and amending RCW 84.36.805 and 84.36.810; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1220 by Representatives Dunshee, Schmidt, Conway, Edmonds and Haigh

AN ACT Relating to property tax exemptions for community radio stations; reenacting and amending RCW 84.36.810; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1221 by Representatives Delvin, Cooper, Hankins, Grant, Crouse, Dunshee, Hatfield and Pennington

AN ACT Relating to energy facility financing; and amending RCW 80.52.030.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1222 by Representatives Delvin, G. Chandler, Armstrong, B. Chandler, Grant, Dunshee, Sump, Schoesler, Clements, Mastin and McMorris

AN ACT Relating to water conservancy boards; amending RCW 90.80.010, 90.80.070, 90.80.080, 90.80.100, 90.80.120, and 90.80.140; and adding a new section to chapter 90.80 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1223 by Representatives Delvin, Eickmeyer, Cooper, Dickerson, Conway, Lovick, Hurst, Morell, Jackley, Campbell, Kenney, Keiser, Schmidt, Edmonds and Haigh

AN ACT Relating to including in basic salary for law enforcement officers' and fire fighters' retirement system plan 2 members employer matching contributions to qualified defined contribution pension plans; and reenacting and amending RCW 41.26.030.

Referred to Committee on Appropriations.

HB 1224 by Representatives Delvin, Schoesler, Cox, Sump, Schindler, Lisk, Eickmeyer, Anderson, Armstrong and G. Chandler

AN ACT Relating to actions against the firearms industry; adding new sections to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1225 by Representatives Clements, Wood, B. Chandler, G. Chandler, McMorris, Schindler, Lisk, Boldt, Sump, Mulliken, Schoesler, Benson, Schmidt, Armstrong, Delvin and Skinner

AN ACT Relating to establishing two senatorial districts in Washington; amending RCW 44.05.020, 44.05.100, 44.05.120, and 29.15.025; adding a new section to chapter 44.05 RCW; adding a new section to chapter 29.15 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on State Government.

HB 1226 by Representatives O'Brien, Ballasiotes, Cody, Keiser, Wood, Dickerson, Kirby, Kagi, Kenney, McIntire, Schual-Berke, Edwards, Darneille and Edmonds

AN ACT Relating to prohibiting firearms and other dangerous weapons on the premises of preschools and day-care facilities; and amending RCW 9.41.280.

Referred to Committee on Judiciary.

HB 1227 by Representatives Ballasiotes, Lovick and O'Brien

AN ACT Relating to escaping from custody; amending RCW 9A.76.110, 9A.76.120, 9A.76.170, and 9.94A.360; adding a new section to chapter 10.88 RCW; creating a new section; repealing RCW 72.65.070 and 72.66.060; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1228 by Representative Schmidt

AN ACT Relating to election costs; and amending RCW 29.13.047.

Referred to Committee on State Government.

HB 1229 by Representatives Schmidt, Lambert, Pearson, Pennington, Clements, Ruderman and Kagi

AN ACT Relating to information about ballot measures; amending RCW 29.81.250; and adding a new section to chapter 29.79 RCW.

Referred to Committee on State Government.

HB 1230 by Representatives Schmidt, McMorris, Miloscia, Dunshee, Pearson, Talcott, Kessler, Pennington, Clements, Ogden, Sump, Linville, Darneille, Wood, Cooper, Gombosky, Skinner and Edmonds

AN ACT Relating to changing primary dates and associated election procedures; amending RCW 29.13.070, 29.24.020, 29.24.035, 29.15.020, 29.15.120, 29.18.150, 29.15.170, 29.15.190, and 29.15.200; and providing an effective date.

Referred to Committee on State Government.

HB 1231 by Representatives Schmidt, McMorris, Kessler, Lambert, G. Chandler, Pearson, Armstrong, Eickmeyer, Pennington, Clements and Sump

AN ACT Relating to filing for office; and amending RCW 29.15.030.

Referred to Committee on State Government.

HB 1232 by Representatives Alexander, Cody, Campbell, McMorris, Mielke, DeBolt, Romero, Edmonds, Skinner, Kagi and Haigh

AN ACT Relating to administrative costs of mental health services; and amending RCW 71.24.035.

Referred to Committee on Health Care.

HB 1233 by Representatives Ogden, Fromhold, Fisher, Mielke and Benson

AN ACT Relating to enforcement of vehicle registration and taxation laws; and adding a new section to chapter 46.01 RCW.

Referred to Committee on Transportation.

HB 1234 by Representatives Clements, Conway, Lisk, Wood, B. Chandler, Kessler, Kenney, Hurst, Keiser, Simpson, Ogden, Lovick, Morris, McIntire, Schmidt, Ruderman, O'Brien, Schual-Berke, Edwards, Kagi, Cody and Edmonds

AN ACT Relating to revising apprenticeship law to respond to a 1999 United States department of labor audit; and amending RCW 49.04.010, 49.04.030, 49.04.040, 49.04.050, 49.04.060, 49.04.080, 49.04.100, and 28B.50.880.

Referred to Committee on Commerce & Labor.

HB 1235 by Representatives Keiser, Cox, Quall, Kenney, Rockefeller, O'Brien, Talcott, Santos, Kessler, Lovick, McIntire, Schmidt, Ruderman, Schual-Berke, Poulsen, Kagi, Edmonds and Haigh

AN ACT Relating to educational assistance for teachers; and adding a new section to chapter 28A.410 RCW.

Referred to Committee on Education.

HB 1236 by Representatives Keiser, Cox, Kenney, Cairnes, Conway, Skinner, McIntire, Schmidt, Haigh and Van Luven

AN ACT Relating to tax relief for college textbooks; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Higher Education.

HB 1237 by Representatives Keiser, Schual-Berke, Poulsen, McDermott, Santos, Mitchell and Miloscia

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

Referred to Committee on Finance.

HB 1238 by Representatives Miloscia, Mitchell, Keiser and O'Brien

AN ACT Relating to criminal law; amending RCW 9A.76.050, 9A.76.070, and 9A.76.080; adding a new section to chapter 9A.36 RCW; creating a new section; repealing RCW 9A.76.060; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1239 by Representatives DeBolt, Reardon, Bush, Crouse, Wood, Schoesler, Casada, Linville, Anderson, Santos, Grant, Hatfield, B. Chandler, Kessler, Keiser, O'Brien, Kagi and Haigh

AN ACT Relating to providing incentives for the deployment of telecommunications services in rural areas; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1240 by Representatives Schindler, Quall, Talcott, Pearson, Cox, Keiser, Campbell, Schmidt and Haigh

AN ACT Relating to the Washington assessment of student learning; amending RCW 28A.230.195 and 28A.655.090; creating new sections; and providing an effective date.

Referred to Committee on Education.

HB 1241 by Representatives Schindler, Carrell, Cox, Crouse, Ahern, Boldt and B. Chandler

AN ACT Relating to election of supreme court justices; amending RCW 2.04.071 and 2.04.100; adding a new section to chapter 2.04 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 1242 by Representatives Sommers, McIntire, Kenney, Ogden, O'Brien and Cody ; by request of Office of Financial Management

AN ACT Relating to calculating the state expenditure limit; and reenacting and amending RCW 43.135.035.

Referred to Committee on Appropriations.

HB 1243 by Representatives Hurst, Esser, Carrell, Lovick, Lantz and Lambert

AN ACT Relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration; and amending RCW 46.61.517.

Referred to Committee on Judiciary.

HB 1244 by Representatives Kenney, Cox, Kagi, Tokuda, Gombosky, Morell, Fromhold, Van Luven, Keiser, Benson, Quall, Delvin, Doumit, Lantz, Wood, McIntire, Cooper, Simpson, Veloria, Lovick, Conway, Kessler, Schmidt, Lambert, O'Brien, Schual-Berke, Edwards, Darneille, Edmonds and Haigh

AN ACT Relating to the creation of a foster care endowed scholarship program; amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and making an appropriation.

Referred to Committee on Higher Education.

HB 1245 by Representatives Cairnes, Morris, DeBolt, Pennington, Roach, Crouse, McMorris, Reardon, Carrell, Hatfield, Dunn, Boldt, Mielke, Edwards, Bush, Van Luven, G. Chandler and Schmidt

AN ACT Relating to exempting labor and services on new residential construction from sales tax; amending RCW 82.14.820; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Finance.

HB 1246 by Representatives Morris, Cairnes, Reardon, Carrell, Pennington, Crouse, Boldt, Dunn, Mielke, Edwards and Schmidt

AN ACT Relating to the excise tax on real estate sales; and amending RCW 82.45.060.

Referred to Committee on Finance.

HB 1247 by Representatives Dunshee, Mulliken, Quall, Cairnes, McMorris, Reardon, Carrell, Pennington, Crouse, Hatfield, Mielke, Dunn, Boldt, Edwards, Hurst, Simpson, McIntire, Schmidt and Talcott

AN ACT Relating to impact fees; and amending RCW 82.02.060.

Referred to Committee on Local Government & Housing.



HB 1248 by Representatives Kessler, Hankins, Conway, Ballasiotes, Ogden, Cody, Woods, Edmonds, O'Brien, Keiser, Mitchell, Darneille, Santos, Kenney, Linville, Tokuda, Ruderman, Rockefeller, Hurst, Van Luven, Lovick, McIntire, Schual-Berke, Poulsen, Kagi, Wood and Haigh

AN ACT Relating to allowing victims of domestic violence or stalking to receive unemployment insurance benefits; and amending RCW 50.20.050, 50.20.100, 50.20.240, and 50.29.020.

Referred to Committee on Commerce & Labor.

HB 1249 by Representatives Kagi, Boldt, Ballasiotes, Tokuda, Dickerson, Gombosky, Darneille, Morell, Anderson, Schual-Berke, Esser, McIntire, Doumit, Kenney, Clements, Edwards, Fromhold, Miloscia, Barlean, Talcott, Ruderman, Conway, Kessler, Ogden, Lovick, Schmidt, O'Brien, Edmonds, Wood and Haigh

AN ACT Relating to the quality of foster care services; amending RCW 74.13.270; adding new sections to chapter 74.13 RCW; and recodifying RCW 74.13.290, 74.14A.050, 74.13.320, 74.13.325, 74.14B.020, 74.13.250, 74.13.310, 74.13.260, 74.13.280, 74.13.285, 74.13.300, 74.13.330, 74.13.270, 74.13.315, 74.13.335, 74.13.340, and 74.14B.080.

Referred to Committee on Children & Family Services.

HB 1250 by Representatives Boldt and Schindler

AN ACT Relating to prohibiting discrimination by government against private entities in contracting with public entities, receiving public funds, having access to public facilities, or participating in public programs; adding a new section to chapter 49.60 RCW; creating new sections; and declaring an emergency.

Referred to Committee on State Government.

HB 1251 by Representative Boldt

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

Referred to Committee on Children & Family Services.

HB 1252 by Representatives Boldt, Mulliken, Schindler and Lambert

AN ACT Relating to faith-based chemical dependency treatment programs; amending RCW 70.96A.020; and adding new sections to chapter 70.96A RCW.

Referred to Committee on Children & Family Services.

HB 1253 by Representatives DeBolt, Morris, Crouse, Poulsen, Ruderman, Casada, Grant, Mastin, Kessler and Delvin

AN ACT Relating to utility relocation costs caused by rapid transit authority activities; and amending RCW 81.112.100.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1254 by Representatives Kessler, Mastin, Reardon, Roach, Cairnes and Morris

AN ACT Relating to a real estate excise tax exemption for land exchanges and sales with the federal government; adding a new section to chapter 82.45 RCW; adding a new section to chapter 82.46 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 1255 by Representatives Cox, Fromhold, Haigh, Schoesler and Hunt

AN ACT Relating to educational service districts; amending RCW 28A.400.240; and reenacting and amending RCW 28A.400.350.

Referred to Committee on Education.

HB 1256 by Representatives Cox, Haigh, Fromhold, Schoesler and Hunt

AN ACT Relating to educational service districts' superintendent review committees; and amending RCW 28A.310.170.

Referred to Committee on Education.

HB 1257 by Representatives Cox, Haigh, Fromhold, Schoesler and Hunt

AN ACT Relating to educational service districts' authority to borrow; and amending RCW 28A.310.200.

Referred to Committee on Education.

HB 1258 by Representatives Grant, Cairnes, O'Brien, Mastin, Reardon, McMorris, Crouse, G. Chandler, Mulliken, Clements, Roach, Edwards, Linville, Kessler, Schual-Berke, Pennington, Morris, Lovick, Lantz, Santos, Van Luven, Schoesler and Schmidt

AN ACT Relating to excluding self-service laundry from the definition of retail sale for excise tax purposes; amending RCW 82.04.050; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1259 by Representatives Tokuda, Boldt, Kagi, Schual-Berke, Kenney, Lambert and Edwards ; by request of Department of Social & Health Services

AN ACT Relating to providing services for persons through twenty years of age, who are or who have been in foster care; amending RCW 74.13.031; and reenacting and amending RCW 74.09.510.

Referred to Committee on Children & Family Services.

HB 1260 by Representatives Lovick, Ballasiotes, O'Brien, Kagi and Haigh

AN ACT Relating to postsecondary courses for inmates; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1261 by Representatives Hatfield, Sump, Doumit, Mulliken, Grant, Schoesler, Kessler, Pennington, Eickmeyer, Clements, Haigh, Lisk, Schindler and Mielke

AN ACT Relating to providing criteria for mandatory updates of shoreline master programs; amending RCW 90.58.060, 90.58.070, 90.58.080, 90.58.090, and 90.58.250; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1262 by Representatives O'Brien, Casada, Doumit, Lambert, Cooper, Simpson, Reardon, Carrell, Quall, Delvin, Lovick, Kagi, Clements, Lisk, Armstrong, Ballasiotes, Conway and Talcott

AN ACT Relating to felony costs of incarceration reimbursements; amending RCW 9.94A.190 and 70.48.410; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1263 by Representatives Doumit, O'Brien, Cooper, Simpson, Casada, Reardon, Carrell, Esser, Barlean, Delvin, Lovick, Ballasiotes, Kagi, Cairnes, Clements, Armstrong and Conway

AN ACT Relating to state reimbursement for certain local criminal justice expenditures; and amending RCW 39.34.180.

Referred to Committee on Appropriations.

HB 1264 by Representatives Lantz, Carrell, Esser, Van Luven and Lambert ; by request of Administrator for the Courts

AN ACT Relating to courts of limited jurisdiction; amending RCW 3.50.810 and 3.46.150; and repealing RCW 3.46.155.

Referred to Committee on Judiciary.

HB 1265 by Representatives Eickmeyer, Dunn, Conway, McIntire, Edmonds and Haigh ; by request of Governor Locke

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

Referred to Committee on Trade & Economic Development.

HB 1266 by Representatives Fisher and Mitchell ; by request of Governor Locke

AN ACT Relating to transportation funding and appropriations; amending 2000 2nd sp.s. c 3 ss 201, 211, 212, 216, 217, 224, 230, 401, 403, 404, and 405 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

HB 1267 by Representatives Fisher, Mitchell and Lambert ; by request of Governor Locke

AN ACT Relating to transportation funding and appropriations; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1268 by Representatives Romero, Campbell, Conway, Kenney, Kessler, Hurst, Keiser, Simpson, Ogden, Lovick, McIntire, Ruderman, O'Brien, Schual-Berke, Poulsen, Kagi, Cody, Edmonds, Wood and Haigh ; by request of Governor Locke

AN ACT Relating to personnel; amending RCW 41.06.030, 41.06.150, 41.06.150, 41.06.022, 41.06.070, 41.06.110, 41.06.160, 41.06.167, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 28B.12.060, 34.05.030, 34.12.020, 41.50.804, 43.06.425, 43.33A.100, 43.131.090, 49.46.010, 41.06.340, 13.40.320, 39.29.006, 41.04.385, 47.46.040, 72.09.100, 41.06.079, 41.06.152, 41.06.152, 41.06.500, 41.06.500, 43.23.010, 49.74.030, 49.74.030, 49.74.040, 49.74.040, and 41.56.201; reenacting and amending RCW 41.04.340; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.06.163, 41.06.165, 41.06.140, 41.50.804, 41.06.520, 41.06.380, 41.06.382, 41.56.023, 41.56.201, 28B.16.015, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; providing effective dates; and providing expiration dates.

Referred to Committee on State Government.

HB 1269 by Representatives Bush and Campbell

AN ACT Relating to hardship waivers for vehicle owners in cases of suspended license vehicle impounds; and amending RCW 46.55.120.

Referred to Committee on Transportation.

HB 1270 by Representatives Woods, Lovick, Ballasiotes, Bush, O'Brien, Cairnes, Rockefeller, Boldt and Conway

AN ACT Relating to limiting access to victims by persons charged with sex offenses; adding a new section to chapter 10.40 RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 72.04A RCW; and adding a new section to chapter 9.95 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1271 by Representatives Ballasiotes, O'Brien, Conway and Woods

AN ACT Relating to modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation; and amending RCW 7.68.060.

Referred to Committee on Criminal Justice & Corrections.

HB 1272 by Representatives Ballasiotes, O'Brien and Conway

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

Referred to Committee on Criminal Justice & Corrections.

HB 1273 by Representatives Esser, Lantz and Lambert

AN ACT Relating to small claims appeals; and amending RCW 12.36.050 and 12.36.055.

Referred to Committee on Judiciary.

HB 1274 by Representatives Lantz and Carrell ; by request of Administrator for the Courts

AN ACT Relating to emancipation of minors; and amending RCW 13.64.040.

Referred to Committee on Judiciary.

HB 1275 by Representatives Lantz and Esser ; by request of Administrator for the Courts

AN ACT Relating to the administrator for the courts; amending RCW 2.56.010, 2.56.020, and 2.56.030; and making an appropriation.

Referred to Committee on Judiciary.

HB 1276 by Representatives Miloscia, McMorris, Haigh, Romero, Schmidt, Lambert, Anderson, Conway, Kenney, Kessler, Simpson, Ogden, Lovick, Morris, McIntire, Ruderman, O'Brien, Edwards and Kagi

AN ACT Relating to the citizens' alliance for government accountability; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on State Government.

HB 1277 by Representatives Bush, Veloria, Van Luven, Kenney, Kirby, Mulliken and Dunshee

AN ACT Relating to residential landlord-tenant relationships; and amending RCW 59.18.060.

Referred to Committee on Local Government & Housing.

HB 1278 by Representatives Bush, Carrell, Casada, DeBolt, Crouse, Benson, Roach, Sump, Pearson, Morell, Pennington, Pflug, Boldt, Schoesler, Cox, Schmidt, Lisk, Buck, McMorris, Delvin, Clements, Dunn, Anderson, G. Chandler, Armstrong, Campbell, Cairnes, Mielke, Talcott, Esser, Van Luven, Woods and Lambert

AN ACT Relating to property tax appeals; amending RCW 84.40.0301; and creating a new section.

Referred to Committee on Finance.

HB 1279 by Representatives Simpson, Cairnes, Santos, Kenney and McIntire

AN ACT Relating to the Washington state day of peace; amending RCW 1.16.050; and creating a new section.

Referred to Committee on State Government.

HB 1280 by Representatives Simpson, Ballasiotes, O'Brien, Cairnes, Lovick, Santos, Armstrong, Campbell and Keiser

AN ACT Relating to ranking the crime of hit and run; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1281 by Representatives Bush, Roach, Cairnes, Morell, Armstrong, Campbell, G. Chandler, Schmidt and Woods

AN ACT Relating to a sales and use tax exemption on clothing; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1282 by Representatives Schmidt and Romero ; by request of Washington Uniform Legislative Commission

AN ACT Relating to the uniform legislation commission; and adding a new section to chapter 43.56 RCW.

Referred to Committee on State Government.

HJR 4203 by Representatives Schindler, Cox, Carrell, Crouse, Ahern, Boldt and B. Chandler

Amending the Constitution to provide for election of supreme court justices from three judicial districts.

Referred to Committee on Judiciary.

HCR 4402 by Representatives Kenney, Cox, Clements, Conway and McIntire; by request of Workforce Training and Education Coordinating Board ; by request of Workforce Training & Education Coordinating Board

Adopting the update to the state comprehensive plan for work force training and education.

Referred to Committee on Commerce & Labor.

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

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

There being no objection, the House adjourned until 10:00 a.m., January 23, 2001, the 16<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Tuesday, January 23, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kristina Smith and Drew Sweatte. The Speaker (Representative Ogden presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Dwayne Deskins, New Life Fellowship, Raymond.

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

**MESSAGE FROM THE SENATE**

January 22, 2001

Mr. Speakers:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**RESOLUTION**

HOUSE RESOLUTION NO. 2001-4605 by Representatives Bush, Campbell, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods

WHEREAS, It is the policy of the Washington state legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Every day school bus drivers, brave souls who are undaunted by the daily challenge of piloting large vehicles packed with unpredictable kids, endeavor to do their best for the well-being of our schools and kids; and

WHEREAS, Cheryl Mooring, of Spanaway, Washington exhibited excellence, self-sacrifice, and honor in taking action to protect the lives and well-being of young people in danger; and

WHEREAS, Cheryl Mooring, an eleven-year veteran Bethel School District bus driver, did her profession proud and made Bethel parents and school officials eternally grateful by quickly rescuing her twenty-two student passengers in a fiery early-morning crash; and

WHEREAS, Cheryl Mooring was involved in the crash that happened about 7 a.m. on a Monday morning on Meridian Avenue East south of Graham, killing the driver of a sport utility vehicle and closing a stretch of the highway for several hours; and

WHEREAS, Cheryl Mooring was pinned in her seat after the crash but managed to free herself in time to immediately evacuate twenty-two Frontier Junior High School students within thirty seconds as the bus filled with smoke; and

WHEREAS, Cheryl Mooring, with the lights out and although her glasses had disappeared and her leg was badly gashed, made her way to the back of the bus with her arms spread out feeling for students in each seat as she went along; and

WHEREAS, By the time fire crews arrived, the sport utility vehicle was engulfed in flames and the fire had spread to the school bus melting seats to the back of the bus; and

WHEREAS, Cheryl Mooring was able to perform her heroic act with the help of several courageous students who assisted her; and

WHEREAS, More tragic injuries may have occurred had the bus not been so well designed, the students so responsive, and the bus driver so well trained and devoted to her passengers' safety; and

WHEREAS, Cheryl Mooring, when asked about her feat, humbly stated, "I knew how many kids I had and I counted them all. I did what I had to do and I didn't even think about it";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor Cheryl Mooring for her dedicated commitment to the young people who ride her school bus and for her heroic act in preserving the health, safety, and lives of the students; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Cheryl Mooring.

Representative Bush moved the adoption of the resolution.

Representatives Bush and Campbell spoke in favor of the adoption of the resolution.

House Resolution No. 4605 was adopted.

### INTRODUCTIONS AND FIRST READING

HB 1283 by Representatives Sommers, Hankins, Ruderman and Kagi; by request of Department of Social and Health Services

AN ACT Relating to department of social and health services' family planning services; adding a new section to chapter 74.09 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1284 by Representatives Morris, Crouse, Reardon, Bush, Cairnes, O'Brien, DeBolt, Casada, Schmidt, Lovick, Mulliken, Delvin, Kessler and Mielke

AN ACT Relating to telecommunications services provided by public utility and rural port districts; and amending RCW 54.16.330 and 53.08.370.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1285 by Representatives Hurst, Delvin, Conway, Cooper, Cairnes, Keiser, O'Brien, Carrell, Simpson, Dickerson, Wood, Schual-Berke, Haigh and Esser

AN ACT Relating to retirement benefits for paramedics; reenacting and amending RCW 41.26.030; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.



HB 1286 by Representatives Lisk, Grant, Sump, Cox, Doumit, G. Chandler, Mulliken, Mielke, Clements, Lambert, Hankins, Pflug, Dunn, B. Chandler, Buck, Cairnes, Pennington, Boldt, Hatfield, Delvin, Armstrong, Skinner, Alexander, Kessler, Pearson, Schmidt, Anderson, Rockefeller and Esser

AN ACT Relating to the use of viable salmon eggs; amending RCW 77.95.210 and 77.95.270; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1287 by Representatives Reardon, Delvin, Hunt, Ruderman, Campbell, Simpson, McIntire, Crouse, Casada, Hankins, Doumit, Mielke, Bush, Quall, Cooper, Haigh, Skinner, Ballasiotes, Morris, Woods, DeBolt, Lambert, O'Brien, Tokuda, Pennington, Hatfield, Fisher, Eickmeyer, Ericksen, Ahern, Anderson, Pflug, Schindler, Dunshee, Ogden, Veloria, Grant, Morell, Romero, Kenney, Schoesler, Barlean, Keiser, Cody, Roach, Miloscia, Dickerson, Esser, Conway, Murray, Edmonds, Edwards, Kessler, Linville, Schmidt, Jackley, Hurst, Kagi and Van Luven

AN ACT Relating to extending the prohibition on mandatory local measured telecommunications service; and amending RCW 80.04.130.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1288 by Representatives Sump, McMorris, Doumit, G. Chandler, Schmidt and Mielke

AN ACT Relating to foster care placement; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 1289 by Representatives Sump, Rockefeller and Mielke

AN ACT Relating to calculating reasonable offset for use when replacing or repurchasing a motor vehicle; and amending RCW 19.118.041.

Referred to Committee on Commerce & Labor.

HB 1290 by Representatives Sump and Eickmeyer

AN ACT Relating to selecting a person with a disability as a member of the fish and wildlife commission; and amending RCW 77.04.030.

Referred to Committee on Natural Resources.

HB 1291 by Representatives Mulliken, Kessler, Mielke and Casada

AN ACT Relating to a use tax exemption of motor homes brought into this state by new residents; amending RCW 82.12.0251; and providing an effective date.

Referred to Committee on Finance.

HB 1292 by Representatives Tokuda, Campbell, Boldt, Miloscia, Kagi, Morell, Darneille and Veloria

AN ACT Relating to chemical dependency; and amending RCW 70.96A.020, 70.96A.050, and 70.96A.140.

Referred to Committee on Children & Family Services.

HB 1293 by Representatives Dunn, Fromhold, Mielke, Hunt, Benson, Miloscia, Roach, Doumit, Schindler, Kagi, Haigh and Esser

AN ACT Relating to real property owners receiving notices from utilities of tenant delinquencies; and amending RCW 35.21.290, 35.67.200, 36.94.150, and 80.28.010.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1294 by Representatives Benson, Dunn, Mielke, Roach, Anderson and Schoesler

AN ACT Relating to payment responsibility for utility service; and amending RCW 35.21.290, 35.67.200, 36.94.150, 57.08.081, and 80.28.010.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1295 by Representatives Dunn, Dunshee, Mielke, Fromhold, Hunt, Miloscia, Roach and Benson

AN ACT Relating to the Washington economic development finance authority; and amending RCW 43.163.130 and 43.163.210.

Referred to Committee on Trade & Economic Development.

HB 1296 by Representatives Hatfield, Benson and McIntire; by request of Insurance Commissioner

AN ACT Relating to restricting the investment of insurers in depository institutions or any company which controls a depository institution; and amending RCW 48.13.030.

Referred to Committee on Financial Institutions & Insurance.

HB 1297 by Representatives Carrell and Esser; by request of Administrator for the Courts

AN ACT Relating to truancy records; and amending RCW 28A.225.035 and 13.50.100.

Referred to Committee on Judiciary.

HB 1298 by Representatives Lantz, Carrell and Esser

AN ACT Relating to small claims collection cost recovery; and amending RCW 12.40.105.

Referred to Committee on Judiciary.

HB 1299 by Representatives Keiser, Ballasiotes, Cody, Kenney, Ruderman, Cairnes, Darneille and Rockefeller

AN ACT Relating to advance health care directives; and adding a new section to chapter 11.94 RCW.

Referred to Committee on Judiciary.

HB 1300 by Representatives Lantz, Carrell and Rockefeller; by request of Administrator of the Courts

AN ACT Relating to judges pro tempore; amending RCW 2.08.180; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 1301 by Representatives Cody, Campbell, Conway, Pennington, Ruderman, Edmonds, Edwards, Kenney, Rockefeller, McIntire and Schual-Berke

AN ACT Relating to requiring uniform prescription drug information cards; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1302 by Representatives Keiser, Clements, Hatfield, Conway, McIntire, Kenney and Santos

AN ACT Relating to cash, checks, and check cashing charges; adding new sections to chapter 49.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1303 by Representatives Fisher, Mitchell, Mielke and Rockefeller; by request of Department of Licensing

AN ACT Relating to special identification cards for persons issued disabled parking permits; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 1304 by Representatives Doumit, Ericksen, Eickmeyer, Jackley, Sump, Pearson and Linville; by request of Department of Fish & Wildlife

AN ACT Relating to providing the fish and wildlife commission authority to issue pamphlet hydraulic project approval; amending RCW 77.15.300; adding a new section to chapter 77.55 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 1305 by Representatives Buck, Rockefeller, Eickmeyer, Jackley, Doumit, Sump, Pearson and Haigh; by request of Department of Fish & Wildlife

AN ACT Relating to liability for damage to property; and amending RCW 4.24.630.

Referred to Committee on Judiciary.

HB 1306 by Representatives Sump, Jackley, Rockefeller, Pearson, Doumit and Eickmeyer; by request of Department of Fish & Wildlife

AN ACT Relating to salmon fishing gear; and amending RCW 77.50.030.

Referred to Committee on Natural Resources.

HB 1307 by Representatives Wood, Clements and Conway; by request of Gambling Commission

AN ACT Relating to cheating at gambling; amending RCW 9.46.196; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1308 by Representatives Benson, O'Brien, Marine, Sump, Ballasiotes, Pearson, Pennington, DeBolt, Esser, Ahern, Bush, Lovick, Clements, Cox, Crouse, Schmidt, Campbell, Woods, Schindler, Santos, Edwards, Mielke, Conway, Rockefeller, Mulliken and Haigh

AN ACT Relating to vehicular homicide; amending RCW 9.94A.030; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1309 by Representatives Edwards, Van Luven, Cody, Skinner, Schual-Berke, O'Brien, Reardon, Mulliken, Dunshee, Pennington, Rockefeller, Eickmeyer, Ruderman, Darneille, Fromhold, Wood, Cooper, Hatfield, Linville, Grant, Keiser, Kenney, McIntire, Campbell, Edmonds and Kagi

AN ACT Relating to the credentialing of hemodialysis technicians; amending RCW 18.135.020 and 18.135.060; creating new sections; and providing an effective date.

Referred to Committee on Health Care.

HB 1310 by Representatives Hatfield, Mitchell, Woods, Mielke, Wood, Hankins, Morell, Santos, Rockefeller, Edmonds and Haigh

AN ACT Relating to subagent service and registration fees; and amending RCW 46.01.140.

Referred to Committee on Transportation.

HB 1311 by Representatives Hankins, Hatfield, Mielke, Woods, Lovick, Fisher, Wood, Simpson, Mitchell, Morell, Santos, Schoesler, Mulliken, Edmonds and Haigh

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

Referred to Committee on Transportation.

HB 1312 by Representatives Armstrong, O'Brien, Schoesler, Veloria, Cox, Quall, Bush, Talcott, Morell, Benson and Simpson

AN ACT Relating to high school graduation requirements; amending RCW 28A.230.090; and creating a new section.

Referred to Committee on Education.

HB 1313 by Representatives Cox, Kenney, Lantz, Dunn, Rockefeller and Haigh; by request of Workforce Training & Education Coordinating Board

AN ACT Relating to liability and licensure of private vocational schools; and amending RCW 28C.10.050, 28C.10.084, and 28C.10.110.

Referred to Committee on Higher Education.

HB 1314 by Representatives Sommers and Sehlin; by request of Governor Locke

AN ACT Relating to fiscal matters; amending 1999 c 309 ss 111, 119, 130, 133, 134, 138, 708, and 803 (uncodified); amending 1999 c 379 ss 112 and 758 (uncodified); amending 2000 2nd sp.s. c 1 ss 107, 109, 112, 114, 115, 129, 117, 124, 126, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 214, 216, 219, 220, 221, 222, 301, 302, 304, 305, 306, 401, 402, 502, 503, 504, 505, 507, 508, 509, 510, 511, 512, 514, 515, 516, 517, 518, 519, 602, 604, 703, 704, 714, 717, 721, 730, 802, and 1013 (uncodified); adding new sections to 1999 c 309 (uncodified); adding a new section to 1999 c 379 (uncodified); making appropriations; authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1315 by Representatives Sommers and Sehlin; by request of Governor Locke

AN ACT Relating to fiscal matters; amending RCW 43.320.130, 41.45.030, 43.08.250, 43.72.902, 72.11.040, and 69.50.520; reenacting and amending RCW 41.45.060 and 43.135.045; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1316 by Representatives Schindler, O'Brien, Boldt, Sump, Lovick, Miloscia, Mulliken, Lambert, Benson, Mielke, Ahern, Ericksen, McMorris, Carrell and Esser

AN ACT Relating to the safety and well-being of children; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.015, 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, 9.68.130, 9.68A.140, 9.68A.150, and 9.68A.160; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1317 by Representatives Ballasiotes and Morell

AN ACT Relating to the emergency administration of epinephrine; and amending RCW 18.73.250.

Referred to Committee on Health Care.

HB 1318 by Representatives Cody, Ballasiotes, Schual-Berke, Campbell, Tokuda, Kagi, Edmonds, Keiser, Santos, Edwards, Veloria and McIntire

AN ACT Relating to psychiatric outpatient commitment; amending RCW 71.05.020; and adding new sections to chapter 71.05 RCW.

Referred to Committee on Health Care.

HB 1319 by Representatives Campbell, Cody, Santos, Edwards, Conway, Morell, Roach, Marine, Barlean, Veloria, Schmidt, Lambert, Pearson, Mielke, McIntire, Bush, Kagi, Pennington and Esser

AN ACT Relating to prescription drugs; and creating a new section.

Referred to Committee on Health Care.

HB 1320 by Representatives Edmonds, Skinner, Pennington, Cody, Gombosky, Campbell, Darneille, Ruderman, Conway, Schual-Berke, Edwards, Mielke, Linville, Kenney, Jackley and Kagi

AN ACT Relating to adult family homes; amending RCW 18.52C.020, 70.24.017, 70.128.007, 70.128.010, 70.128.090, 70.128.100, 70.128.120, 70.128.125, and 70.128.160; adding new sections to chapter 70.128 RCW; adding a new section to chapter 69.06 RCW; adding a new section to chapter 74.39A RCW; and repealing RCW 70.128.061 and 70.128.062.

Referred to Committee on Health Care.

HB 1321 by Representatives McIntire, Bush, Benson, Hatfield, Keiser, Kessler, O'Brien, Hunt, Schmidt, Simpson, Conway, Kenney, Roach, Rockefeller, Edmonds, Wood, Jackley, Schual-Berke, Kagi, Haigh and Ruderman

AN ACT Relating to identity theft; amending RCW 19.16.250, 9.35.010, 9.35.020, and 9.35.030; adding new sections to chapter 9.35 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1322 by Representatives Morris and Linville

AN ACT Relating to sales and use tax exemptions of liquified petroleum gas for home heating; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1323 by Representatives Schmidt, Conway, Talcott, Haigh, Linville, Rockefeller, Wood and Van Luvan

AN ACT Relating to constructing replacement nursing care beds for veterans; and making an appropriation.

Referred to Committee on Appropriations.

HB 1324 by Representatives Conway, Campbell, Wood, Kenney and Hunt

AN ACT Relating to expanding membership of the electrical board by appointment of one outside line worker; amending RCW 19.28.311; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1325 by Representatives Schmidt, Conway, Haigh, Bush, Talcott, Romero, Mielke, Anderson, Rockefeller, Campbell and Wood; by request of Joint Select Commission on Veterans & Military Affairs

AN ACT Relating to the joint committee on veterans' and military affairs; and adding a new section to chapter 73.04 RCW.

Referred to Committee on State Government.

HB 1326 by Representatives Schmidt, Conway, Talcott, Haigh, Mielke, Bush, Kenney and Campbell by request of Joint Select Commission on Veterans & Military Affairs

AN ACT Relating to the definition of veteran; amending RCW 41.04.005, 46.20.027, 41.04.010, 72.36.035, 73.04.090, 73.08.010, 73.08.060, 73.08.070, and 73.24.030; adding a new section to chapter 41.04 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1327 by Representatives Miloscia, Mulliken, Dunshee, Schoesler and Doumit

AN ACT Relating to water-sewer district general comprehensive plans; and amending RCW 57.16.010.

Referred to Committee on Local Government & Housing.

HB 1328 by Representatives Cody, Campbell, Conway, Schual-Berke, Talcott, Keiser, Santos, Edwards, Kenney, Veloria, Lovick and Edmonds

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

Referred to Committee on Health Care.

HJR 4204 by Representatives Ericksen, Jackley, Pennington, Sump, Cairnes, G. Chandler, Clements, Eickmeyer, B. Chandler, McMorris, Mulliken, Schindler, Roach, Schoesler, Lovick, Pearson and Mielke

AN ACT Relating to adding the right to hunt and fish to the Washington state Constitution.

Referred to Committee on Natural Resources.

HJR 4205 by Representatives Lantz, Carrell, Rockefeller and Lovick; by request of Administrator for the Courts

AN ACT Relating to amending the Constitution regarding the use of judges pro tempore.

Referred to Committee on Judiciary.

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

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

There being no objection, the House adjourned until 9:55 a.m., January 24, 2001, the 17<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SEVENTEENTH DAY

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MORNING SESSION

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House Chamber, Olympia, Wednesday, January 24, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Morell presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1329 by Representatives Cairnes, Morris, Santos, Pennington, Reardon, Linville, Van Luven, Cooper, Roach and Morell

AN ACT Relating to tax exemptions for sales of food products sold through vending machines for human consumption; and amending RCW 82.08.0293 and 82.12.0293.

Referred to Committee on Finance.

HB 1330 by Representatives Wood, Conway, Hunt, Kenney, Keiser, Simpson, Cooper, McIntire and Schual-Berke

AN ACT Relating to industrial insurance benefits paid during appeal; amending RCW 51.52.050; reenacting and amending RCW 51.52.060; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1331 by Representatives Ericksen and Schmidt

AN ACT Relating to the time for signing absentee and mail ballots; and amending RCW 29.36.060 and 29.36.139.

Referred to Committee on State Government.

HB 1332 by Representative Ericksen

AN ACT Relating to business and occupation taxation; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1333 by Representatives Cooper, Cairnes, Simpson, Van Luven and Campbell

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

Referred to Committee on Commerce & Labor.



HB 1334by Representatives Miloscia, Wood, Lantz, Keiser and Santos

AN ACT Relating to using a personal wireless phone while driving; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 1335by Representatives Miloscia and O'Brien

AN ACT Relating to the collection of DNA samples from convicted felons; amending RCW 43.43.754; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1336by Representatives Miloscia, Veloria and Santos

AN ACT Relating to humanitarian relief and assistance; amending RCW 82.08.020; adding a new section to chapter 43.01 RCW; creating a new section; and providing for submission of this act to a vote of the people.

Referred to Committee on Trade & Economic Development.

HB 1337by Representatives Kagi, Delvin and Dickerson; by request of Department of Social & Health Services

AN ACT Relating to the chemical dependency disposition alternative; and amending RCW 13.40.165.

Referred to Committee on Juvenile Justice.

HB 1338by Representatives Tokuda, O'Brien, Boldt, Simpson, Wood, Edmonds, Kenney, Kagi, Schual-Berke and Santos; by request of Department of Community, Trade & Economic Development

AN ACT Relating to creating a developmental disabilities ombudsman; amending RCW 43.190.060 and 43.06A.030; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1339by Representatives Linville, Ericksen, Barlean and Van Luven; by request of Department of Revenue

AN ACT Relating to providing equity in the taxation of farmers; amending RCW 82.04.100, 82.04.213, 82.04.330, 82.08.0259, 82.12.0261, 82.19.040, and 82.19.050; and repealing 82.08.0294 and 82.12.0294.

Referred to Committee on Finance.

HB 1340by Representative Linville

AN ACT Relating to water conservancy boards; amending RCW 90.80.100 and 90.80.080; and adding a new section to chapter 90.80 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1341 by Representatives Campbell, Conway, Boldt, Ruderman and Van Luven; by request of Department of Social & Health Services

AN ACT Relating to increasing community residential options for nursing facility eligible clients; amending RCW 74.09.700; and adding a new section to chapter 74.39 RCW.

Referred to Committee on Health Care.

HB 1342 by Representatives Sommers, Sehlin, Kenney, Lisk and Alexander; by request of Department of General Administration

AN ACT Relating to consolidating funds within the general administration services account; amending RCW 43.19.025 and 43.19.1923; and repealing RCW 39.35C.110.

Referred to Committee on Appropriations.

HB 1343 by Representatives Keiser, Cairnes, Conway, Lantz, Reardon, McIntire, Kenney, Dunshee, Wood, Schual-Berke and Santos

AN ACT Relating to the selection of responsible contractors bidding on public works; and adding a new chapter to Title 39 RCW.

Referred to Committee on State Government.

HB 1344 by Representatives Dickerson, Tokuda, Ballasiotes, Kagi and Kenney

AN ACT Relating to the definition of negligent treatment or maltreatment; and amending RCW 26.44.020.

Referred to Committee on Children & Family Services.

HB 1345 by Representatives Dickerson, Clements, Romero and Miloscia

AN ACT Relating to state agency personal service contracting practices; amending RCW 39.29.040; adding new sections to chapter 39.29 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1346 by Representatives Dickerson, Tokuda, Kenney, Kagi and Santos

AN ACT Relating to foreign children entering the United States for medical care; and amending RCW 74.15.020.

Referred to Committee on Children & Family Services.

HB 1347 by Representatives Benson and Hatfield

AN ACT Relating to creating the structured settlement protection act; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1348 by Representatives Quall, Talcott, Haigh, O'Brien, Dunshee, McDermott, Ruderman, Schual-Berke, Keiser, Schmidt and Santos

AN ACT Relating to enrollment options for children of certificated employees; reenacting and amending RCW 28A.225.220; and creating a new section.

Referred to Committee on Education.

HB 1349 by Representatives Kessler, Buck, Morris, Sehlin, Linville and Rockefeller

AN ACT Relating to funding for removal and disposal of derelict vessels; amending RCW 70.105D.070; and creating a new section.

Referred to Committee on Appropriations.

HB 1350 by Representatives G. Chandler and Linville

AN ACT Relating to appeals of water right decisions regarding water rights subject to a general stream adjudication; reenacting and amending RCW 43.21B.110 and 34.05.514; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1351 by Representatives Campbell, Grant, Darneille, Boldt and Miloscia

AN ACT Relating to disclosure of adoption information; amending RCW 26.33.340 and 26.33.345; and providing an effective date.

Referred to Committee on Children & Family Services.

HB 1352 by Representatives McMorris, Schmidt, McDermott, Schindler, Haigh, Lambert and Miloscia; by request of Public Disclosure Commission

AN ACT Relating to correcting inaccurate or procedurally obsolete provisions in the public disclosure commission law; amending RCW 42.17.020, 42.17.090, and 42.17.380; and repealing RCW 42.17.700.

Referred to Committee on State Government.

HB 1353 by Representatives McDermott, Haigh, Schmidt and Miloscia; by request of Public Disclosure Commission

AN ACT Relating to penalties for violation of the campaign finance and contribution limits, lobbying, political advertising, and public officials' financial affairs reporting subdivisions of the public disclosure act; amending RCW 42.17.390 and 42.17.395; adding a new section to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on State Government.

HB 1354 by Representatives McDermott, Haigh, Schmidt, Lambert, Miloscia, Keiser and Schual-Berke; by request of Public Disclosure Commission

AN ACT Relating to special reporting of independent expenditures and contributions occurring in close proximity to elections; amending RCW 42.17.105 and 42.17.175; adding a new section to chapter 42.17 RCW; and providing an effective date.

Referred to Committee on State Government.

HB 1355 by Representatives Miloscia, Lambert, Ruderman, Van Luven and Schmidt; by request of Governor Locke

AN ACT Relating to the elimination of boards and commissions; amending RCW 41.60.150, 70.95.030, and 70.105D.030; reenacting and amending RCW 43.20A.360; adding a new section to chapter 18.48 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 70.95 RCW; adding a new section to chapter 70.105D RCW; creating new sections; repealing RCW 18.48.060, 41.60.010, 41.60.015, 41.60.020, 41.60.030, 41.60.041, 41.60.050, 41.60.080, 41.60.100, 41.60.110, 41.60.120, 41.60.160, 41.60.910, 41.60.911, 43.20A.370, 43.20A.375, 43.20A.380, 50.67.010, 50.67.020, 50.67.030, 70.95.040, 70.95.050, 77.70.030, and 77.70.270; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1356 by Representatives Tokuda and Boldt; by request of Governor Locke

AN ACT Relating to the simplification of public assistance asset tests; and amending RCW 74.04.005 and 74.13.0903.

Referred to Committee on Children & Family Services.

HB 1357 by Representatives Fromhold, Ogden and Dunn

AN ACT Relating to sale of a mobile home, manufactured home, park model, or personal property after eviction of the owner from mobile home lot; and adding a new section to chapter 60.72 RCW.

Referred to Committee on Local Government & Housing.

HB 1358 by Representatives Alexander, Murray and McIntire; by request of Governor Locke

AN ACT Relating to state general obligation bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1359 by Representatives Alexander, Murray and McIntire; by request of Governor Locke

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1360 by Representatives Edmonds, Pennington, Kagi and Santos

AN ACT Relating to physical therapist assistants; amending RCW 18.74.010, 18.74.020, 18.74.040, 18.74.060, 18.74.070, 18.74.090, and 18.74.120; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health Care.

HB 1361 by Representatives Jackley, Cairnes and Dunshee; by request of Department of Revenue

AN ACT Relating to simplifying excise tax application and administration; amending RCW 11.02.005, 82.04.2635, 82.04.2907, 82.08.0287, 82.12.0282, 82.12.834, 82.14.055, 82.27.020, 82.32.410, 82.32.430, 82.62.010, 82.62.030, 82.62.050, 83.100.020, and 84.33.200; adding a new section to chapter 82.16 RCW; adding a new section to chapter 84.33 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1362 by Representatives Edmonds, Boldt, Dunshee, Rockefeller, Hunt, O'Brien, Darneille and Hatfield; by request of Department of Community, Trade & Economic Development

AN ACT Relating to removal of competitive grant requirements for community mobilization; amending RCW 43.270.010, 43.270.020, 43.270.070, and 43.270.080; and repealing RCW 43.270.030, 43.270.050, and 43.270.060.

Referred to Committee on Children & Family Services.

HB 1363 by Representatives Cairnes and Cooper; by request of Department of Community, Trade & Economic Development

AN ACT Relating to increasing the building code council fee; and amending RCW 19.27.085.

Referred to Committee on Local Government & Housing.

HB 1364 by Representatives Pflug, Edmonds, Cody, Campbell, Boldt, Doumit, Pennington and Schual-Berke

AN ACT Relating to general anesthesia services; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

HB 1365 by Representatives Doumit, Pflug, Tokuda, Boldt, Pennington, Rockefeller, Hatfield, Eickmeyer, Campbell, Edwards, Cairnes, Murray, Cody, Jackley, Mastin, Kirby, Buck, Kessler, Chopp, McIntire, Grant, Morris, Lisk, Ruderman, Van Luven, Kenney, Conway, Kagi and Schual-Berke

AN ACT Relating to recalled infant and child products; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Children & Family Services.

HB 1366 by Representatives Hatfield, Benson and Keiser; by request of Financial Institutions

AN ACT Relating to credit unions; amending RCW 31.12.005, 31.12.065, 31.12.085, 31.12.105, 31.12.115, 31.12.225, 31.12.235, 31.12.255, 31.12.267, 31.12.326, 31.12.335, 31.12.365, 31.12.367, 31.12.402,

31.12.404, 31.12.426, 31.12.428, 31.12.436, 31.12.438, 31.12.461, 31.12.464, 31.12.467, 31.12.471, 31.12.474, 31.12.516, 31.12.545, 31.12.565, 31.12.567, 31.12.569, 31.12.571, 31.12.575, 31.12.585, 31.12.595, 31.12.625, 31.13.010, and 31.13.020; adding a new section to chapter 31.12 RCW; decodifying RCW 31.13.900; and repealing RCW 31.12.275, 31.12.407, 31.12.445, 31.12.448, 31.12.555, 31.12.605, 31.12.615, 31.12.627, 31.13.030, 31.13.040, and 31.13.050.

Referred to Committee on Financial Institutions & Insurance.

HB 1367 by Representatives Esser, McDermott, Lovick and Benson; by request of Office of the Code Reviser

AN ACT Relating to correction of outdated references and double amendments in the Revised Code of Washington; amending RCW 29.24.035, 34.05.660, 42.17.316, 46.16.065, 46.16.374, 46.61.524, 46.70.029, 46.70.180, 46.79.010, 46.79.020, 46.79.110, 46.80.030, 47.46.040, and 82.80.020; and reenacting RCW 46.20.285.

Referred to Committee on Judiciary.

HB 1368 by Representatives Esser, McDermott and Lovick; by request of Office of the Code Reviser

AN ACT Relating to technical corrections to natural resource laws under the authority of RCW 1.08.025; adding a new section to chapter 77.55 RCW; and recodifying RCW 77.16.220.

Referred to Committee on Judiciary.

HB 1369 by Representatives Esser, McDermott and Lovick; by request of Office of the Code Reviser

AN ACT Relating to making technical corrections concerning electricians and electrical installations under the authority of RCW 1.08.025; and amending RCW 19.28.006, 19.28.010, 19.28.041, 19.28.051, 19.28.071, 19.28.091, 19.28.121, 19.28.131, 19.28.141, 19.28.151, 19.28.171, 19.28.181, 19.28.201, 19.28.211, 19.28.221, 19.28.231, 19.28.241, 19.28.251, 19.28.261, 19.28.271, and 19.28.321.

Referred to Committee on Judiciary.

HB 1370 by Representatives Jackley, Morell, Eickmeyer, Bush, Benson, Rockefeller, Schindler, Conway, Hurst, Mulliken and Campbell; by request of Governor Locke

AN ACT Relating to precursor drugs; amending RCW 69.43.010, 69.43.020, 69.43.040, and 69.43.090; adding new sections to chapter 69.43 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1371 by Representatives Morell, O'Brien, Woods, Bush, Cooper, Haigh, Simpson, Armstrong, Ahern, Lovick, Marine, Anderson, Pearson, Benson, Keiser, Conway, Hurst, Santos and Campbell

AN ACT Relating to participation in health care authority insurance plans and contracts by surviving spouses and dependent children of emergency service personnel killed in the line of duty; amending RCW 41.05.011 and 41.05.080; reenacting and amending RCW 41.05.011; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1372 by Representatives Kenney, Cox, Dunn, Jarrett, Kessler, Tokuda, Fromhold, Skinner, Ruderman, Santos, Gombosky, Lantz and Wood

AN ACT Relating to increasing access to education for recipients of temporary assistance for needy families; amending RCW 74.08A.250; adding new sections to chapter 74.08A RCW; and creating new sections.

Referred to Committee on Children & Family Services.

HB 1373 by Representatives B. Chandler, Clements, McMorris and Lisk

AN ACT Relating to certificates of competency for specialty electricians; and amending RCW 19.28.161 and 19.28.191.

Referred to Committee on Commerce & Labor.

HB 1374 by Representatives Mulliken, Mielke, Crouse, Sump, Dunn, DeBolt, Hatfield, Delvin, Van Luven, B. Chandler, Bush, McMorris, Boldt and Schindler

AN ACT Relating to requiring the department of ecology to repeal the recently adopted shoreline master program guidelines; adding a new section to chapter 90.58 RCW; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 1375 by Representatives Miloscia and Cox; by request of Governor Locke

AN ACT Relating to reauthorizing the expedited rule adoption process; amending RCW 34.05.230; adding a new section to chapter 34.05 RCW; and repealing RCW 34.05.354.

Referred to Committee on State Government.

HB 1376 by Representatives Armstrong, McDermott, McMorris, Schmidt, Haigh and Woods; by request of Department of Veterans Affairs

AN ACT Relating to certain personnel in the department of veterans affairs; and amending RCW 41.06.077.

Referred to Committee on State Government.

HB 1377 by Representatives Santos, DeBolt, Gombosky, Anderson, Ruderman, Benson, Veloria, Hatfield, Keiser, Wood and Kenney

AN ACT Relating to community development financial institutions; adding a new section to chapter 82.04 RCW; adding a new section to chapter 48.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

HB 1378 by Representatives Santos, Cox, Keiser, Quall, McDermott, Talcott, Simpson, Schmidt, Schual-Berke, Lovick, Wood, O'Brien, Kenney, Conway and Jackley

AN ACT Relating to parental and community involvement grants; adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 1379 by Representatives Cody, Sommers, Benson and Kagi; by request of Department of Social & Health Services

AN ACT Relating to adjusting nursing home payments to enhance direct care; amending RCW 74.46.165, 74.46.410, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.501, 74.46.515, 74.46.521, and 74.46.711; reenacting and amending RCW 74.46.506 and 74.46.511; adding a new section to chapter 74.46 RCW; creating a new section; repealing RCW 74.46.280 and 74.46.908; providing effective dates; and declaring an emergency.

Referred to Committee on Health Care.

HB 1380 by Representatives Quall, Talcott, Haigh and Cox; by request of Superintendent of Public Instruction

AN ACT Relating to changing the timelines for the science and social studies academic assessments; and amending RCW 28A.655.060.

Referred to Committee on Education.

HB 1381 by Representatives Mulliken, Rockefeller, G. Chandler, Skinner, Dunn, Lantz, Doumit, Cox, Keiser, Pearson, Schoesler, Ruderman, Schual-Berke and Lambert

AN ACT Relating to identification of students at institutions of higher education; adding a new section to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Higher Education.

HB 1382 by Representatives Cooper, Dunshee, McIntire, Simpson, Conway, Kenney and Reardon

AN ACT Relating to energy facilities subject to the energy facility site evaluation council; and amending RCW 80.50.020.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1383 by Representatives Campbell, Schual-Berke, Skinner and Cody

AN ACT Relating to third party administrators; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1384 by Representatives Romero, McMorris, Simpson, Conway, Miloscia, Haigh, Schmidt, Clements, Delvin, Hunt, Lambert, Benson and Schindler; by request of State Auditor

AN ACT Relating to clarifying the circumstances under which the governing body of a public agency may hold an executive session to discuss litigation; amending RCW 42.30.110 and 42.32.030; adding new sections to chapter 42.30 RCW; and recodifying RCW 42.32.030.



Referred to Committee on State Government.

HB 1385 by Representatives Reardon and Pennington; by request of Department of Revenue

AN ACT Relating to excise tax treatment of linen and uniform supply services; amending RCW 82.14.020; adding a new section to chapter 82.08 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1386 by Representatives Marine, Cooper, Mielke, Lovick and Morell

AN ACT Relating to prohibiting the sale of alcohol on state ferries; adding a new section to chapter 66.28 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 1387 by Representatives Reardon, Pennington, Dunn, Fromhold, Morris, Lovick, Schmidt, Cooper, Conway, Linville, Wood, Benson, Quall, Ericksen, Hankins and Delvin

AN ACT Relating to public facilities districts; amending RCW 35.57.010, 35.57.020, and 82.14.390; and adding a new section to chapter 36.100 RCW.

Referred to Committee on Trade & Economic Development.

HCR 4403 by Representatives Pennington, Ogden and Benson

Remembering former legislators.

Held on First Reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., January 25, 2001, the 18<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
EIGHTEENTH DAY

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MORNING SESSION

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House Chamber, Olympia, Thursday, January 25, 2001

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

The flag was escorted to the rostrum by the Washington National Guard Color Guard. Prayer was offered by Chaplain Christopher Lensch, Washington Air National Guard.

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

**MESSAGE FROM SNOHOMISH COUNTY COMMISSIONERS**

January 24, 2001

The Honorable Co-Speakers  
House of Representatives  
P.O. Box 40600  
Olympia WA 98504-0600

Dear Mr. Speakers:

The Snohomish County Council, after thoughtful deliberation, has unanimously selected Jean Berkey to fill the position of 38<sup>th</sup> District State Representative, effective January 22, 2001.

Sincerely,

Dave Somers, Chair  
Snohomish County Council

**OATH OF OFFICE**

Speaker Chopp requested Representative-Appointee Jean Berkey to approach the Rostrum. Supreme Court Justice Susan Owens administered the Oath of Office to Representative Berkey. The Sergeant at Arms escorted Representative Berkey to her seat on the floor of the Chamber.

**INTRODUCTIONS AND FIRST READING**

HB 1388 by Representatives Ruderman, Campbell, Cody, Conway, Edmonds, Edwards, Dickerson and McIntire

AN ACT Relating to naturopathic physicians; amending RCW 18.36A.010, 18.36A.020, 18.36A.030, 18.36A.040, 18.36A.050, 18.36A.070, 18.06.050, 18.74.010, 18.120.020, 18.130.040, and 43.70.470; adding new sections to chapter 18.36A RCW; adding a new section to chapter 19.68 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

HB 1389 by Representatives Talcott, Lovick, Armstrong, Haigh, Schmidt, Keiser, Woods, McDermott, Clements, Jackley, Marine, Simpson, Jarrett, Ogden, Edmonds, Lantz, Alexander, Carrell, Kagi, Kenney, Quall, O'Brien, Mulliken, Fromhold, Conway, Morell, Sump, Miloscia, McIntire, Esser, Pearson and Kessler

AN ACT Relating to recognition for teachers certified by the national board for professional teaching standards; adding new sections to chapter 28A.405 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 1390 by Representatives Cody, Pflug, Ogden, Edmonds, Lantz, Linville, Tokuda, Kagi, Kenney, McMorris, Van Luven, Cooper, Dickerson, O'Brien, Hunt, Haigh, Conway, Lovick, Keiser, Casada, Morell, Voloria, Miloscia, Simpson, McIntire, Schual-Berke, Ruderman, Esser, Wood, Santos, McDermott and Kessler; by request of Governor Locke

AN ACT Relating to health care benefits for individuals with disabilities; amending RCW 74.09.035; reenacting and amending RCW 74.09.510; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1391 by Representatives Kessler and Mastin

AN ACT Relating to statutory committees of the legislature; amending RCW 44.28.060, 44.28.065, 44.44.030, 44.48.120, 44.68.040, and 44.68.050; adding a new section to chapter 44.04 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 44.48 RCW; and adding a new section to chapter 44.68 RCW.

Referred to Committee on State Government.

HB 1392 by Representatives Armstrong, G. Chandler, Mielke, Ahern, Schoesler, McMorris and Clements

AN ACT Relating to trust water rights; and amending RCW 90.14.140, 90.38.020, 90.38.040, 90.42.040, and 90.42.080.

Referred to Committee on Agriculture & Ecology.

HB 1393 by Representatives Rockefeller, Morris, Talcott, Dunshee, Jackley, Edmonds, Benson, Lantz, Kagi, Kenney, Dickerson, O'Brien, Conway, Keiser, Casada and Simpson

AN ACT Relating to property tax relief for senior citizens and persons retired because of physical disability; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Finance.

HB 1394 by Representatives Eickmeyer, Schoesler, Rockefeller, Sump, Jackley, Kessler, Cox and Dunshee

AN ACT Relating to clarifying the use of county road funds in salmon recovery projects; amending RCW 36.79.140 and 36.82.070; and creating a new section.

Referred to Committee on Transportation.

HB 1395 by Representatives Eickmeyer, Buck, Sump, Doumit, Kessler, Jackley, Van Luven, Haigh, Dunn, Murray, Edwards, Veloria, Romero, Hatfield, Pennington, Hunt, Ruderman, Linville, O'Brien, Conway and Santos

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

Referred to Committee on Local Government & Housing.

HB 1396 by Representatives Dickerson, Dunshee, Romero and Kenney

AN ACT Relating to the aerial application of pesticides; and amending RCW 15.58.065, 15.58.060, and 15.58.150.

Referred to Committee on Agriculture & Ecology.

HB 1397 by Representatives Tokuda, Boldt, Kagi, Benson, Kenney, Cody, Schual-Berke and Santos

AN ACT Relating to children placed in the care of relatives; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1398 by Representatives Morris, Barlean, Lovick, O'Brien, Conway, Keiser, Roach, Bush, Simpson, Esser, Rockefeller and Kessler

AN ACT Relating to enhancing the penalties for crimes against law enforcement officers; amending RCW 9.94A.390, 9A.36.031, 9A.48.070, and 9A.48.080; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1399 by Representatives Kenney, Cox, Fromhold, Skinner, Santos, Talcott, Quall, Hunt, Delvin, McDermott, Romero, Tokuda, Darneille, Keiser, Edwards, Veloria, Gombosky, McIntire, Kagi, Haigh, Conway, Casada, Rockefeller and Kessler

AN ACT Relating to conditional scholarships for future bilingual and English as a second language teachers; amending RCW 28B.102.020 and 28B.102.050; and adding a new section to chapter 28B.102 RCW.

Referred to Committee on Higher Education.

HB 1400 by Representatives Romero, Talcott, Quall, Hunt, Keiser, Rockefeller, Linville, Haigh and Schual-Berke

AN ACT Relating to cooperating teachers; adding a new section to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on Education.

HB 1401 by Representatives Carrell, Ballasiotes, Lambert, O'Brien, Armstrong, Boldt, Marine, Mulliken, Delvin, Hurst, Talcott, Schindler and Mielke

AN ACT Relating to false accusations of child abuse or neglect; amending RCW 26.09.191; adding new sections to chapter 26.44 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1402 by Representatives Pflug, Romero, Cairnes, Anderson, Jarrett, Boldt, Campbell, Doumit, Morris, Hatfield, Linville, Kagi, Grant, Haigh, Conway, Keiser, Bush, Lisk, Esser and Rockefeller

AN ACT Relating to commercial telephone solicitation; amending RCW 19.158.110; adding a new section to chapter 80.01 RCW; adding a new section to chapter 19.158 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1403 by Representatives DeBolt, Poulsen, Crouse, Linville, Mielke, Kenney, Van Luven, Cooper, O'Brien, Campbell, Keiser, Roach, Bush, Morell, Berkey, Miloscia, McIntire, Esser, Rockefeller, McDermott and Kessler; by request of Governor Locke

AN ACT Relating to the improvement of energy efficiency in state-funded public buildings through adoption of energy efficiency standards for new buildings, energy audits of existing state-funded public buildings, and performance-based energy service contracting; amending RCW 39.35.010, 39.35.030, 39.35.050, 39.35A.020, 39.35C.010, 39.35C.020, 43.19.668, 43.19.669, 43.19.670, 43.19.675, and 43.19.680; adding a new section to chapter 39.35A RCW; creating new sections; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1404 by Representatives Casada, Poulsen, Crouse, Ogden, Linville, Kagi, Hatfield, Van Luven, Cooper, Dickerson, O'Brien, Campbell, Conway, Roach, Bush, Lisk, Berkey, Miloscia and Kessler; by request of Governor Locke

AN ACT Relating to tax credits for new facilities that provide electricity for direct service industrial customers; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1405 by Representatives Anderson, Poulsen, Crouse, Linville, Kagi, Hatfield, Van Luven, Cooper, O'Brien, Campbell, Roach, Bush, Lisk, Berkey, Miloscia and Kessler; by request of Governor Locke

AN ACT Relating to extending eligibility for the public utility tax deduction for facilities generating energy from cogeneration; and amending RCW 82.16.055.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1406 by Representatives Esser, Poulsen, Crouse, Linville, Kagi, Kenney, Hatfield, Van Luven, Cooper, Campbell, Roach, Bush, Berkey, Miloscia, Rockefeller and Kessler; by request of Governor Locke

AN ACT Relating to providing sales and use tax exemptions for air pollution control facilities acquired or installed by a light and power business at thermal electric peaking plants; and adding a new section to chapter 82.34 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1407 by Representatives Fisher and Mitchell; by request of; by request of Department of Licensing

AN ACT Relating to the taxation of fuel; and amending RCW 82.36.010, 82.36.020, 82.36.026, 82.38.020, 82.38.030, and 82.38.035.

Referred to Committee on Transportation.

HB 1408 by Representatives Reardon, Talcott, Schmidt, Conway, Haigh, Bush, Mielke, Hatfield, Campbell, Barlean, Berkey and Rockefeller; by request of Joint Select Commission on Veterans & Military Affairs

AN ACT Relating to a property tax exemption for widows or widowers of honorably discharged veterans; amending RCW 84.36.379, 84.36.383, 84.36.385, 84.36.387, 84.36.389, and 84.04.030; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1409 by Representatives Quall, Cox, Schual-Berke, Ogden, Kenney, Edmonds, Lantz, Kagi, McIntire, Ruderman and Rockefeller

AN ACT Relating to prohibition of smoking in residence halls at public institutions of higher education; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper and McIntire

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on First Reading.

HB 1411 by Representatives Veloria, Pennington, Cody, Campbell, Romero, Kenney, Keiser, Schual-Berke, Santos, Dunn, Linville, Boldt, Tokuda, Kagi, Cooper, McIntire and Rockefeller

AN ACT Relating to public notification of releases of hazardous substances; amending RCW 70.105.005 and 70.105D.010; adding a new section to chapter 70.105 RCW; adding a new section to chapter 70.105D RCW; and providing an effective date.

Referred to Committee on Agriculture & Ecology.

HB 1412 by Representatives Ahern, Gombosky, Dunn, Mielke, Cairnes, Lovick, Mulliken, Roach, Woods, Morell, Esser, Armstrong, Schoesler, Barlean, Benson, Schindler, Crouse, B. Chandler, Bush, O'Brien, Pflug, Cox, Pearson, Anderson, McMorris, G. Chandler, Lisk, Clements, Alexander and Conway

AN ACT Relating to increasing penalties for sexually motivated crimes; reenacting and amending RCW 9.94A.310 and 9.94A.320; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1413 by Representatives Quall, Schmidt, Ogden, Lantz, Kagi, Kenney, Haigh, Conway, Lovick, Keiser, Miloscia, Simpson, McIntire, Wood and Kessler; by request of Governor Locke

AN ACT Relating to salary bonuses for teachers attaining certification by the national board for professional teaching standards; adding a new section to chapter 28A.405 RCW; and creating a new section.

Referred to Committee on Education.

HB 1414 by Representatives Schindler, McMorris and Lambert

AN ACT Relating to establishing a data base for voter registration purposes; amending RCW 29.10.185, 29.10.020, 29.10.051, 29.10.110, 29.10.180, 29.10.071, 11.88.010, and 36.22.200; adding a new section to chapter 29.10 RCW; adding a new section to chapter 72.09 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 1415 by Representatives Lantz, Boldt, Dickerson, Simpson, Rockefeller and Kessler; by request of Administrator for the Courts

AN ACT Relating to optional authorization of mandatory arbitration for civil actions; amending RCW 7.06.010, 7.06.040, 7.06.050, and 3.62.060; and reenacting and amending RCW 7.06.020.

Referred to Committee on Judiciary.

HB 1416 by Representatives Conway and Clements

AN ACT Relating to retaining funds in the public works administration account; and amending RCW 39.12.070.

Referred to Committee on Commerce & Labor.

HB 1417 by Representatives Skinner, Edmonds, O'Brien, Cody, Conway, Campbell, Ballasiotes, Ruderman, Pennington, Tokuda, Kagi, Kenney, Schual-Berke, Van Luven, Keiser and Kessler

AN ACT Relating to the protection of vulnerable adults; and amending RCW 74.34.035, 70.124.020, 70.124.030, 70.124.040, and 70.124.060.

Referred to Committee on Health Care.

HB 1418 by Representatives Gombosky, McMorris, Mulliken, Pennington, Ahern, Wood, Ogden, Benson, Reardon, Linville, Haigh, Miloscia, Simpson, McIntire, Santos, Rockefeller and Kessler

AN ACT Relating to community revitalization financing; amending RCW 36.33.220, 36.79.140, 36.82.040, 46.68.124, and 82.03.130; adding a new section to chapter 27.12 RCW; adding a new section to

chapter 35.61 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.75 RCW; adding a new section to chapter 52.12 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 67.38 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 39 RCW; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

HB 1419 by Representatives Hurst, Esser, Lantz, Carrell, Haigh, O'Brien, Roach and Ruderman

AN ACT Relating to drivers required to use ignition interlock or other biological or technical devices; amending RCW 46.20.740; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1420 by Representatives Hurst, Roach, Dunshee, Lovick, Woods, Jackley, Mielke, Wood, Carrell, Cooper, Sump, Hatfield, Pflug, Haigh, Conway, Reardon, Morris, Edmonds, Ruderman, O'Brien, Veloria, Poulsen, Morell, Kenney, Bush, Anderson, Cody, Santos, Rockefeller and Kessler

AN ACT Relating to discrimination of volunteer fire fighters; adding a new section to chapter 49.12 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1421 by Representatives Romero, Schmidt, Ogden, Kenney and Miloscia; by request of Governor Locke

AN ACT Relating to consolidating the department of retirement systems and the department of personnel; amending RCW 41.06.020, 41.06.130, 41.50.010, 41.54.010, 43.17.020, 42.17.2401, and 43.33A.020; reenacting and amending RCW 43.17.010; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 41.06.030, 41.50.020, and 41.50.050; and providing an effective date.

Referred to Committee on State Government.

HB 1422 by Representatives Benson, Hatfield and Bush; by request of State Treasurer & Superintendent of Public Instruction

AN ACT Relating to increasing the size of the state investment board; amending RCW 43.33A.020; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1423 by Representatives Quall, Haigh, Keiser, Kenney, Morris, Tokuda, Lovick, Cooper, Conway, Veloria, Wood, Edwards, McIntire, Miloscia, O'Brien, Kirby, McDermott, Schual-Berke and Santos

AN ACT Relating to contracting for services performed by classified employees; and amending RCW 28A.400.285.

Referred to Committee on Education.



HB 1424 by Representatives Quall, Talcott, Haigh, Cody, Rockefeller, Keiser, Morris, Kenney, Lovick, Conway, Veloria, O'Brien, Edwards, Linville, Miloscia, Dunshee, Lantz, Edmonds, Schindler, Roach, Bush and Santos

AN ACT Relating to medicinal and catheterization administration in public schools; and amending RCW 28A.210.260 and 28A.210.280.

Referred to Committee on Education.

HB 1425 by Representatives Dickerson, Esser, Lantz, Edmonds, Tokuda, Kagi, O'Brien and Rockefeller; by request of Attorney General

AN ACT Relating to vulnerable adults' hearsay statements; and adding a new chapter to Title 74 RCW.

Referred to Committee on Judiciary.

HB 1426 by Representatives Edmonds, Skinner, Cody, Pflug, Dunn, Schual-Berke, Boldt, Kagi, Kenney, Campbell, Conway and Marine

AN ACT Relating to the establishment of a quality improvement program for boarding homes; amending RCW 18.20.115, 18.20.120, and 74.39A.050; and declaring an emergency.

Referred to Committee on Health Care.

HB 1427 by Representatives Edmonds, Skinner, Cody, Schual-Berke, Pflug, Boldt, Dunn, Kagi and Marine

AN ACT Relating to boarding homes; amending RCW 18.20.020, 18.20.110, 18.20.185, 18.20.190, and 74.39A.060; adding a new section to chapter 18.20 RCW; repealing RCW 74.39A.080; and declaring an emergency.

Referred to Committee on Health Care.

HB 1428 by Representatives Edmonds, Skinner, Cody, Pflug, Boldt, Dunn, Kagi, O'Brien, Campbell, Marine and Schual-Berke

AN ACT Relating to appeal provisions for boarding homes; adding a new section to chapter 18.20 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1429 by Representatives Fisher, Woods and Rockefeller

AN ACT Relating to enforcement, collection, and use of tolls on the Tacoma Narrows bridge; amending RCW 46.61.690, 46.63.030, and 46.63.140; reenacting and amending RCW 46.12.370; adding a new section to chapter 46.63 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1430 by Representatives Veloria, Van Luven, Hunt, Esser, Ogden, Dunn, O'Brien, Carrell, Santos, Tokuda, Schmidt, Hurst, Fromhold, Boldt, Hatfield, Mulliken and Casada

AN ACT Relating to tax incentives to hire recipients of temporary assistance for needy families; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 48.14 RCW.

Referred to Committee on Children & Family Services.

HB 1431 by Representatives Veloria, Dunn, Hunt, Tokuda, Ogden, Boldt, O'Brien, Schmidt, Santos, Hurst, Fromhold and Conway

AN ACT Relating to regional job skills programs; adding a new section to chapter 43.330 RCW; and making appropriations.

Referred to Committee on Trade & Economic Development.

HB 1432 by Representatives Cooper, Delvin, O'Brien, Conway, Murray, Edmonds, Kenney, Campbell, Haigh, Keiser, Simpson, Wood, Santos, Rockefeller and Kessler

AN ACT Relating to extending death benefits to certain surviving spouses under the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.160 and 41.26.161.

Referred to Committee on Appropriations.

HB 1433 by Representatives Cooper, Simpson, Linville, Wood, Ruderman, McDermott and Murray

AN ACT Relating to the disclosure of fire protection and building safety information; and amending RCW 59.18.060.

Referred to Committee on Local Government & Housing.

HB 1434 by Representatives Cooper, Simpson, Lovick, Wood, Linville, Ruderman, McDermott, O'Brien, Murray, Dunshee, Conway and Keiser

AN ACT Relating to life safety standards in multifamily apartment buildings; amending RCW 19.27.015; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government & Housing.

HB 1435 by Representatives Cooper, Lovick, Ruderman, McDermott, Murray, Dunshee, Conway and Keiser

AN ACT Relating to safety standards in apartment buildings; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government & Housing.

HB 1436 by Representatives Cooper, Hankins, Hatfield, McDermott, Mitchell, Reardon, Conway, Keiser and Simpson

AN ACT Relating to railroad crew size; adding a new section to chapter 81.40 RCW; repealing RCW 81.40.035; and prescribing penalties.

Referred to Committee on Transportation.

HB 1437 by Representative Kessler

AN ACT Relating to election procedures for park and recreation district commissioners; and amending RCW 36.69.090.

Referred to Committee on Local Government & Housing.

HB 1438 by Representatives Skinner, Edmonds, Conway and Schual-Berke

AN ACT Relating to property tax exemptions for persons confined in adult family homes and certain boarding homes; and amending RCW 84.36.381 and 84.36.383.

Referred to Committee on Finance.

HB 1439 by Representatives Schual-Berke, Cox, Keiser, Lambert, Haigh, Cody, Talcott, Fromhold, Santos, Schmidt, Schindler, Quall, Ogden, McDermott, McIntire, Kenney, Kagi, Linville, Roach and Bush; by request of Superintendent of Public Instruction

AN ACT Relating to educational staff associate positions; and amending RCW 28A.150.410.

Referred to Committee on Appropriations.

HB 1440 by Representatives Simpson, Crouse, Poulsen, Linville, Cooper, Roach, Bush, Morell, Miloscia and McIntire; by request of Governor Locke

AN ACT Relating to acquiring electricity generation resources; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1441 by Representatives Ruderman, Crouse, Poulsen, Linville, Kagi, Kenney, Keiser, Roach, Bush, Lambert, Berkey, Miloscia, Simpson, Esser, Wood, Rockefeller and Kessler; by request of Governor Locke

AN ACT Relating to providing sales and use tax exemptions for energy efficient lights and household appliances; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1442 by Representatives Poulsen, Crouse, Morris, Edmonds, Tokuda, Linville, Kagi, Van Luven, Kenney, Hatfield, Cooper, O'Brien, Conway, Lovick, Keiser, Roach, Bush, Berkey, Miloscia, Simpson, McIntire, Wood, Rockefeller, McDermott and Kessler; by request of Governor Locke

AN ACT Relating to exempting electric generating facilities powered by wind or sun energy from sales and use taxes; amending RCW 82.08.02567 and 82.12.02567; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1443 by Representatives Wood, Crouse, Poulsen, Ogden, Edmonds, Linville, Kagi, Van Luven, Hatfield, Kenney, Cooper, O'Brien, Conway, Lovick, Roach, Bush, Morell, Veloria, Berkey, Miloscia, McIntire, Esser, Rockefeller, McDermott and Kessler; by request of Governor Locke

AN ACT Relating to public utility tax credits for home energy assistance programs for low-income households; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1444 by Representatives Murray, Ballasiotes, Mitchell, Quall, Dickerson, Haigh, McIntire, Linville, Simpson, Reardon, Kenney, Hunt, Fisher, Conway, Hurst, Tokuda, Fromhold, Poulsen, Santos, Romero, Rockefeller, Dunshee, Gombosky, Darneille, Edwards, Skinner, O'Brien, Lantz, Wood, Miloscia, Grant, Kessler, Kirby, Jackley, Kagi, Keiser, Sommers, Ogden, Cody, Edmonds, Morris, Lovick, McDermott, Woods, Jarrett, Mastin, Cooper, Schual-Berke and Ruderman; by request of Governor Locke, Attorney General & Superintendent of Public Instruction

AN ACT Relating to preventing harassment, intimidation, or bullying in schools; adding new sections to chapter 28A.635 RCW; and creating a new section.

Referred to Committee on Education.

HB 1445 by Representatives Kessler, Lambert, Ogden, Edmonds, Kagi, Dickerson, Jackley, Fromhold, Keiser, Veloria, Miloscia, Cody and McDermott; by request of State Treasurer

AN ACT Relating to the time certificate of deposit investment program; amending RCW 43.86A.030; repealing RCW 43.131.381 and 43.131.382; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1446 by Representatives Wood, Clements, Conway, B. Chandler, Kenney, Lisk and Eickmeyer

AN ACT Relating to authorizing bona fide charitable and nonprofit organizations to conduct electronic bingo; and amending RCW 9.46.0205.

Referred to Committee on Commerce & Labor.

HB 1447 by Representatives Wood, Fisher, Cooper, Hankins, Schoesler, DeBolt, Doumit, Hatfield, Linville, Ogden and Murray

AN ACT Relating to environmental mitigation of transportation projects; and amending RCW 47.12.330.

Referred to Committee on Transportation.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville and McIntire

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on First Reading.

HB 1449 by Representatives Quall, Cairnes, Cox, McDermott, Haigh, Rockefeller and Schual-Berke

AN ACT Relating to supplemental contracts for retaining or recruiting certificated staff; and amending RCW 28A.400.200.

Referred to Committee on Education.

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

### REPORTS OF STANDING COMMITTEES

January 23, 2001

HB 1036 Prime Sponsor, Representative Benson: Investigating alien banks. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Excused: Representatives Barlean and McIntire.

Passed to Committee on Rules for second reading.

January 23, 2001

HB 1069 Prime Sponsor, Representative Campbell: Modifying the health professions' appointment of pro tem members. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Excused: Representative Skinner.

Passed to Committee on Rules for second reading.

January 23, 2001

HB 1076 Prime Sponsor, Representative Schual-Berke: Removing the two-year limited license renewal limit on teaching-research medical professionals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Excused: Representative Skinner.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

### RESOLUTION

HOUSE RESOLUTION NO. 2001-4606 by Representatives Schmidt, Benson, Talcott, Bush, Morell, Haigh, Reardon, Wood, Conway, Mielke, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Tokuda, Van Luven, Veloria and Woods

WHEREAS, Nearly seven thousand eight hundred men and women of the Washington National Guard continue to serve the country as Guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness who reside in every legislative district throughout Washington volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The National Guard has again answered the state's call numerous times in their fire fighting support efforts in response to fires threatening thousands of acres of public and private lands, and to protect lives in both civil and natural emergencies and disasters; and

WHEREAS, The National Guard continues its promoting of positive lifestyles and activities for Washington's youth through involvement and support in highly effective drug prevention programs with school-age children and community-based organizations; and

WHEREAS, The National Guard continues an active participation in the state's counter drug efforts by providing soldiers, airmen, and specialized equipment in support of seventy local, state, and federal law enforcement agencies. The dedication of these men and women last year contributed to hundreds of drug-related arrests and seizures and the destruction of millions of dollars of illegal drugs; and

WHEREAS, The National Guard adds value to communities by opening armories for public use for distance learning classes, food banks, and other community and youth activities. The National Guard continues to build upon these readiness centers/armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express thanks and appreciation to the devoted families and dedicated employers of our National Guard soldiers and airmen for their support without which the National Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives specifically and particularly recognize the value and dedication of a strong Washington National Guard to the viability, economy, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, and well-equipped and trained National Guard units and the readiness center/armories that house them; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Adjutant General of the Washington National Guard, the Governor of the state of Washington, the Secretaries of the Army and Air Force, and the President of the United States.

Representative Schmidt moved the adoption of the resolution.

Representatives Schmidt, Conway, Benson, Haigh, Casada, Cooper, Reardon, Lambert and Miloscia spoke in favor of the adoption of the resolution.

House Resolution No. 4606 was adopted.

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

### **COMMITTEE ASSIGNMENT**

Speaker Chopp appointed Representative Berkey to the Committee on Finance, Committee on Local Government & Housing, and Technology, Telecommunications & Energy.

There being no objection, the House adjourned until 9:55 a.m., January 26, 2001, the 19<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Friday, January 26, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Roach presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville and O'Brien

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on First Reading.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards, McDermott, Fromhold and Esser

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on First Reading.

HB 1449 by Representatives Quall, Cairnes, Cox, McDermott, Haigh, Rockefeller and Schual-Berke

AN ACT Relating to supplemental contracts for retaining or recruiting certificated staff; and amending RCW 28A.400.200.

Referred to Committee on Education.

HB 1450 by Representatives Rockefeller and Morris

AN ACT Relating to relief from taxes resulting from transfers of land after the death of the owner; amending RCW 84.33.120 and 84.33.140; and reenacting and amending RCW 84.34.108.

Referred to Committee on Finance.

HB 1451 by Representatives Cooper, G. Chandler, Linville, Marine, Rockefeller, Haigh, Simpson, Kagi and Keiser; by request of Department of Agricultural

AN ACT Relating to pesticide use in schools; amending RCW 17.21.020, 17.21.100, 17.21.126, 17.21.128, 17.21.250, and 17.21.410; adding new sections to chapter 17.21 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 74.15 RCW; and providing effective dates.



Referred to Committee on Agriculture & Ecology.

HB 1452 by Representatives Linville, G. Chandler, Ruderman, Cooper, Barlean, Ericksen, Quall, Marine, Conway, Rockefeller, Kenney, Pearson, Schual-Berke, Van Luven, Kagi, Keiser, Santos and Wood; by request of Utilities & Transportation Commission

AN ACT Relating to funding hazardous liquid and gas pipeline safety; amending RCW 19.122.055, 19.122.070, 81.88.010, 81.88.060, and 81.88.090; adding a new section to chapter 80.24 RCW; adding a new section to chapter 81.24 RCW; creating a new section; repealing RCW 81.88.050 and 81.88.130; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1453 by Representatives Fisher, Hankins, Lovick, Mitchell and Cooper; by request of Utilities & Transportation Commission

AN ACT Relating to railroad right of way trespassing; amending RCW 9A.52.010; adding a new section to chapter 9A.52 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1454 by Representatives Fisher, Hankins, Lovick, Mitchell and Cooper; by request of Utilities & Transportation Commission

AN ACT Relating to inspections of hazardous materials offered by private shippers for transportation by rail; amending RCW 81.44.065; and creating a new section.

Referred to Committee on Transportation.

HB 1455 by Representatives Conway, Campbell, Wood, Barlean, Kenney, Hunt, Keiser, Hurst and Santos

AN ACT Relating to the definition of gainful employment for purposes of vocational rehabilitation under industrial insurance; and amending RCW 51.32.095.

Referred to Committee on Commerce & Labor.

HB 1456 by Representatives Conway, Campbell, Wood, Barlean, Keiser, Hurst and Santos

AN ACT Relating to exposure to chemicals in the course of employment; adding a new section to chapter 51.32 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1457 by Representatives Conway, Campbell, Kenney, Barlean, Hunt, Wood, Keiser, Hurst and Santos

AN ACT Relating to medical examinations under the industrial insurance system; amending RCW 51.32.110, 51.36.070, and 51.32.112; adding a new section to chapter 51.36 RCW; creating a new section; recodifying RCW 51.32.112; and repealing RCW 51.32.114.

Referred to Committee on Commerce & Labor.

HB 1458by Representatives Edwards, Mulliken, Hatfield, DeBolt, Mielke, Edmonds and Rockefeller

AN ACT Relating to establishing a timeline for final decisions on land use project permit applications; amending RCW 36.70B.070; and adding a new section to chapter 36.70B RCW.

Referred to Committee on Local Government & Housing.

HB 1459by Representatives Woods, Rockefeller, Haigh, Barlean, Jackley, Eickmeyer, Bush, Lantz, Pflug and Buck

AN ACT Relating to ferry operating costs; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 1460by Representatives Lovick, Jarrett, Hurst, Jackley, Cooper, Fisher, Edmonds, Morell, Ahern, Ogden, Simpson, O'Brien, Darneille, Kagi and Ruderman

AN ACT Relating to enforcement of safety belt laws; amending RCW 46.61.688 and 46.61.688; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 1461by Representatives Haigh, Cairnes, Campbell, Dunshee, Kirby, Conway, Ballasiotes, Roach, Clements, Pennington, Skinner, Fisher, Simpson and Schmidt

AN ACT Relating to the state veterans' song; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

HB 1462by Representatives Anderson, Morris, DeBolt, Cairnes, Reardon, Roach, Morell, Mulliken and McMorris

AN ACT Relating to the imposition of taxes; and adding a new chapter to Title 7 RCW.

Referred to Committee on Finance.

HB 1463by Representatives Skinner, Edmonds, Ruderman, B. Chandler, Cody and Pennington

AN ACT Relating to unallowable nursing home costs; and amending RCW 74.46.410.

Referred to Committee on Health Care.

HB 1464by Representatives Clements and Kenney

AN ACT Relating to collective bargaining for University of Washington employees who are enrolled in academic programs; adding a new section to chapter 41.56 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1465by Representatives Kirby, O'Brien, Gombosky, Cairnes, Roach, Lovick, Jarrett and Keiser

AN ACT Relating to assault; amending RCW 9.94A.390; adding a new section to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1466 by Representatives Fromhold, Cox, Kenney, Conway, Kessler, Jackley, Rockefeller, Hunt, Haigh, Lovick, Schual-Berke, Edmonds, Simpson, Kagi, Ruderman, Santos, Wood and McIntire; by request of Governor Locke

AN ACT Relating to higher education scholarships; amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1467 by Representatives Reardon, Cairnes and Santos; by request of Department of Revenue

AN ACT Relating to improving property tax administration by correcting terminology and deleting obsolete provisions; amending RCW 79.01.132, 84.04.030, 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.477, 84.40.030, 84.40.040, 84.40.045, 84.40.405, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.52.063, and 84.70.010; reenacting and amending RCW 84.40.020; reenacting RCW 84.36.041; creating new sections; and repealing RCW 84.04.018, 84.36.140, 84.36.150, 84.36.160, 84.36.161, 84.36.162, 84.36.176, 84.36.181, 84.36.190, 84.36.191, 84.36.270, 84.36.280, 84.36.290, 84.36.473, 84.36.490, and 84.40.0305.

Referred to Committee on Finance.

HB 1468 by Representatives McMorris, Campbell, Cody, Armstrong, Marine, Conway and Simpson

AN ACT Relating to sales and use tax exemptions for medical equipment; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.

Referred to Committee on Finance.

HB 1469 by Representatives Campbell and Cody

AN ACT Relating to controlled substance orders and prescriptions; amending RCW 69.50.308; and repealing RCW 69.50.307.

Referred to Committee on Health Care.

HB 1470 by Representatives Cairnes and Morris

AN ACT Relating to county law library funding; and amending RCW 27.24.070.

Referred to Committee on Judiciary.

HB 1471 by Representatives Darneille, Delvin, Dickerson and Armstrong

AN ACT Relating to diversion; and amending RCW 13.50.050, 13.40.070, and 13.40.127.

Referred to Committee on Juvenile Justice.

HB 1472 by Representatives Buck, Doumit, Sump, Pearson, Eickmeyer, G. Chandler, Rockefeller, Pennington, Jackley, Murray and Haigh

AN ACT Relating to fish and wildlife equipment; adding a new section to chapter 77.12 RCW; adding a new section to chapter 77.95 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1473 by Representatives Mulliken, McMorris, Mielke and Boldt

AN ACT Relating to eliminating the authority of the growth management hearings boards to invalidate local plans and regulations; amending RCW 36.70A.140, 36.70A.300, 36.70A.320, and 36.70A.330; creating a new section; repealing RCW 36.70A.302, 36.70A.305, and 36.70A.335; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 1474 by Representatives Van Luven, Voloria, Fromhold, Dunn, Eickmeyer, Kessler, Kenney, Schmidt, Edmonds, Ogden and Santos; by request of Governor Locke

AN ACT Relating to splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development; amending RCW 43.330.020, 43.63A.021, 43.330.040, 43.330.050, 43.330.070, 43.330.125, 43.330.135, 43.63A.066, 43.63A.115, 43.63A.155, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.460, 43.63A.600, 43.330.152, 43.330.155, 43.330.156, 43.330.904, 41.06.072, 43.330.065, 43.330.080, 43.31.057, 43.31.093, 43.31.205, 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.641, 43.31.830, 43.31.840, 43.31.960, 19.27.070, 19.27.097, 19.27.150, 19.27.190, 27.34.020, 27.34.310, 27.53.030, 28A.215.110, 28A.215.120, 28A.300.160, 28B.06.030, 34.05.330, 35.02.260, 35.21.300, 35.21.687, 35.21.779, 36.27.100, 36.34.137, 36.70A.030, 36.70A.040, 36.70A.131, 39.44.210, 39.44.230, 39.84.090, 43.08.260, 43.19.1920, 43.19.19201, 43.20A.037, 43.21A.612, 43.21C.110, 43.22.495, 43.63B.010, 43.70.530, 43.70.540, 43.79.201, 43.132.030, 43.133.030, 43.133.050, 43.150.040, 43.155.020, 43.168.010, 43.168.020, 43.168.031, 43.168.040, 43.168.050, 43.180.040, 43.180.200, 43.180.220, 43.185.020, 43.185A.010, 43.185B.010, 43.190.030, 43.280.011, 43.280.020, 43.280.060, 43.280.070, 43.280.080, 43.280.090, 43.310.020, 43.330.110, 43.330.130, 43.330.210, 46.12.295, 47.12.064, 47.50.090, 53.36.030, 54.16.285, 54.52.010, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.21.010, 59.22.020, 59.22.090, 59.24.020, 59.24.050, 59.24.060, 59.28.040, 59.28.050, 59.28.060, 66.08.195, 66.08.198, 67.38.070, 68.60.030, 70.05.125, 70.94.537, 70.95.260, 70.95.265, 70.95.810, 70.105.020, 70.114A.070, 70.119A.170, 70.125.030, 70.164.020, 70.190.010, 72.09.055, 72.65.210, 74.08A.010, 74.14B.060, 79A.30.050, 79A.50.100, 80.28.010, 82.14.330, 82.14.335, 84.36.560, 88.02.053, 90.03.247, 90.71.020, 19.27A.020, 19.29A.010, 24.46.010, 28A.515.320, 28B.20.283, 28B.20.289, 28B.20.293, 28B.30.537, 28B.30.900, 28B.38.020, 28B.38.050, 28B.50.262, 28B.65.040, 28B.65.050, 28B.65.060, 28B.109.020, 28C.18.060, 36.01.120, 36.110.030, 39.86.110, 43.17.065, 43.20A.750, 43.21A.510, 43.21A.515, 43.21F.025, 43.21F.090, 43.21G.010, 43.23.035, 43.31.805, 43.63A.230, 43.88.093, 43.88.094, 43.160.020, 43.160.115, 43.160.180, 43.163.020, 43.163.120, 43.170.020, 43.172.011, 43.210.030, 43.210.050, 43.210.060, 43.330.092, 43.330.094, 50.67.030, 50.72.030, 67.28.8001, 70.95H.007, 70.95H.050, 74.13.090, 76.09.030, 76.56.020, 77.12.710, 79A.60.480, 81.80.450, 82.35.080, 41.06.070, 43.06.115, 43.17.020, 19.02.050, 43.21J.030, 43.157.010, 43.157.030, 43.160.030, 43.163.060, 47.39.090, 47.76.230, 50.38.030, 80.50.030, 46.16.340, 43.220.070, and 90.56.280; reenacting and amending RCW 43.105.020 and 43.17.010; adding new sections to chapter 43.330 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 41.06 RCW; creating new sections; recodifying RCW 43.63A.021, 43.63A.066, 43.63A.067, 43.63A.075, 43.63A.105,

43.63A.115, 43.63A.125, 43.63A.150, 43.63A.155, 43.63A.190, 43.63A.215, 43.63A.240, 43.63A.245, 43.63A.247, 43.63A.249, 43.63A.265, 43.63A.270, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.420, 43.63A.440, 43.63A.460, 43.63A.465, 43.63A.4651, 43.63A.470, 43.63A.475, 43.63A.480, 43.63A.485, 43.63A.490, 43.63A.500, 43.63A.510, 43.63A.550, 43.63A.600, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.650, 43.63A.660, 43.63A.670, 43.63A.680, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, 43.63A.740, 43.63A.900, 43.63A.901, 43.63A.902, 43.63A.903, 43.330.150, 43.330.152, 43.330.155, 43.330.156, 43.330.190, 43.330.200, 43.330.210, 43.330.220, 43.330.230, 43.63A.230, 43.63A.715, 43.330.060, 43.330.065, 43.330.080, 43.330.090, 43.330.092, 43.330.094, 43.330.095, 43.330.096, 43.63A.690, and 43.330.180; decodifying RCW 35.22.660, 35.22.680, 35A.63.149, 35A.63.210, 36.32.520, 36.32.560, 36.70.675, 36.70.755, 70.95H.005, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.900, and 70.95H.901; repealing RCW 43.330.005, 43.330.007, 43.330.010, 43.330.900, 43.31.800, and 43.31.409; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1475 by Representatives Jackley, Talcott, Kenney, Hunt, Haigh, Schual-Berke, Simpson, Ogden, Kagi, Keiser, Santos and McIntire; by request of Governor Locke & Superintendent of Public Instruction

AN ACT Relating to the limits on postretirement employment for teachers' retirement system plan 1 and public employees' retirement system plan 1 retirees; and amending RCW 41.32.570 and 41.40.037.

Referred to Committee on Appropriations.

HB 1476 by Representatives Santos, Talcott, Kenney and Kagi; by request of Governor Locke

AN ACT Relating to changing academic assessments timelines; and amending RCW 28A.655.060.

Referred to Committee on Education.

HB 1477 by Representatives Dunshee, Mulliken, Lantz, Rockefeller, G. Chandler, Cooper and McIntire

AN ACT Relating to the imposition of taxes by counties for emergency communication systems and facilities; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Local Government & Housing.

HB 1478 by Representatives Ruderman, Esser, Morris, Pennington, DeBolt, Lambert, Hunt, Jarrett, Lovick, Miloscia, Schual-Berke, Jackley, Cody, Anderson, Kenney, McIntire, Cooper, McDermott, Dunn, Simpson, Van Luven, Santos, Dunshee, Reardon, Dickerson, Linville, Conway, Veloria, Murray, Edmonds, Edwards and Kagi

AN ACT Relating to tax incentives to encourage telework; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1479 by Representatives Alexander, Grant, Barlean, Rockefeller, Ericksen, Campbell, Romero, Fromhold, Buck, Sommers, Bush, Doumit, Conway, Lantz, Kessler, Pennington, Hatfield, Clements, Cox, Benson, Santos, Kenney, Cooper, Kagi, O'Brien, Simpson, Armstrong, Dunshee, Linville,

Schual-Berke, Schmidt, Cairnes, Morris, Ogden, Roach, Keiser, Schoesler, G. Chandler, Lovick, McIntire, Hunt, Hurst, Quall, Jackley, Carrell, Mulliken, Edmonds, Jarrett, Woods and Wood

AN ACT Relating to providing a death benefit for certain state employees; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.35 RCW.

Referred to Committee on Appropriations.

HB 1480 by Representatives Buck, Conway, Barlean, Ericksen, Rockefeller, Campbell, Romero, Grant, Fromhold, Schoesler, Lantz, Kessler, Pennington, Hatfield, Clements, Cox, Benson, Cooper, Dunshee, Armstrong, Simpson, Santos, Kenney, Linville, O'Brien, Cairnes, Ogden, Morris, Schmidt, Roach, Kagi, Keiser, G. Chandler, Schual-Berke, Lovick, McIntire, Hunt, Hurst, Quall, Jackley, Carrell, Mulliken and Van Luven

AN ACT Relating to law enforcement officers for the state parks and recreation commission and the state liquor control board; reenacting and amending RCW 41.26.030; and adding new sections to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 1481 by Representatives Carrell, Lambert, Lovick, Crouse and Pennington

AN ACT Relating to alternative detention and rehabilitation facilities for cities and counties; amending RCW 70.48.020; adding a new section to chapter 70.48 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 1482 by Representatives Carrell, Lambert, Boldt, Lovick and Pennington

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

Referred to Committee on Commerce & Labor.

HB 1483 by Representatives Carrell, Lambert, Crouse, Boldt and Pennington

AN ACT Relating to encouraging court efficiency through cooperation between courts and bail bond agencies; amending RCW 35.20.270 and 3.62.040; reenacting and amending RCW 3.62.020; and adding a new section to chapter 3.02 RCW.

Referred to Committee on Judiciary.

HB 1484 by Representatives Carrell, Hurst, Benson and Boldt

AN ACT Relating to firearms; amending RCW 9.41.040, 9.41.010, 9.41.047, and 13.04.030; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1485by Representatives Carrell, Lovick, Benson and Boldt

AN ACT Relating to school safety; amending RCW 9.41.280; adding a new section to chapter 28A.600 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1486by Representatives Lambert, Campbell, Carrell, Marine and Mulliken

AN ACT Relating to relief from the state property tax levy for senior citizens; amending RCW 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1487by Representatives Carrell, Lambert, Benson, Boldt, Roach, Cairnes and Mulliken

AN ACT Relating to reducing the inflationary adjustment for the state property tax levy to zero over time; reenacting and amending RCW 84.55.005; creating a new section; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1488by Representatives Carrell, Cairnes, Boldt and Mulliken

AN ACT Relating to restricting property tax levies in excess of the rate of inflation; amending RCW 84.55.0101; creating a new section; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1489by Representatives Carrell, Morris, Roach, Lambert, Boldt, Cairnes, Benson and Marine

AN ACT Relating to an assessment improvement plan; and creating a new section.

Referred to Committee on Finance.

HB 1490by Representatives Carrell, Lambert and Boldt

AN ACT Relating to deferral of property taxes; amending RCW 84.38.010 and 84.38.050; adding new sections to chapter 84.38 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1491by Representatives Carrell, Lambert, Boldt and Benson

AN ACT Relating to modifying the limit factor for property tax levies; amending RCW 84.55.050; reenacting and amending RCW 84.55.005; creating a new section; repealing RCW 84.55.0101; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1492by Representatives Carrell, Lambert, Benson, Boldt, Armstrong, Marine and Mulliken

AN ACT Relating to reducing the limit factor for the state property tax levy to two percent; reenacting and amending RCW 84.55.005; and creating a new section.

Referred to Committee on Finance.

HB 1493 by Representatives Carrell, Lambert, Cairnes, Benson and Boldt

AN ACT Relating to eliminating the small district exemption from the property tax revenue inflationary limit; reenacting and amending RCW 84.55.005; creating a new section; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1494 by Representatives Carrell, Lambert and Cairnes

AN ACT Relating to deferral of large property tax increases; amending RCW 84.38.010 and 84.38.050; adding new sections to chapter 84.38 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1495 by Representatives Schoesler, Cox, Ahern, Grant, Sump, Mastin, Wood, Benson, Pearson, Crouse, Schindler, Reardon, Gombosky, Boldt, Buck, Dunn, B. Chandler, G. Chandler, Delvin, Armstrong, Carrell, Kessler, Haigh, Lisk, Mulliken, McMorris and Morell

AN ACT Relating to establishing parameters for the siting, securing, and staffing of less restrictive alternative housing for sexually violent predators; amending RCW 71.09.020; adding new sections to chapter 71.09 RCW; adding a new section to chapter 18.155 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1496 by Representative Morris

AN ACT Relating to aquatic residences; and amending RCW 79.90.465.

Referred to Committee on Natural Resources.

HB 1497 by Representatives Gombosky, Ahern, O'Brien, Fromhold and Veloria

AN ACT Relating to public centers districts; amending RCW 82.29A.130; adding new sections to chapter 82.14 RCW; and adding a new chapter to Title 35 RCW.

Referred to Committee on Trade & Economic Development.

HCR 4404 by Representatives Buck, Grant, Sump, G. Chandler, Pennington and Ericksen

Expressing legislative support for proper care and management of domestic and wild animals.

Referred to Committee on Natural Resources.



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

There being no objection, House Concurrent Resolution No. 4403 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

### **SECOND READING**

**HOUSE CONCURRENT RESOLUTION NO. 4403 by Representatives Pennington, Ogden and Benson**

#### **Remembering former legislators.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

The Speaker (Representative Roach presiding) stated the question before the House to be the final passage of House Concurrent Resolution No. 4403.

House Concurrent Resolution No. 4403 was adopted.

### **COMMITTEE ASSIGNMENTS**

The Speakers appointed Representatives Pennington, Ogden, Mulligan and Jackley to the committee established by House Concurrent Resolution No. 4403.

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

There being no objection, the House adjourned until 9:55 a.m., January 29, 2001, the 22<sup>nd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Monday, January 29, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire and Wood

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on First Reading.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards and McDermott

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on First Reading.

HB 1498 by Representatives Jackley and Pearson; by request of Department of Fish & Wildlife

AN ACT Relating to photo identification required for hunting and fishing licenses; and amending RCW 77.15.080 and 77.32.420.

Referred to Committee on Natural Resources.

HB 1499 by Representatives Jackley, Buck, Rockefeller, Eickmeyer, Sump, Doumit, Pennington and Dunn

AN ACT Relating to the regulation of marine fin fish aquaculture by the department of fish and wildlife; and adding a new chapter to Title 77 RCW.

Referred to Committee on Natural Resources.

HB 1500 by Representatives Dickerson, Pennington, Morris, Van Luven, Conway, Santos and Dunn

AN ACT Relating to exempting certain assembly activities from the business and occupation tax on manufacturing; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1501 by Representatives Conway and Clements; by request of Secretary of State

AN ACT Relating to electronic filing of corporation and limited liability company annual reports; and amending RCW 23B.16.220, 25.15.105, 25.15.085, and 25.15.095.

Referred to Committee on Commerce & Labor.

HB 1502 by Representatives G. Chandler, Grant, Schoesler and Mastin

AN ACT Relating to conservation districts; and amending RCW 89.08.020, 89.08.080, 89.08.110, 89.08.150, 89.08.180, and 89.08.350.

Referred to Committee on Agriculture & Ecology.

HB 1503 by Representatives G. Chandler, Hatfield, Schoesler, Sump, Benson and Mastin

AN ACT Relating to agricultural liens; and amending RCW 60.11.010, 60.11.020, 60.11.030, 60.11.050, 60.11.130, 62A.9A-310, and 15.48.290.

Referred to Committee on Agriculture & Ecology.

HB 1504 by Representatives G. Chandler, Linville, B. Chandler, Grant, Schoesler, Sump, Armstrong and Delvin

AN ACT Relating to agricultural use of water; and amending RCW 90.03.380 and 90.44.100.

Referred to Committee on Agriculture & Ecology.

HB 1505 by Representatives G. Chandler and Linville

AN ACT Relating to soil testing prior to fertilizer applications in urban areas; and adding a new section to chapter 15.54 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1506 by Representatives Edmonds, Skinner, O'Brien, Conway, Cody, Edwards, Lovick, Ruderman and McIntire; by request of Governor Locke

AN ACT Relating to history of caregiver performance in long-term care services; amending RCW 74.39A.050; adding new sections to chapter 74.34 RCW; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Health Care.

HB 1507 by Representatives Clements, Boldt, Cox, Talcott and McMorris

AN ACT Relating to temporary assistance for needy families program requirements; and amending RCW 74.12.035.

Referred to Committee on Children & Family Services.

HB 1508 by Representatives Clements, Skinner, G. Chandler, B. Chandler, Lisk, Mulliken and Dunn

AN ACT Relating to the sale of wine for off-premises consumption; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 1509 by Representatives Clements and Skinner

AN ACT Relating to establishing initiative review committees; and adding new sections to chapter 29.79 RCW.

Referred to Committee on State Government.

HB 1510 by Representatives Poulsen, McDermott, Keiser, Schual-Berke, Dunshee, Edwards and Ruderman

AN ACT Relating to restricting surface mining in flood plains; adding new sections to chapter 43.21C RCW; adding a new section to chapter 78.44 RCW; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1511 by Representatives Keiser, Schual-Berke, Van Luven, Poulsen, DeBolt, McDermott, Mitchell, Kessler, Santos, Miloscia and Veloria

AN ACT Relating to determining long-term air transportation needs including airport siting; amending RCW 36.70A.200; adding a new section to chapter 47.06 RCW; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 47 RCW; and making an appropriation.

Referred to Committee on Transportation.

HB 1512 by Representatives Sommers, Ballasiotes, O'Brien, Kagi, Lambert, Dickerson, Lisk, Lovick, Hurst, Delvin, Hankins, Keiser and Dunn

AN ACT Relating to sexual exploitation of minors; and amending RCW 9.68A.011 and 9.68A.080.

Referred to Committee on Criminal Justice & Corrections.

HB 1513 by Representatives Boldt, Morell, Clements and Van Luven

AN ACT Relating to young adults with developmental disabilities; and adding a new section to chapter 71A.12 RCW.

Referred to Committee on Appropriations.

HB 1514 by Representatives Boldt, Mielke, McMorris, Clements, Carrell, Alexander and Dunn

AN ACT Relating to funding constraints affecting the Washington WorkFirst program; and amending RCW 74.08A.340.

Referred to Committee on Appropriations.

HB 1515 by Representatives Armstrong, O'Brien, Barlean, Hunt, Schoesler, Eickmeyer, Ahern, Darneille, Anderson, Carrell, G. Chandler, Hatfield, Buck, Lovick and Edwards

AN ACT Relating to work performed for institutions of higher education; and amending RCW 28B.10.350.

Referred to Committee on State Government.

HB 1516 by Representatives Armstrong, O'Brien, Barlean, Hunt, Schoesler, Eickmeyer, Woods, Buck, Anderson, Carrell, Ahern, G. Chandler, Lovick and McMorris

AN ACT Relating to managers under the state civil service law; amending RCW 41.06.022; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

HB 1517 by Representatives Miloscia, Anderson, Dunshee, Jarrett, Hunt, Keiser, Lambert, Ruderman, Rockefeller, Fromhold, Schindler, Boldt, Kenney, Simpson, Barlean, Tokuda and Dickerson

AN ACT Relating to quality improvement; and adding new sections to chapter 41.04 RCW.

Referred to Committee on State Government.

HB 1518 by Representatives Fromhold, Van Luven, Veloria, Conway and Dunn; by request of Governor Locke

AN ACT Relating to using state sales and use tax revenues generated within a benefited jurisdiction as a funding source for community development infrastructure improvements not to exceed one million dollars of funding per fiscal year; amending RCW 43.135.080; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Trade & Economic Development.

HB 1519 by Representatives Schual-Berke, Campbell, Cody, Skinner, Kenney, Kagi, Hankins, Ruderman, Lovick, Doumit, Ballasiotes, Darneille, Pennington, Haigh, Edwards, Conway and Hurst

AN ACT Relating to increasing the supply of dentists to meet the critical shortage of dental providers in this state and underserved areas; amending RCW 18.32.215; adding new sections to chapter 18.32 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1520 by Representatives Dickerson, Keiser, Conway, Kessler, Santos, Cody, Kagi, Edwards, Romero, Wood and McIntire

AN ACT Relating to family leave insurance; amending RCW 49.78.005; adding a new chapter to Title 49 RCW; creating a new section; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 1521 by Representatives Simpson, Mulliken, Dunshee, Mielke and Haigh

AN ACT Relating to authorizing the state treasurer to distribute interest from the local leasehold excise tax account; and amending RCW 82.29A.090.

Referred to Committee on Local Government & Housing.

HB 1522 by Representatives Dunshee, Mulliken, Mielke and Edmonds

AN ACT Relating to medical plans for elected city officials; and amending RCW 41.04.190.

Referred to Committee on Local Government & Housing.

HB 1523 by Representatives Mielke, Mulliken, Dunshee and Edmonds

AN ACT Relating to reconciling conflicting provisions in laws pertaining to cities and towns; and amending RCW 35A.63.110 and 35A.40.090.

Referred to Committee on Local Government & Housing.

HB 1524 by Representatives Murray, McDermott, Keiser, Santos, Darneille, Romero, Ruderman, Dickerson, McIntire and Poulsen; by request of Governor Locke

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.222 and 49.60.250.

Referred to Committee on Judiciary.

HB 1525 by Representatives Tokuda, Boldt, Kagi, Talcott, Morell, Miloscia, Darneille, Eickmeyer, Casada, Campbell, Ballasiotes, Dickerson, Conway, Keiser, Santos, Cody, Jackley, Edmonds, Lovick, Wood, Ruderman and McIntire

AN ACT Relating to establishing a foster parent retention pilot program; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Children & Family Services.

HB 1526 by Representatives Marine, Reardon, Clements, Cairnes, Edmonds, Conway, Miloscia, O'Brien, Cody, Dunshee, Lambert, Campbell, Simpson, Santos, Darneille, Kagi, Schmidt, Dunn, Edwards and Van Luven; by request of Lieutenant Governor

AN ACT Relating to tax credits for the employment of persons with disabilities; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1527 by Representatives Conway, Campbell, Cody, Kenney, Dunshee, Edwards, Wood, Edmonds, Simpson, Keiser and Santos

AN ACT Relating to prohibiting health care facilities from requiring employees to perform overtime work; adding a new section to chapter 49.28 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1528 by Representatives Poulsen, Crouse, Ruderman and Delvin; by request of Utilities & Transportation Commission

AN ACT Relating to telecommunications; amending RCW 80.36.320 and 80.36.330; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1529 by Representatives Poulsen, Crouse, Sommers and Delvin; by request of Utilities & Transportation Commission

AN ACT Relating to public service companies; amending RCW 80.24.010 and 80.24.020; and adding a new section to chapter 80.24 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1530 by Representatives Lantz and Carrell

AN ACT Relating to serving claims against local governmental entities for tortious conduct; and amending RCW 4.96.010 and 4.96.020.

Referred to Committee on Judiciary.

HB 1531 by Representatives Morris and Cairnes

AN ACT Relating to the taxation of lodging; and amending RCW 82.04.050.

Referred to Committee on Finance.

HB 1532 by Representatives Conway, Ballasiotes, Kirby, O'Brien, Fisher, Veloria and Darneille

AN ACT Relating to siting of essential state community justice facilities; amending RCW 72.65.010, 72.05.020, 71.09.020, 36.70A.030, and 36.70A.200; adding a new section to chapter 72.65 RCW; adding a new section to chapter 72.05 RCW; adding new sections to chapter 71.09 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1533 by Representatives Linville, G. Chandler, Grant, B. Chandler and Conway

AN ACT Relating to food service regulation; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.

HB 1534 by Representatives Mielke, Grant and Mulliken

AN ACT Relating to the number of lots, tracts, or parcels that may be regulated as short subdivisions; and amending RCW 58.17.020 and 58.17.060.

Referred to Committee on Local Government & Housing.

HB 1535by Representatives G. Chandler, Grant, Sump, Quall and Dunn

AN ACT Relating to categorical exemptions from the state environmental policy act for certain activities; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Agriculture & Ecology.

HB 1536by Representatives Ericksen and Linville

AN ACT Relating to license refunds for certain holders of Puget Sound experimental fishery permits; creating a new section; and making an appropriation.

Referred to Committee on Natural Resources.

HB 1537by Representatives Roach, Hatfield, Benson, Miloscia and Keiser

AN ACT Relating to credit union directors and committee members; and adding a new section to chapter 31.12 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1538by Representatives McDermott, Haigh, Cooper, Keiser, Murray, Romero, Dickerson, G. Chandler, Kenney, Anderson, Simpson, Conway, Santos, Darneille, Edmonds, Ruderman and Poulsen

AN ACT Relating to bereavement leave; and amending RCW 41.06.150.

Referred to Committee on State Government.

HB 1539by Representatives McDermott, Cody, Miloscia, Benson, Kenney, Morris, Poulsen, Linville, Romero and Edwards

AN ACT Relating to changing the date of the primary; amending RCW 29.13.070, 29.13.010, 29.13.020, 29.15.020, 29.15.150, 29.15.170, 29.15.180, 29.15.190, 29.15.230, 29.19.030, 29.24.020, 29.30.075, 29.62.020, 42.12.040, 42.17.080, 42.17.710, 42.52.185, 27.12.355, 27.12.370, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; repealing RCW 29.01.160; and providing an effective date.

Referred to Committee on State Government.

HB 1540by Representatives Kessler, Doumit, Hatfield and Darneille

AN ACT Relating to the establishment of a medicaid managed care contracting pilot project; reenacting and amending RCW 74.09.522; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 1541by Representatives Carrell, Lambert, Cairnes, Van Luven, Reardon, Santos, Veloria and Morris

AN ACT Relating to defenses in civil actions; amending RCW 4.24.420; and creating a new section.



Referred to Committee on Judiciary.

HB 1542 by Representatives Van Luven, Gombosky, Fromhold and Dunn; by request of Department of Community, Trade & Economic Development

AN ACT Relating to exempting financial or proprietary information provided to the department of community, trade, and economic development from public disclosure; and amending RCW 42.17.319.

Referred to Committee on State Government.

HB 1543 by Representatives Doumit, Buck, Sommers, G. Chandler, Morris, Clements, Kessler, Cox, Tokuda, Sump, Dickerson, Ballasiotes, Schual-Berke, Pennington, Kenney, Lisk, McIntire, Schmidt, Fisher, Cody, Mulliken, Kagi, Benson, Gombosky, O'Brien, Pflug, Alexander, Anderson, Edmonds, Edwards, Wood and Ruderman

AN ACT Relating to determining the fiscal impact of certain ballot measures; amending RCW 29.81.250 and 29.81.270; and adding new sections to chapter 29.81 RCW.

Referred to Committee on State Government.

HB 1544 by Representatives Schual-Berke, Keiser, Poulsen, Santos, Quall, Ogden, McDermott, Voloria, Cody, McIntire, Kenney, Kessler, Miloscia, Haigh and Kagi

AN ACT Relating to aircraft noise abatement; amending RCW 53.54.010, 53.54.030, 53.54.040, 53.36.020, 14.08.020, and 14.08.100; adding new sections to chapter 53.54 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1545 by Representatives Lantz, Esser, Carrell and Cody

AN ACT Relating to nonprofit organizations; amending RCW 4.24.264, 24.06.005, 24.06.025, 24.06.030, 24.06.100, 24.06.110, 24.06.115, 24.06.150, 24.06.160, 24.06.185, 24.06.190, 24.06.195, 24.06.245, 24.06.250, and 24.06.255; and adding a new section to chapter 24.06 RCW.

Referred to Committee on Judiciary.

HB 1546 by Representatives Schual-Berke, Campbell, Ballasiotes, Schmidt, Simpson, Conway, Keiser, Darneille, Kagi, Woods, Ruderman, Hurst and McIntire; by request of Secretary of State

AN ACT Relating to address confidentiality for victims of stalking; and amending RCW 40.24.010, 40.24.030, and 40.24.080.

Referred to Committee on State Government.

HB 1547 by Representatives Simpson, Bush, Benson, Hatfield, Santos and Keiser; by request of Insurance Commissioner

AN ACT Relating to licensing insurance agents, brokers, solicitors, and adjusters; and amending RCW 48.17.090 and 48.17.330.

Referred to Committee on Financial Institutions & Insurance.

HB 1548by Representatives Kirby and Carrell

AN ACT Relating to allowing metropolitan park districts to use a small works roster process; and adding a new section to chapter 35.61 RCW.

Referred to Committee on State Government.

HB 1549by Representatives Schual-Berke, Cody, Campbell, Conway and Schmidt

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Held on First Reading.

HB 1550by Representative Pflug

AN ACT Relating to the establishment of a drug utilization review program and a drug prior authorization program under the medical assistance program; amending RCW 74.09.010; adding new sections to chapter 74.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 1551by Representatives Schmidt, Ogden, Keiser, Kagi, Wood and Ruderman

AN ACT Relating to elections; amending RCW 29.18.200, 29.15.010, 29.15.020, 29.15.025, 29.15.040, 29.15.230, 29.04.180, 29.51.173, and 29.62.180; adding a new section to chapter 29.07 RCW; adding a new section to chapter 29.42 RCW; creating a new section; repealing RCW 29.18.150; and declaring an emergency.

Referred to Committee on Select Committee on Elections.

HB 1552by Representative Schmidt

AN ACT Relating to elections; amending RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, 29.36.160, 29.36.121, 29.36.124, 29.36.126, 29.36.130, 29.36.050, 29.54.085, 29.62.180, 29.04.055, and 29.62.090; reenacting and amending RCW 29.36.120 and 29.54.050; adding new sections to chapter 29.36 RCW; adding a new section to chapter 29.54 RCW; adding a new section to chapter 29.51 RCW; adding a new chapter to Title 29 RCW; creating a new section; recodifying RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, 29.36.160, 29.36.120, 29.36.121, 29.36.124, 29.36.126, 29.36.130, and 29.36.050; repealing RCW 29.36.122 and 29.36.139; and prescribing penalties.

Referred to Committee on State Government.

HB 1553by Representative Schmidt

AN ACT Relating to alternative public works contracting procedures; amending RCW 39.10.065, 39.10.110, 39.10.115, and 39.10.902; amending 2000 c 138 s 106 (uncodified); reenacting and amending RCW 39.10.120; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1554by Representative Schmidt

AN ACT Relating to election procedures; amending RCW 29.36.045, 29.36.060, 29.36.126, 29.36.139, and 29.62.020; and adding a new section to chapter 29.36 RCW.

Referred to Committee on State Government.

HB 1555by Representatives Dunshee, Mulliken, Cooper, Cairnes, Kirby and Mielke

AN ACT Relating to state building codes; and amending RCW 19.27.031.

Referred to Committee on Local Government & Housing.

HB 1556by Representatives Marine, Ballasiotes, O'Brien and Campbell

AN ACT Relating to motor vehicle theft; amending RCW 9A.56.070, 9.94A.360, and 13.40.0357; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1557by Representatives Clements, B. Chandler, McMorris, DeBolt, Lisk and Alexander

AN ACT Relating to adjusting permanent partial disability compensation for hearing loss to account for the effects of aging; amending RCW 51.32.080; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce & Labor.

HB 1558by Representatives O'Brien, Ballasiotes, Lovick, Cooper, Schmidt, Carrell, Fisher, Keiser, Hurst, Murray, Ogden, Gombosky, Wood, Kagi, McIntire, Dickerson, Edwards and Sommers

AN ACT Relating to creating a certification process and oversight mechanism for police service dog teams; reenacting and amending RCW 42.17.310; adding a new chapter to Title 43 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 1559by Representative McDermott

AN ACT Relating to information about initiatives; adding new sections to chapter 29.79 RCW; and adding a new section to chapter 29.81 RCW.

Referred to Committee on State Government.

HB 1560by Representatives Lambert, Lovick, Ballasiotes, O'Brien, Mulliken, Sump and Schindler

AN ACT Relating to restricting the use of the terms sheriff and sheriff's posse; and adding new sections to chapter 36.28 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1561 by Representatives G. Chandler, Doumit and Hatfield

AN ACT Relating to the integration of shoreline master programs into growth management planning; amending RCW 90.58.030, 90.58.050, 90.58.060, 90.58.080, 90.58.090, 90.58.100, 90.58.190, 36.70A.030, 36.70A.060, 36.70A.106, 36.70A.130, 36.70A.170, 36.70A.290, and 36.70A.480; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1562 by Representatives Talcott, Quall and Keiser; by request of Governor Locke, Academic Achievement & Accountability Commission, & State Board of Education

AN ACT Relating to academic achievement and accountability commission accountability system recommendations; amending RCW 28A.655.030, 28A.300.040, 28A.505.120, 28A.400.010, 28A.400.030, 28A.400.100, 28A.400.300, 28A.405.210, 28A.405.220, 28A.405.230, 28A.150.020, 28A.320.010, 28A.320.015, 28A.320.035, 28A.315.005, 28A.315.015, 28A.315.025, 28A.225.210, 28A.225.270, and 41.59.910; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; creating a new section; repealing RCW 28A.655.035 and 28A.655.050; and providing an effective date.

Referred to Committee on Education.

HJR 4206 by Representatives Doumit, Buck, Sommers, G. Chandler, Morris, Clements, Kessler, Cox, Tokuda, Ballasiotes, Fisher, Lisk, Dickerson, Schmidt, Kenney, Mulliken, McIntire, O'Brien, Kagi, Gombosky, Edmonds and Edwards

Requiring the legislature to establish a method for approving initiatives.

Referred to Committee on State Government.

HJR 4207 by Representatives Schmidt, Kessler, Clements and Buck

Requiring a geographic distribution of initiative petition signatures.

Referred to Committee on State Government.

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

## REPORT OF STANDING COMMITTEES

January 25, 2001

HB 1042 Prime Sponsor, Representative Campbell: Establishing sterilization requirements for the commercial practices of electrology and tattooing. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Edmonds; Marine; McMorris and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Edmonds, Marine, McMorris and Ruderman.

Excused: Representatives Darneille, Edwards and Pennington.

Passed to Committee on Rules for second reading.

January 25, 2001

HB 1094 Prime Sponsor, Representative Skinner: Allowing a health care professional to surrender his or her license to practice. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Edmonds; Marine; McMorris and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Edmonds, Marine, McMorris and Ruderman.

Excused: Representatives Darneille, Edwards and Pennington.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., January 30, 2001, the 23rd Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Tuesday, January 30, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ashley Benson and Jacques Lavigne. The Speaker (Representative Pennington presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Lorie Harmon, Missionary to Tanzania and Teaching Leader with Bible Study Fellowship International.

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

**INTRODUCTIONS AND FIRST READING**

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville and O'Brien

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on First Reading.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards, McDermott, Fromhold and Esser

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on First Reading.

HB 1549 by Representatives Schual-Berke, Cody, Campbell, Conway, Schmidt, Fromhold, Kenney, Rockefeller and McIntire; by request of Governor Locke and Attorney General

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Held on First Reading.

HB 1563 by Representatives G. Chandler, Linville, Pennington, Cooper and O'Brien; by request of Department of Ecology

AN ACT Relating to motor vehicle emission inspection fee adjustments; and amending RCW 70.120.170.

Referred to Committee on Agriculture & Ecology.

HB 1564 by Representatives Casada, Lantz, Carrell, Hurst, Esser and O'Brien

AN ACT Relating to the crime of making false or misleading statements to public servants; reenacting RCW 9A.76.175 and 9A.76.020; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1565 by Representatives Lovick, Haigh, Hankins and Morell; by request of Department of Licensing

AN ACT Relating to abandoned vehicle information; and amending RCW 46.55.100.

Referred to Committee on Transportation.

HB 1566 by Representatives Fisher, Hankins, Lovick, Mitchell and Ogden; by request of Department of Licensing

AN ACT Relating to the address of record for driver's license and identicard holders; amending RCW 46.20.205; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1567 by Representatives Fisher, Hankins, Lovick and Mitchell; by request of Department of Licensing

AN ACT Relating to penalties for the misuse of abstracts of driving records; amending RCW 46.52.130; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1568 by Representatives Lovick, Delvin, Fisher, Hankins, Mitchell, O'Brien and Hurst; by request of Department of Licensing

AN ACT Relating to suspension, revocation, and denial of driver training school instructor licenses; and amending RCW 46.82.350.

Referred to Committee on Transportation.

HB 1569 by Representatives Haigh, Schmidt and Romero; by request of Office of Financial Management

AN ACT Relating to the office of financial management's budgeting, accounting, and reporting requirements for state agencies; amending RCW 43.88.160, 79.44.040, 79.44.050, 79.44.070, 79.44.080, and 79.44.140; and repealing RCW 79.44.180.

Referred to Committee on State Government.

HB 1570 by Representatives Dunshee, Esser, Miloscia, Santos, Schmidt, Voloria, Romero, Barlean, Ericksen, Tokuda and Kenney

AN ACT Relating to creating the citizen councilor network; and adding new sections to chapter 43.09 RCW.

Referred to Committee on State Government.

HB 1571 by Representatives Wood, Clements and Conway

AN ACT Relating to changing provisions relating to the import of simulcast horse races from out-of-state racing facilities to class 1 racing associations' live racing facilities; and amending RCW 67.16.200.

Referred to Committee on Commerce & Labor.

HB 1572 by Representatives Carrell, O'Brien, Esser and Lambert

AN ACT Relating to voluntary cure of alleged construction defects; and adding a new section to chapter 4.16 RCW.

Referred to Committee on Judiciary.

HB 1573 by Representatives Simpson, Marine, Ruderman, Kessler, Keiser, Kenney, Talcott, Conway, Sommers, Kagi, Schual-Berke, Rockefeller, McIntire, Dunshee, O'Brien, Poulsen and Linville; by request of Governor Locke

AN ACT Relating to property tax relief by spreading property tax valuation increases over four years; amending RCW 84.40.0305; and creating a new section.

Referred to Committee on Finance.

HB 1574 by Representatives Jackley, Cairnes, Ruderman, Linville, Kessler, Keiser, Talcott, Conway, Schual-Berke, Edmonds, Rockefeller, Dunshee, Wood, O'Brien, Darneille and Hurst; by request of Governor Locke

AN ACT Relating to a property tax exemption from the state levy for real property occupied by senior citizens and persons retired by reason of disability; and amending RCW 84.36.381 and 84.36.387.

Referred to Committee on Finance.

HB 1575 by Representatives Quall, Cairnes, Morris, O'Brien, Roach, Reardon, Grant, Woods, Linville, Pflug, Hatfield, Carrell, Eickmeyer, Bush, Gombosky, Miloscia, Ruderman, Fromhold, Wood, Lovick, Delvin, Haigh, Hurst, Edmonds, Schoesler, Simpson, Lambert, Cooper, Lantz, Rockefeller, Esser, Barlean, Cox, Sehlin and Van Luven

AN ACT Relating to the taxation of physical fitness services; amending RCW 82.04.050; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1576 by Representatives Cody, Campbell, Edmonds, Marine, Ruderman, DeBolt, Conway, Boldt, Pennington, Schual-Berke, Darneille, Gombosky, Kagi, Dunshee, Kenney, Talcott and Wood

AN ACT Relating to improving the quality of in-home long-term care services provided by state funded individual providers; amending RCW 74.39A.005, 74.39A.030, 74.39A.095, 70.127.040, 70.127.040, 70.127.060, and 70.127.070; adding new sections to chapter 74.39A RCW; creating a new section; providing an effective date; and providing an expiration date.



Referred to Committee on Health Care.

HB 1577 by Representatives Schmidt and Romero; by request of Secretary of State

AN ACT Relating to candidates for elected office; amending RCW 29.24.020, 29.24.035, and 29.30.020; adding a new section to chapter 29.27 RCW; and adding a new section to chapter 29.24 RCW.

Referred to Committee on State Government.

HB 1578 by Representatives Carrell, Hurst and Lantz

AN ACT Relating to criminal profiteering; reenacting and amending RCW 9A.82.010, 9A.82.085, 9A.82.090, 9A.82.100, 9A.82.110, 9A.82.120, 9A.82.130, 9A.82.140, 9A.82.150, 9A.82.160, 9A.82.170, and 9.94A.320; reenacting RCW 9A.82.001, 9A.82.020, 9A.82.030, 9A.82.040, 9A.82.045, 9A.82.050, 9A.82.060, 9A.82.070, 9A.82.080, 9A.82.900, and 9A.82.901; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1579 by Representatives Carrell, Lantz, Hurst and Rockefeller

AN ACT Relating to the crime of unlawful practice of law; reenacting and amending RCW 9.94A.320; reenacting RCW 2.48.180 and 9.12.010; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1580 by Representatives Sump, Doumit, Buck, Pearson, Rockefeller, G. Chandler, Ericksen, Jackley, Pennington, Eickmeyer, Murray, Armstrong, Roach, Mielke, Quall, Hunt, Linville, Cooper, Kirby, Delvin, Mulliken, Simpson, Van Luven, Kenney, Campbell, Conway, Esser, Dunn, Ogden, Santos and Hurst

AN ACT Relating to law enforcement officers of the department of fish and wildlife; reenacting and amending RCW 41.26.030; and creating a new section.

Referred to Committee on Appropriations.

HB 1581 by Representatives Cooper, Haigh, Morell, Hankins, Rockefeller and Delvin; by request of Department of Licensing

AN ACT Relating to licensing of motor vehicle dealers and manufacturers; amending RCW 46.70.005, 46.70.011, 46.70.051, 46.70.090, 46.70.101, 46.70.120, 46.70.122, 46.70.130, 46.70.180, and 46.70.900; and reenacting and amending RCW 46.70.041.

Referred to Committee on Transportation.

HB 1582 by Representatives Hatfield, Delvin, Cooper, Ericksen, Linville, Kenney, Rockefeller and Lisk; by request of Department of Licensing

AN ACT Relating to use tax on motorcycles loaned to the department of licensing or its contractors for purposes of providing motorcycle training; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1583 by Representatives Hatfield, Ericksen, Cooper, Delvin and Kenney; by request of Department of Licensing

AN ACT Relating to the waiver of motorcycle endorsement examination after satisfactory completion of motorcycle operator training; amending RCW 46.20.515; and reenacting and amending RCW 46.20.505.

Referred to Committee on Transportation.

HB 1584 by Representatives Haigh, Cooper, Ericksen and Morell; by request of Department of Licensing

AN ACT Relating to vehicle license renewals; and amending RCW 46.16.210.

Referred to Committee on Transportation.

HB 1585 by Representatives Clements, Conway and Cooper

AN ACT Relating to regulating fire alarm systems; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1586 by Representatives Conway and Clements; by request of State Board of Accountancy

AN ACT Relating to allowing in-state practice privileges to out-of-state certified public accountants; and amending RCW 18.04.025 and 18.04.350.

Referred to Committee on Commerce & Labor.

HB 1587 by Representatives Veloria, Dunn, Kessler, Kenney, Conway, Ogden, O'Brien and Santos; by request of Governor Locke

AN ACT Relating to the linked deposit program; amending RCW 43.86A.060 and 43.63A.690; adding a new section to chapter 39.19 RCW; and repealing RCW 43.131.381 and 43.131.382.

Referred to Committee on Financial Institutions & Insurance.

HB 1588 by Representatives Mielke, Mulliken, Dunshee, Hatfield, Armstrong, Sump, Clements, Schindler, Ahern, Cox, Ericksen, Pennington, Buck, McMorris, Doumit, Grant, Pearson, Kirby, Delvin, Boldt, Dunn and Lisk

AN ACT Relating to establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act; amending RCW 36.70A.130; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1589 by Representatives Clements, Schoesler and Lisk

AN ACT Relating to the payment of prevailing wages in rural local governments; adding a new section to chapter 39.12 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1590 by Representatives Cody, Clements, Conway, Skinner, Gombosky, Mitchell, Edmonds, Hatfield, Keiser, Kenney, Kagi, McIntire, Wood, Ruderman, Santos and Hurst

AN ACT Relating to breastfeeding; amending RCW 9A.88.010; and adding new sections to chapter 43.70 RCW.

Referred to Committee on Health Care.

HB 1591 by Representatives Esser, Lantz, O'Brien, Lisk, Kirby, B. Chandler, Linville and Doumit

AN ACT Relating to service of orders in harassment matters; and amending RCW 10.14.080 and 10.14.100.

Referred to Committee on Judiciary.

HB 1592 by Representatives Mulliken, Kessler, B. Chandler, Hatfield, Buck, Doumit, Armstrong, Eickmeyer, Sump, Cox, Clements, Schindler, Alexander, Lisk, Hankins, Pennington, Mielke, Schoesler, McMorris, Delvin, Grant, Boldt and Dunn

AN ACT Relating to rural county planning goals under the growth management act; amending RCW 36.70A.320; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

HB 1593 by Representatives Mulliken, Doumit, Mielke, Hatfield, Sump, Eickmeyer, Armstrong, Clements, Cox, Schindler, Lisk, Buck, Pennington, McMorris, Schoesler, Grant, Boldt, Delvin, Kessler and Dunn

AN ACT Relating to authorizing rural counties to establish industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Local Government & Housing.

HB 1594 by Representatives Linville and G. Chandler

AN ACT Relating to the standards for agricultural transfers of water; and amending RCW 90.03.380.

Referred to Committee on Agriculture & Ecology.

HB 1595 by Representatives G. Chandler and Linville

AN ACT Relating to seasonal or temporary transfer or changes by water users; and amending RCW 90.03.390.

Referred to Committee on Agriculture & Ecology.

HB 1596 by Representatives G. Chandler, Wood, Mulliken, Fisher, Mitchell, Ogden and Santos

AN ACT Relating to transportation of persons with special needs; amending RCW 82.14.045; adding a new section to chapter 36.57 RCW; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Transportation.

HB 1597 by Representatives Conway, Clements, Wood and B. Chandler

AN ACT Relating to the public accountancy act; amending RCW 18.04.015, 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.183, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.320, 18.04.335, 18.04.345, 18.04.350, 18.04.370, 18.04.380, 18.04.390, 18.04.405, and 18.04.420; adding a new section to chapter 18.04 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1598 by Representatives Conway and Clements

AN ACT Relating to the hours of operators of power equipment in waterfront operations; and repealing RCW 49.28.100 and 49.28.110.

Referred to Committee on Commerce & Labor.

HB 1599 by Representatives Simpson, Linville, Cooper, Wood and Keiser

AN ACT Relating to landscape irrigation water conservation; amending RCW 19.27.170; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1600 by Representatives Simpson, Roach, Hatfield, Benson, Wood, Romero, Keiser, Darneille and Santos

AN ACT Relating to commercial telephone solicitation; and adding a new section to chapter 19.158 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1601 by Representative Dunshee

AN ACT Relating to enhancing legislative auditing and review authority; amending RCW 44.28.005, 44.28.010, 44.28.020, 44.28.030, 44.28.050, 44.28.060, 44.28.065, 44.28.071, 44.28.075, 44.28.080, 44.28.083, 44.28.088, 44.28.094, 44.28.097, 44.28.100, 44.28.110, 44.28.120, 44.28.130, 44.28.150, 44.28.155, 44.28.800, 28A.630.830, 28B.20.382, 39.29.080, 41.06.070, 42.48.060, 43.09.310, 43.79.270, 43.79.280, 43.88.020, 43.88.090, 43.88.160, 43.88.205, 43.88.230, 43.88.310, 43.88.510, 43.131.051, 43.131.061, 43.131.071, 43.131.110, 43.250.080, 44.40.025, 67.70.310, and 74.09.415; reenacting and amending RCW 79.01.006; adding a new section to chapter 44.28 RCW; creating new sections; repealing RCW 43.21J.800; and providing expiration dates.

Referred to Committee on State Government.

HB 1602 by Representative Dunshee

AN ACT Relating to allocating presidential electors; and adding a new section to chapter 29.71 RCW.

Referred to Committee on State Government.

HB 1603 by Representatives Morell, O'Brien, Miloscia, Kirby, Boldt, Mitchell, Campbell and Dunn

AN ACT Relating to the definition of high occupancy vehicle; amending RCW 46.61.165 and 47.52.025; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 1604 by Representatives Schual-Berke, Ballasiotes, O'Brien, Skinner, Campbell, Keiser, Ogden, Cody, Kenney, Kagi, Lovick, Edmonds, Darneille and Santos

AN ACT Relating to hospital safety; and amending RCW 9.41.300.

Referred to Committee on Criminal Justice & Corrections.

HB 1605 by Representatives Clements, McMorris, Lisk, Schoesler, Boldt, Dunn and Mielke

AN ACT Relating to revising unemployment insurance contribution rates based on system savings; amending RCW 50.20.120 and 50.29.025; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1606 by Representatives Clements, Crouse, B. Chandler, G. Chandler, Schoesler and Lisk

AN ACT Relating to electricity rate structure for irrigation pumping installations; adding a new section to chapter 80.28 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 23.86 RCW; adding a new section to chapter 24.06 RCW; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1607 by Representatives Anderson, Haigh, Talcott, Quall, Keiser, Kenney, Schual-Berke, Edmonds, Rockefeller, McIntire, O'Brien, Darneille and Santos; by request of Governor Locke & Superintendent of Public Instruction

AN ACT Relating to high-quality alternative routes to teacher certification; adding a new chapter to Title 28A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 1608 by Representatives G. Chandler, Delvin, Cooper, Linville and Lisk; by request of Department of Ecology

AN ACT Relating to water resource inventory area planning; and amending RCW 90.82.040.

Referred to Committee on Agriculture & Ecology.

HB 1609 by Representatives McMorris and Mulliken

AN ACT Relating to regulatory reform; amending RCW 34.05.230, 34.05.310, 34.05.320, 34.05.328, 34.05.350, 34.05.380, 34.05.570, 4.84.340, 4.84.350, 4.84.360, 43.05.040, 43.05.030, 34.05.610, 34.05.630, 34.05.640, 34.05.660, and 43.135.060; adding new sections to chapter 34.05 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.22 RCW; adding new sections to chapter 4.84 RCW; adding a new section to chapter 43.05 RCW; adding a new chapter to Title 34 RCW; creating new sections; repealing RCW 34.05.354; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 1610 by Representatives Fisher, Mitchell, Simpson and Wood; by request of Washington State Patrol

AN ACT Relating to transferring into the state patrol retirement system; amending RCW 41.40.092, 41.40.092, and 43.43.130; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1611 by Representatives Schindler and Romero; by request of Washington State Patrol

AN ACT Relating to missing persons record retention policies; and amending RCW 68.50.320.

Referred to Committee on Criminal Justice & Corrections.

HB 1612 by Representative Romero; by request of Washington State Patrol

AN ACT Relating to membership on the state building code council; and amending RCW 19.27.070.

Referred to Committee on Local Government & Housing.

HB 1613 by Representatives Romero and Schindler; by request of Washington State Patrol

AN ACT Relating to submission of unidentified persons information; and amending RCW 68.50.330.

Referred to Committee on Criminal Justice & Corrections.

HB 1614 by Representatives Lovick, Carrell and Hurst

AN ACT Relating to the crime of commercial bribery; reenacting and amending RCW 9.94A.320; reenacting RCW 9A.68.060; creating a new section; repealing RCW 49.44.070; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1615 by Representatives Anderson, Bush, Lambert, Roach, Pflug, Armstrong, Van Luven, Esser, Schmidt, Pearson, Lisk and O'Brien

AN ACT Relating to a vote on the dissolution of regional transit authorities; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Transportation.

HB 1616 by Representatives Mulliken, Mielke, Dunn, DeBolt and Crouse

AN ACT Relating to maintaining a sufficient amount of land as suitable for urban development; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HJR 4208 by Representatives Simpson, Cairnes, Ruderman, Keiser, Conway, Sommers, Kagi, Schual-Berke, McIntire, O'Brien and Poulsen; by request of Governor Locke

Amending the Constitution to allow increases in the assessed value of real property to be phased-in over a four-year period.

Referred to Committee on Finance.

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

**REPORTS OF STANDING COMMITTEES**

January 26, 2001

HB 1024 Prime Sponsor, Representative Doumit: Increasing the growing cycle for short-rotation hardwoods for tax purposes. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Eickmeyer, Ericksen, Jackley and Pennington.

Excused: Representatives Edwards and Murray.

Passed to Committee on Rules for second reading.

January 26, 2001

HB 1035 Prime Sponsor, Representative Pennington: Extending a program of steelhead recovery in certain counties. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

January 26, 2001

HB 1071 Prime Sponsor, Representative Doumit: Adjusting deadlines for salmon recovery grant applications. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

#### MOTION

On motion of Representative DeBolt, the House adjourned until 9:55 a.m., January 31, 2001, the 24<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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MORNING SESSION

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House Chamber, Olympia, Wednesday, January 31, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville, O'Brien, Edwards and Edmonds

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on First Reading.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards, McDermott, Fromhold, Esser and Miloscia

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on First Reading.

HB 1549 by Representatives Schual-Berke, Cody, Campbell, Conway, Schmidt, Fromhold, Kenney, Rockefeller, McIntire, Miloscia, Edwards, Hunt and Edmonds; by request of Governor Locke and Attorney General

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Held on First Reading.

HB 1617 by Representatives Quall, Talcott, Linville and Edwards; by request of State Board of Education

AN ACT Relating to reclassifying the state board of education as a class four group; and amending RCW 28A.305.120.

Referred to Committee on Education.

HB 1618 by Representatives Cairnes and Keiser

AN ACT Relating to service providers who pass on costs to casualty or property insurers; and amending RCW 48.30A.015.

Referred to Committee on Financial Institutions & Insurance.

HB 1619 by Representatives Hunt, Doumit, McMorris, Mulliken, Sump, Clements, Lantz and Miloscia

AN ACT Relating to the recreation resource account; and amending RCW 79A.25.070.

Referred to Committee on Natural Resources.

HB 1620 by Representatives Delvin, O'Brien, Mielke, Kirby, Ericksen, Esser, Lovick, Cooper, B. Chandler, Ruderman, Mulliken and Dunn

AN ACT Relating to removing the requirement that tow truck operators accept personal checks for the redemption of vehicles; and amending RCW 46.55.120.

Referred to Committee on Transportation.

HB 1621 by Representatives Cody, Campbell and Conway

AN ACT Relating to prescriptive authority for advanced registered nurse practitioners; amending RCW 18.79.050, 18.79.240, and 18.79.250; and repealing RCW 18.57.280, 18.71.370, and 18.79.320.

Referred to Committee on Health Care.

HB 1622 by Representatives Wood, Schmidt, Edmonds, Conway, Clements and Miloscia

AN ACT Relating to a study of problem or pathological gambling in existing public drug and alcohol treatment programs; creating a new section; and providing an expiration date.

Referred to Committee on Children & Family Services.

HB 1623 by Representatives Kenney, Cox, Skinner, Benson, Gombosky, Rockefeller, Edwards and Mulliken

AN ACT Relating to investments of surplus funds by four-year institutions of higher education; and amending RCW 43.250.010, 43.250.020, and 43.250.040.

Referred to Committee on Higher Education.

HB 1624 by Representatives Morris, Cairnes, Reardon, Conway, Dunshee, Ogden, Pennington, Van Luven, Doumit, Veloria, Dickerson, Fromhold, Anderson and Edwards

AN ACT Relating to the business and occupation tax deduction for health or social welfare services as applied to government-funded health benefits paid through managed care organizations; amending RCW 82.04.4297; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 1625 by Representatives Esser, McIntire, Alexander and Murray; by request of Office of Financial Management

AN ACT Relating to fiscal matters; amending 1999 c 379 ss 112 and 758 (uncodified); amending 2000 2nd sp.s. c 1 s 1013 (uncodified); adding a new section to 1999 c 379 (uncodified); making appropriations; authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1626 by Representatives Fromhold, Dunn, Ogden, Pennington, Jarrett and Mulliken

AN ACT Relating to establishing a pilot program authorizing designation of industrial land banks outside urban growth areas under certain circumstances; and amending RCW 36.70A.367.

Referred to Committee on Local Government & Housing.

HB 1627 by Representatives Fromhold, Dunn, Ogden, Edmonds, Dunshee, Jarrett and Edwards

AN ACT Relating to using revenues under the county conservation futures levy; and amending RCW 84.34.230 and 84.34.240.

Referred to Committee on Natural Resources.

HB 1628 by Representatives Barlean, Sehlin, Santos and Kagi

AN ACT Relating to defining rural counties for purposes of sales and use tax for public facilities; and amending RCW 82.14.370.

Referred to Committee on Trade & Economic Development.

HB 1629 by Representatives Conway, Darneille, Cody, Edmonds, Ruderman, Schual-Berke, Keiser, Ballasiotes, Hunt, Lovick, Jackley, Fisher, Linville, Kenney, Miloscia, Edwards and Veloria

AN ACT Relating to creating an office of mental health ombudsman; and adding a new chapter to Title 71 RCW.

Referred to Committee on Health Care.

HB 1630 by Representatives Dunn, Fromhold, Rockefeller, Edmonds, Edwards and Conway; by request of Department of Community, Trade & Economic Development

AN ACT Relating to mobile home relocation assistance; amending RCW 59.21.010, 59.21.021, and 59.21.050; adding a new section to chapter 59.21 RCW; and providing an effective date.

Referred to Committee on Local Government & Housing.

HB 1631 by Representatives B. Chandler and Crouse

AN ACT Relating to energy facility siting; and amending RCW 80.50.060, 80.50.020, and 80.50.075.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1632 by Representatives Ruderman, Anderson, Schual-Berke and Casada; by request of Department of Information Services

AN ACT Relating to fraudulently obtaining or using digital signatures and digital certificates; adding a new section to chapter 9.38 RCW; and prescribing penalties.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1633 by Representatives Campbell and Cody; by request of Insurance Commissioner

AN ACT Relating to technical corrections to chapters 79 and 80, Laws of 2000; and amending RCW 48.20.025, 48.41.030, 48.41.100, 48.41.110, 48.43.005, 48.43.012, 48.43.015, 48.43.018, 48.43.025, 48.44.017, 48.46.062, and 70.47.060.

Referred to Committee on Health Care.

HB 1634 by Representatives Santos, DeBolt, Hatfield and Benson; by request of Insurance Commissioner

AN ACT Relating to prioritizing and ordering the distribution of claims of an insurer's estate; amending RCW 48.31.280 and 48.31.260; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 1635 by Representatives Ogden and Conway

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

Referred to Committee on Commerce & Labor.

HB 1636 by Representatives Edmonds, Skinner, Ruderman, Pflug, Pennington, Cody, Kenney, Schual-Berke, Edwards, Morell and Santos

AN ACT Relating to nursing facility certificate of need requirements; and amending RCW 70.38.111 and 70.38.115.

Referred to Committee on Health Care.

HB 1637 by Representatives Edmonds, Skinner, O'Brien, McMorris, Conway, Kenney, Campbell, Kagi, Pflug, Kirby, Pennington, Cody, Ruderman, Schoesler, Lovick, Jackley, Schual-Berke, Anderson, Keiser, Schindler, Romero, Casada, Rockefeller, Miloscia, Morell, Mulliken, Santos, Van Luven and Hurst

AN ACT Relating to enhancing the wages and benefits of long-term care paraprofessional workers providing care to the elderly and disabled; amending RCW 70.47.020, 70.47.060, and 28B.15.558; adding new sections to chapter 74.39A RCW; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1638 by Representatives Cairnes, Dunshee, Conway, Skinner, Santos, Benson, Jackley, Miloscia, Van Luven and Dunn

AN ACT Relating to a tax exemption for persons under contract for services for developmentally disabled persons; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1639 by Representatives Keiser, Talcott, Cox, Pearson, Quall, Santos, Haigh and Schual-Berke; by request of Superintendent of Public Instruction

AN ACT Relating to peer mentor programs; amending RCW 28A.415.250; and creating a new section.

Referred to Committee on Education.

HB 1640 by Representatives Miloscia, Dunn, Casada, Conway and Santos

AN ACT Relating to employment opportunities for people with disabilities; adding new sections to chapter 43.19 RCW; and providing an effective date.

Referred to Committee on State Government.

HB 1641 by Representatives Santos, Bush, Kenney, Keiser, McDermott and Conway

AN ACT Relating to assisting low-income persons to obtain affordable automobile liability insurance; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1642 by Representatives Santos, Pennington, Ruderman, Mielke, Schual-Berke, Keiser, Rockefeller, Conway and Dunn

AN ACT Relating to senior citizen property taxes; amending RCW 84.36.381, 84.36.383, 84.38.030, and 84.64.050; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1643 by Representatives Lantz, Skinner, Fromhold, Ogden, Esser, Jarrett, McIntire, Rockefeller, Doumit, Keiser and Dunn

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

Referred to Committee on Judiciary.

HB 1644 by Representatives McMorris, Romero, Linville and Kenney; by request of Secretary of State

AN ACT Relating to recount procedures; amending RCW 29.62.090, 29.64.010, 29.64.015, 29.64.020, 29.64.030, 29.64.040, 29.64.051, 29.64.060, and 29.64.080; adding a new section to chapter 29.01 RCW; and adding a new section to chapter 29.64 RCW.

Referred to Committee on State Government.

HB 1645by Representatives Schual-Berke, Campbell, Edmonds, Alexander and Skinner

AN ACT Relating to the establishment of a drug utilization review program and a drug prior authorization program under the medical assistance program; amending RCW 74.09.010; adding new sections to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1646by Representatives Schmidt, Haigh, Talcott, Keiser, Cox, Schual-Berke, Anderson, Pearson, Quall, Santos, Rockefeller, McDermott, Schindler, Conway, Bush and Dunn

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

Referred to Committee on Education.

HB 1647by Representatives Murray, Miloscia, Veloria, Tokuda, Ruderman, McDermott and Santos

AN ACT Relating to the death penalty; adding a new section to chapter 10.95 RCW; making appropriations; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1648by Representatives Murray, Miloscia, Veloria, Lantz, Tokuda, Ruderman, Schual-Berke, McDermott and Santos

AN ACT Relating to the creation of a task force to review the death penalty; adding a new section to chapter 10.95 RCW; making appropriations; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1649by Representative Kessler

AN ACT Relating to hit and run causing injury to the body of a deceased person; amending RCW 46.52.020; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1650by Representatives Cody, Alexander, Tokuda, Mulliken, Doumit, Schual-Berke, Edwards and Kagi

AN ACT Relating to community mental health services; amending RCW 71.24.015, 71.24.025, 71.24.030, 71.24.035, 71.24.037, 71.24.045, 71.24.049, 71.24.155, 71.24.160, 71.24.250, 71.24.310, 71.24.400, and 71.24.405; reenacting and amending RCW 71.24.300; and adding new sections to chapter 71.24 RCW.

Referred to Committee on Health Care.

HB 1651by Representatives Campbell, Cody, Schual-Berke, Ruderman and Edwards

AN ACT Relating to the protection of charitable trusts that are health care service contractors and health maintenance organizations; amending RCW 48.43.005; and adding new sections to chapter 48.43 RCW.

Referred to Committee on Health Care.

HB 1652 by Representatives Cody, Campbell, Edmonds and Edwards

AN ACT Relating to development of a therapeutic and cost-effective prescription drug education and utilization system; adding new sections to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1653 by Representatives Cooper, Ericksen, Wood, Jarrett, Dunshee and Anderson

AN ACT Relating to motor vehicle fuel tax revenue allocations, distributions, and uses for nonhighway roads and off-road vehicles; amending RCW 46.09.020, 46.09.170, 46.09.240, and 46.09.280; and adding a new section to chapter 46.09 RCW.

Referred to Committee on Transportation.

HB 1654 by Representatives Miloscia, Lambert and Kenney

AN ACT Relating to transferring the public printer to the department of general administration; amending RCW 41.06.070, 43.78.030, 43.78.040, 43.78.050, 43.78.070, 43.78.090, 43.78.100, 43.78.105, 43.78.110, and 43.78.170; adding a new section to chapter 43.78 RCW; adding a new section to chapter 41.56 RCW; creating a new section; repealing RCW 43.78.010 and 43.78.020; and providing an effective date.

Referred to Committee on State Government.

HB 1655 by Representatives Sump, Doumit, Pearson, Rockefeller and Clements

AN ACT Relating to the creation of an advisory committee to the fish and wildlife commission composed of disabled individuals; adding a new section to chapter 77.04 RCW; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 1656 by Representatives Mulliken, Hatfield, G. Chandler, Grant, Sump, Mielke, Schoesler, Buck, Eickmeyer, Kessler, Schindler, Van Luven and Dunn; by request of Governor Locke

AN ACT Relating to legislative approval of shoreline guidelines; and amending RCW 90.58.080.

Referred to Committee on Local Government & Housing.

HB 1657 by Representatives Morell, McDermott, Rockefeller, Bush and Van Luven; by request of Washington State Patrol

AN ACT Relating to weight limits for fire-fighting apparatus; amending RCW 46.44.091; and creating a new section.

Referred to Committee on Transportation.

HB 1658 by Representatives Buck, Doumit, Ericksen, Linville, Haigh, G. Chandler, Cooper and Dunshee

AN ACT Relating to state oyster reserve lands; amending RCW 79.96.110, 43.84.092, and 43.84.092; adding new sections to chapter 77.60 RCW; repealing RCW 79.96.090; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 1659 by Representatives Talcott, Tokuda, Boldt, Pflug, Carrell, Veloria, Jackley, Anderson, Mitchell, Casada, Miloscia, Edwards, Lantz, Conway, Morell, Santos, Bush, Hurst and Dunn

AN ACT Relating to establishing a pilot project to provide community-based services through a public-private based partnership for persons with developmental disabilities; creating new sections; and making appropriations.

Referred to Committee on Children & Family Services.

HB 1660 by Representatives Dunn, Veloria, Hunt, Schmidt, Ogden, Tokuda, O'Brien, Fromhold, Santos, Boldt, Hurst, Ruderman and Kenney

AN ACT Relating to entrepreneurial training; adding a new section to chapter 43.330 RCW; and making appropriations.

Referred to Committee on Children & Family Services.

HB 1661 by Representatives Keiser, Bush, Santos and Miloscia

AN ACT Relating to juvenile life insurance; adding a new section to chapter 48.23 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1662 by Representatives Dunshee and Dunn

AN ACT Relating to enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area; and amending RCW 58.17.020.

Referred to Committee on Local Government & Housing.

HB 1663 by Representatives McDermott, O'Brien, Darneille, Ruderman, Murray, Schual-Berke, Romero, Conway, Poulsen and Santos; by request of Governor Locke

AN ACT Relating to sentencing of hate crimes; and amending RCW 9.94A.390.

Referred to Committee on Criminal Justice & Corrections.

HB 1664 by Representatives Fisher, Mitchell, Edwards, Poulsen and Van Luven; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to the responsibilities of the transportation commission; amending RCW 47.01.021, 43.17.020, and 47.01.041; reenacting and amending RCW 47.01.101; adding new sections to chapter 47.01 RCW; creating a new section; repealing RCW 47.01.051, 47.01.061, and 47.01.070; and providing an effective date.



Referred to Committee on Transportation.

HB 1665 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to a review of transportation administration practices; and creating new sections.

Referred to Committee on Transportation.

HB 1666 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to transportation financing; amending RCW 46.16.0621, 46.16.070, 46.68.035, 47.60.326, 82.08.020, 82.08.0255, 82.80.020, 82.80.070, and 82.03.130; reenacting and amending RCW 82.36.025; adding a new section to chapter 84.55 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 47 RCW; repealing RCW 39.88.010, 39.88.020, 39.88.030, 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090, 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905, 39.88.910, 39.88.915, and 84.55.080; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1667 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to regional transportation governance; amending RCW 47.80.020 and 47.80.023; adding a new chapter to Title 36 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1668 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to maintaining and preserving transportation facilities and assets; amending RCW 35.84.060, 47.06.050, and 47.06.090; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1669 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to cost-benefit analysis for transportation planning; and amending RCW 47.05.010, 47.05.030, 47.05.035, and 47.05.051.

Referred to Committee on Transportation.

HB 1670 by Representatives Fisher, Mitchell, Ruderman and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to a fee on studded tires; amending RCW 46.37.4216; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1671 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to franchises on state highways; and amending RCW 47.44.010, 47.44.020, and 47.44.050.

Referred to Committee on Transportation.

HB 1672 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to use of intelligent transportation systems and traffic system management; adding a new section to chapter 47.05 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1673 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to integration of transportation and land use planning; and amending RCW 35.63.060 and 35A.63.060.

Referred to Committee on Transportation.

HB 1674 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to creation of congestion relief districts; and adding a new chapter to Title 36 RCW.

Referred to Committee on Transportation.

HB 1675 by Representatives Fisher, Mitchell, Poulsen and Kagi; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to priority programming of highway improvements; amending RCW 47.05.051; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1676 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to investing in human resources for transportation; amending RCW 47.80.030; adding a new section to chapter 49.04 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1677 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to prevailing wages in public contracts; amending RCW 39.12.010; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Transportation.

HB 1678 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to advance right-of-way acquisition; and adding new sections to chapter 47.26 RCW.

Referred to Committee on Transportation.

HB 1679 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to environmental mitigation in transportation projects; amending RCW 36.79.090; reenacting and amending RCW 46.68.090; and adding a new section to chapter 47.26 RCW.

Referred to Committee on Transportation.

HB 1680 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to design-build procedures for public works; amending RCW 47.20.750, 47.20.755, and 47.20.765; repealing RCW 47.20.775; repealing 1998 c 195 s 7 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

HB 1681 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to continuing public-private initiative pilot projects; amending RCW 47.46.030, 47.56.010, 47.56.030, 47.56.240, and 47.56.270; creating a new section; repealing RCW 47.56.271; and declaring an emergency.

Referred to Committee on Transportation.

HB 1682 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to removing barriers to transportation services provided by the private sector; and amending RCW 36.57A.100, 47.60.120, 81.84.020, and 47.64.090.

Referred to Committee on Transportation.

HB 1683 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to duties of the department of transportation; and amending RCW 47.01.260.

Referred to Committee on Transportation.

HB 1684 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to managed competition for transportation operations and maintenance functions; amending RCW 41.06.380; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 1685 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to environmental permit streamlining for transportation projects; and amending RCW 47.01.021, 47.01.290, and 47.01.300.

Referred to Committee on Transportation.

HB 1686 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to allocation of new transportation revenues; adding a new section to chapter 46.68 RCW; creating new sections; providing a contingent effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Transportation.

HB 1687 by Representatives Fisher, Mitchell and Poulsen; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to transportation bonds; and adding new sections to chapter 47.10 RCW.

Referred to Committee on Transportation.

HB 1688 by Representatives Pflug, Quall, Talcott, McDermott, Anderson, Jarrett, Cairnes, Keiser, Ericksen, Edwards, Conway and Santos

AN ACT Relating to providing a housing supplement to the salaries of certain teachers and instructional staff; and creating new sections.

Referred to Committee on Education.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 1, 2001, the 25<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
**TWENTY FIFTH DAY**

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MORNING SESSION

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House Chamber, Olympia, Thursday, February 1, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jamie Peterson and John Hekimian. Prayer was offered by Pastor Bob Lester, Gloria Dei Lutheran Church, Olympia.

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

**MESSAGE FROM THE SENATE**

January 31, 2001

Mr. Speakers:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4403,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE CONCURRENT RESOLUTION NO. 4403,

**INTRODUCTIONS AND FIRST READING**

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville, O'Brien, Edwards, Edmonds and Dickerson

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on First Reading.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards, McDermott, Fromhold, Esser and Miloscia

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on First Reading.

HB 1549 by Representatives Schual-Berke, Cody, Campbell, Conway, Schmidt, Fromhold, Kenney, Rockefeller, McIntire, Miloscia, Edwards, Hunt, Edmonds, O'Brien and Ogden; by request of Governor Locke & Attorney General

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Held on First Reading.

HB 1689 by Representatives Fisher and Mitchell; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to transportation funding; and adding new sections to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 1690 by Representatives Fisher and Mitchell; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to distribution of federal transportation funding; and adding a new section to chapter 47.08 RCW.

Referred to Committee on Transportation.

HB 1691 by Representatives Fisher and Mitchell; by request of the Blue Ribbon Commission on Transportation

AN ACT Relating to requirements for providing transportation funding; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

HB 1692 by Representatives Boldt, Carrell and Hurst

AN ACT Relating to the crime of perjury; reenacting RCW 9A.72.010 and 9A.72.030; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1693 by Representative Ericksen

AN ACT Relating to commercial ferry operators; and amending RCW 47.60.120.

Referred to Committee on Transportation.

HB 1694 by Representatives Boldt, Carrell and Hurst

AN ACT Relating to unlicensed practice of a profession or business; reenacting and amending RCW 9.94A.320; reenacting RCW 18.130.190; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1695 by Representatives Boldt and Anderson

AN ACT Relating to social services; amending RCW 70.190.010, 70.190.030, 70.190.040, 70.190.075, 70.190.090, 70.190.100, 70.190.110, 70.190.130, 70.190.150, 13.40.510, 43.70.555, 69.50.520, 74.14A.060, and 74.14C.050; adding new sections to chapter 70.190 RCW; adding new sections to chapter 43.63A RCW;

recodifying RCW 70.190.010, 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.065, 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.190, and 70.190.910; and repealing RCW 70.190.005, 70.190.020, and 70.190.920.

Referred to Committee on Children & Family Services.

HB 1696 by Representative Ericksen

AN ACT Relating to eliminating punch card voting systems; and adding a new section to chapter 29.33 RCW.

Referred to Committee on State Government.

HB 1697 by Representatives Ericksen and Pennington

AN ACT Relating to creating a pilot program to allow food fish caught in Canadian waters by sports fishers to be landed in Point Roberts; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 1698 by Representatives Campbell, Quall, Cox, Barlean and Schual-Berke

AN ACT Relating to school construction; amending RCW 28A.525.162 and 28A.525.166; and adding a new section to chapter 28A.525 RCW.

Referred to Committee on Education.

HB 1699 by Representatives Alexander, Hunt, DeBolt and Romero

AN ACT Relating to suspending the driving privileges of juveniles who have committed the offense of threatening to bomb a school building; and amending RCW 13.40.265.

Referred to Committee on Juvenile Justice.

HB 1700 by Representatives Rockefeller and Hunt

AN ACT Relating to making referrals for vocational rehabilitation services under industrial insurance; amending RCW 51.32.095; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1701 by Representatives Rockefeller, Haigh, Jackley, Eickmeyer, Quall, Lantz, Woods, McDermott, McIntire, Murray, Barlean and Poulsen

AN ACT Relating to ferry fares; and amending RCW 47.60.326.

Referred to Committee on Transportation.

HB 1702 by Representatives Schindler and Ballasiotes



AN ACT Relating to a study of released prisoners; creating new sections; and making an appropriation.

Referred to Committee on Criminal Justice & Corrections.

HB 1703 by Representatives Conway, Darneille, Keiser, Cooper, Romero, Tokuda, Veloria and Fisher

AN ACT Relating to prescription drug prices; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1704 by Representatives Cooper, Hankins, Dunshee, Murray and Tokuda

AN ACT Relating to motorized scooters; amending RCW 46.04.320, 46.04.330, 46.04.332, 46.04.670, 35.75.010, 35.75.020, 35.75.030, 35.75.040, and 46.61.710; adding a new section to chapter 46.04 RCW; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

HB 1705 by Representatives Pennington, Doumit, G. Chandler, DeBolt, Ericksen, Eickmeyer, Armstrong, Clements, Buck, Hatfield and Haigh

AN ACT Relating to increasing salmon to self-sustaining levels; amending RCW 77.95.210, 77.95.270, 77.100.050, and 77.100.060; and creating a new section.

Referred to Committee on Natural Resources.

HB 1706 by Representatives Morris and Cairnes; by request of Department of Revenue

AN ACT Relating to granting the department of revenue the authority to issue direct pay permits; amending RCW 82.12.010, 82.08.050, and 82.12.040; adding a new section to chapter 82.32 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 1707 by Representatives Hurst, Roach, Ballasiotes, Lovick, Mielke, Quall, Carrell, O'Brien, Veloria, Poulsen, Dunshee and Haigh

AN ACT Relating to criminal history records check of prospective employees of institutions of higher education; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1708 by Representatives Veloria, Cairnes, Morris, Ruderman, Jarrett, Santos, Esser and Edmonds

AN ACT Relating to the property tax exemption for new or rehabilitated multiple-unit dwellings; and amending RCW 84.14.020, 84.14.030, and 84.14.110.

Referred to Committee on Finance.

HB 1709 by Representatives Mielke, Sump, Hatfield, Veloria and Schindler

AN ACT Relating to solid waste hauling exemptions; and adding a new section to chapter 81.77 RCW.

Referred to Committee on Transportation.

HB 1710 by Representatives Mielke, Mulliken, Schoesler, Armstrong, Pennington, Dunn, Boldt and Campbell

AN ACT Relating to franchise fees imposed upon solid waste businesses and services; amending RCW 35.21.860; and adding a new section to chapter 36.58 RCW.

Referred to Committee on Local Government & Housing.

HB 1711 by Representatives Mielke, Pennington, Dunn, Boldt, Campbell and Veloria

AN ACT Relating to motorist information signs; and reenacting and amending RCW 47.36.330.

Referred to Committee on Transportation.

HB 1712 by Representatives Mielke, Mulliken, Pennington, Dunn, Campbell, Boldt and Veloria

AN ACT Relating to providing for the election of library trustees; amending RCW 27.12.190, 27.12.010, 27.12.040, 27.12.050, 27.12.130, 27.12.420, 27.12.470, and 29.21.015; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Local Government & Housing.

HB 1713 by Representatives Mielke, Dunn, Boldt, Hatfield, Campbell, Santos, G. Chandler, Veloria and Schindler

AN ACT Relating to release of an impounded commercial vehicle that was driven by a person with a suspended license without the owner's knowledge; and amending RCW 46.55.120.

Referred to Committee on Transportation.

HB 1714 by Representatives Gombosky, Kirby, O'Brien and Wood

AN ACT Relating to allowing certain county jail employees to change retirement system membership; reenacting and amending RCW 41.26.030; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 1715 by Representatives Rockefeller, Romero, Schmidt and Ogden; by request of Secretary of State

AN ACT Relating to the order of candidates on ballots; amending RCW 29.30.025; and repealing RCW 29.30.040.

Referred to Committee on State Government.

HB 1716 by Representatives Veloria, Mielke, Buck, O'Brien, Conway, Talcott, Hunt, Crouse, Clements, Murray, Schoesler, Miloscia, Benson, Tokuda, Santos, Schmidt, McDermott, Lovick, Cody, Campbell, Haigh, Keiser, Ogden and Dickerson

AN ACT Relating to income assistance benefits for qualified World War II veterans living in the Republic of the Philippines; adding a new section to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1717 by Representatives Morell, O'Brien, Ballasiotes, McMorris, Cairnes and Ahern

AN ACT Relating to public access to public records; and reenacting and amending RCW 42.17.310.

Referred to Committee on Criminal Justice & Corrections.

HB 1718 by Representatives Kenney, Barlean, Gombosky and Campbell; by request of University of Washington

AN ACT Relating to University of Washington employees; amending RCW 41.06.152 and 41.56.201; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1719 by Representatives Edwards, Darneille, Dunshee, Fromhold, O'Brien, Romero and Schual-Berke

AN ACT Relating to tobacco products; amending RCW 82.24.010, 82.24.500, 82.24.520, 82.24.530, 82.24.550, 26.28.080, and 19.91.300; adding new sections to chapter 82.24 RCW; creating a new section; recodifying RCW 82.26.020, 82.26.025, 82.26.050, 82.26.060, 82.26.070, 82.26.080, 82.26.090, 82.26.100, and 82.26.110; repealing RCW 82.26.010, 82.26.030, 82.26.040, 82.26.120, and 82.26.121; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1720 by Representatives Edwards, Cody, Darneille, McDermott, Lovick, Hurst, Kagi, Fromhold, O'Brien, Romero, Hatfield, Linville, Conway and Ogden

AN ACT Relating to a federal medicaid demonstration waiver for prescription drug assistance; and creating a new section.

Referred to Committee on Health Care.

HB 1721 by Representatives Romero, McMorris, Ogden and Schual-Berke; by request of Secretary of State

AN ACT Relating to the state voters' pamphlet; and amending RCW 29.81.210.

Referred to Committee on State Government.

HB 1722 by Representatives Dickerson, O'Brien, Kagi and McIntire

AN ACT Relating to sentencing of substance abuse crimes; reenacting and amending RCW 9.94A.120; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1723 by Representatives Ogden, Pennington, Reardon, Veloria, Conway, Dunn, Benson, Fromhold, Wood, Sump, Gombosky, Kirby, Darneille, Hatfield, Santos, Haigh and O'Brien

AN ACT Relating to downtown and neighborhood commercial district revitalization; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.14 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade & Economic Development.

HB 1724 by Representatives Haigh, Roach, Reardon and McMorris

AN ACT Relating to animal therapy; amending RCW 18.92.060 and 18.108.010; and creating new sections.

Referred to Committee on Agriculture & Ecology.

HB 1725 by Representatives Lovick, Miloscia, O'Brien, Dunshee, Cooper, McDermott, Simpson, Ruderman, Kirby, Hurst, Murray, Delvin and Wood

AN ACT Relating to the private possession of dangerous wild animals; adding a new chapter to Title 77 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 1726 by Representatives Cooper, Haigh, Kirby, Miloscia, Dickerson, Dunshee, Delvin, Lovick, Wood, Hurst and Murray

AN ACT Relating to the treatment of laying hens; adding a new chapter to Title 16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture & Ecology.

HB 1727 by Representatives Roach, Miloscia, Benson and Hatfield; by request of Insurance Commissioner

AN ACT Relating to the investment limits of insurers in noninsurance subsidiaries; and adding a new section to chapter 48.13 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1728 by Representatives Campbell, Schual-Berke, Skinner and Cody

AN ACT Relating to third-party administrators for health carriers; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health Care.

HB 1729 by Representatives Benson, Hatfield, McIntire, Cairnes, Roach, Simpson and Keiser

AN ACT Relating to licensing surplus line brokers; and adding a new section to chapter 48.15 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1730 by Representatives Schual-Berke, Skinner, Clements, Pennington, Kagi, Linville, Cody, Campbell, Lovick, Cox, Ruderman, Ballasiotes, O'Brien, Hunt, Edwards, Dickerson, Grant, Darneille and Keiser

AN ACT Relating to the reporting of specified injuries by trauma health care providers; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care.

HB 1731 by Representatives Schual-Berke, Campbell, Cody, McMorris, Linville, Ruderman and Edwards

AN ACT Relating to standardized health care transaction forms; adding new sections to chapter 41.05 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1732 by Representatives Ogden, Romero, Rockefeller, Ruderman, Edwards and Kagi

AN ACT Relating to review of proposed initiative measures; and adding new sections to chapter 29.79 RCW.

Referred to Committee on State Government.

HB 1733 by Representative Mulliken

AN ACT Relating to fourth degree assault committed in the presence of a minor child; amending RCW 9A.36.041; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1734 by Representatives Edmonds, Skinner, Conway, Darneille, Edwards and Keiser; by request of Department of Social & Health Services

AN ACT Relating to requiring the department of social and health services to notify relevant agencies of investigative outcomes; adding a new section to chapter 74.34 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1735 by Representatives Edmonds, Skinner, Conway and Edwards; by request of Department of Social & Health Services

AN ACT Relating to the licensing of adult family homes; and amending RCW 70.128.005, 70.128.010, 70.128.060, and 70.128.120.

Referred to Committee on Health Care.

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

JOURNAL OF THE HOUSE  
REPORTS OF STANDING COMMITTEES

January 31, 2001

HB 1015 Prime Sponsor, Representative Pennington: Prohibiting methyl tertiary-butyl ether as a gasoline additive. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

On page 1, line 11, strike all of subsection (2)

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Schoesler and Sump.  
Excused: Representative Roach.

Passed to Committee on Rules for second reading.

January 30, 2001

HB 1126 Prime Sponsor, Representative O'Brien: Modifying collection of business to business debts by collection agencies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.  
Excused: Representative Cairnes.

Passed to Committee on Rules for second reading.

January 30, 2001

HB 1205 Prime Sponsor, Representative Keiser: Licensing and regulation of consumer loan companies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.  
Excused: Representative Cairnes.

Passed to Committee on Rules for second reading.

January 30, 2001

HB 1211 Prime Sponsor, Representative Benson: Creating the financial services regulation fund. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Excused: Representative Cairnes.

Passed to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

## RESOLUTIONS

### HOUSE RESOLUTION NO. 2001-4607 by Representatives Roach, Ahern, Casada and Hurst

WHEREAS, It is the policy of the Washington state legislature to recognize and honor the contributions of individuals who have embraced and demonstrated the standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, It is the intent of the members of the fifty-seventh House of Representatives to recognize and honor the life and public service of former Representative Elmer Hyppa; and

WHEREAS, Elmer Hyppa, a lifetime resident of Buckley, Washington, worked throughout his life to improve and enhance the livelihood of others; and

WHEREAS, Elmer Hyppa served bravely and patriotically in World War II in the United States' navy seabee's battalion; and

WHEREAS, The House of Representatives recognizes and honors the dutiful and selfless service of Elmer Hyppa in the House of Representatives from 1953 to 1957 to the people of the twenty-fifth district; and

WHEREAS, The House of Representatives recognizes and honors Elmer Hyppa's service as Sergeant at Arms from 1957 to 1967 as a testimony for his desire to protect and preserve the civility and importance of conducting the business of the people; and

WHEREAS, Elmer Hyppa served as an officer and member on numerous community organizations further demonstrating his commitment to civic duty; and

WHEREAS, The House of Representatives recognizes and honors the life-long efforts of Elmer Hyppa to improve his district's systems of transportation, education, and health care on behalf of the people and the generations to come;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Elmer Hyppa as a man of the people and for the people, in all his efforts to improve the quality of life in the great state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the family of Elmer Hyppa.

Representative Roach moved the adoption of the resolution.

Representative Roach spoke in favor of the adoption of the resolution.

House Resolution No. 4607 was adopted.

HOUSE RESOLUTION NO. 2001-4608 by Representatives Woods, Kessler, Campbell, Pennington, Ahern, Marine, Mielke, Mulliken, Ballasiotes, Skinner, Hankins, Morell, Alexander, Lambert, B. Chandler, Delvin, Talcott and Sump

WHEREAS, All citizens should be made aware of the safe, proper, effective, and efficient use of medications; and

WHEREAS, Nearly half of the medicines prescribed in this country are used incorrectly, contributing to prolonged illness, avoidable side effects and interactions, and unnecessary hospitalizations that could be prevented; and

WHEREAS, The efforts of our educational, state, and voluntary pharmacy organizations are instrumental in educating the public about safe and proper medication use; and

WHEREAS, Pharmacists are devoted to improving patient health care outcomes. Pharmacists work toward this goal in collaboration with other health care providers in the community including hospitals, managed care facilities, nursing homes, home health care facilities, and research and industry sites; and

WHEREAS, Over the past ten years, national polls have continuously ranked pharmacists as the most highly respected professionals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the high quality, cost-effective health care provided by pharmacists.

House Resolution No. 4608 was adopted.

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

#### MOTION

On motion of Representative DeBolt, the House adjourned until 9:55 a.m., February 2, 2001, the 26<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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MORNING SESSION

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House Chamber, Olympia, Friday, February 2, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville, O'Brien, Edwards, Edmonds, Dickerson and Kagi

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on First Reading.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards, McDermott, Fromhold, Esser and Miloscia

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on First Reading.

HB 1549 by Representatives Schual-Berke, Cody, Campbell, Conway, Schmidt, Fromhold, Kenney, Rockefeller, McIntire, Miloscia, Edwards, Hunt, Edmonds, O'Brien, Ogden and Kagi; by request of Governor Locke & Attorney General

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Held on First Reading.

HB 1736 by Representatives Hatfield, Mitchell, Hurst, Talcott and Schoesler

AN ACT Relating to licensing criteria for motor vehicle dealers; amending RCW 46.70.070; reenacting and amending RCW 46.70.041; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Transportation.

HB 1737 by Representatives McMorris, B. Chandler, Armstrong, Pearson, Sump, Roach, Dunn, Carrell, Schindler, Schoesler, Mielke, Casada and Mulliken

AN ACT Relating to records of pistol purchases or transfers; and amending RCW 9.41.129, 9.41.090, and 9.41.110.

Referred to Committee on Judiciary.

HB 1738 by Representatives O'Brien, Ballasiotes, Lovick and Cairnes

AN ACT Relating to supervision of offenders; amending RCW 9.94A.030, 9.94A.720, and 9.94A.129; reenacting and amending RCW 9.94A.120; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1739 by Representatives Bush, Schmidt, Romero, Miloscia, Anderson, Campbell, Talcott, Esser and Casada; by request of Secretary of State

AN ACT Relating to protecting the integrity of elections; amending RCW 29.07.092, 29.07.260, 29.07.440, 29.08.080, 29.10.125, 29.10.185, 29.60.030, 29.85.240, 36.27.020, and 46.20.155; adding new sections to chapter 29.07 RCW; adding new sections to chapter 29.04 RCW; adding a new section to chapter 29.85 RCW; adding a new section to chapter 46.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government.

HB 1740 by Representatives Hunt, Jarrett, Fromhold, Rockefeller, Schual-Berke, Edwards, Ogden and Conway; by request of Superintendent of Public Instruction

AN ACT Relating to technology in schools; and amending RCW 28A.150.260.

Referred to Committee on Education.

HB 1741 by Representatives Hunt, Fromhold, Alexander and Armstrong

AN ACT Relating to health care benefits for blind vendors; amending RCW 74.18.230; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care.

HB 1742 by Representatives Gombosky, Cox, Cody, Schual-Berke, Edwards and Santos

AN ACT Relating to regional health care access demonstration projects; adding a new section to chapter 41.05 RCW; and making an appropriation.

Referred to Committee on Health Care.

HB 1743 by Representative Kenney; by request of Governor Locke

AN ACT Relating to tuition setting authority and the use of tuition in higher education; amending RCW 28B.15.031, 28B.15.066, 28B.15.067, 28B.15.069, and 28B.15.100; and creating new sections.

Referred to Committee on Higher Education.

HB 1744 by Representatives Cairnes, Roach, Marine, O'Brien, Hurst, Lovick, Delvin, Esser and Jackley

AN ACT Relating to actions and proceedings for damages brought against law enforcement officers; and amending RCW 4.96.041.

Referred to Committee on Judiciary.

HB 1745 by Representatives Lambert and Dickerson; by request of Department of Social & Health Services

AN ACT Relating to child support technical amendments regarding medical support; and amending RCW 26.18.170.

Referred to Committee on Judiciary.

HB 1746 by Representatives Haigh, Schoesler, Rockefeller, Benson, Wood, Jackley, Lantz, Doumit, Eickmeyer and Ogden

AN ACT Relating to the student transportation funding formula; and amending RCW 28A.160.180.

Referred to Committee on Education.

HB 1747 by Representatives Haigh, Doumit, McDermott, Rockefeller, Eickmeyer, Quall, Lantz, Kessler, Schual-Berke, Linville, Ogden and Santos

AN ACT Relating to changing the state special education funding formula; and amending RCW 28A.150.390.

Referred to Committee on Education.

HB 1748 by Representatives Miloscia, Keiser, Dunshee, Cooper, Conway, McIntire and Kenney

AN ACT Relating to prequalifying contractors; and adding a new section to chapter 39.04 RCW.

Referred to Committee on State Government.

HB 1749 by Representatives Morris and Cairnes

AN ACT Relating to authorizing the governor to enter into tax compacts with up to three federally recognized tribes on a pilot basis; adding a new section to chapter 82.02 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1750 by Representatives Fisher, Mitchell, Simpson, Schindler, Wood, Hurst and Ogden

AN ACT Relating to street vacations; and amending RCW 35.79.030.

Referred to Committee on Transportation.

HB 1751 by Representatives Cooper, Conway, Lantz and Jackley

AN ACT Relating to property tax levies; amending RCW 84.52.043 and 84.52.065; and creating a new section.

Referred to Committee on Finance.

HB 1752 by Representatives Clements, Grant, G. Chandler, B. Chandler, Linville, Lisk, McMorris, Armstrong, Schoesler and Mulliken

AN ACT Relating to wildlife damage claims on rangeland suitable for grazing or browsing of domestic livestock; amending RCW 77.36.005, 77.36.010, 77.36.030, 77.36.040, 77.36.050, and 77.36.080; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1753 by Representatives Ballasiotes, Darneille, Skinner, Cody, Schual-Berke, Campbell and Tokuda

AN ACT Relating to the medication outreach program; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 1754 by Representatives Schmidt, Dunshee and Romero; by request of Secretary of State

AN ACT Relating to election certification and training; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on State Government.

HB 1755 by Representatives Kenney, Cox, Gombosky, Lantz, Skinner, Edmonds, Jarrett and Keiser

AN ACT Relating to the college awareness project; adding a new chapter to Title 28B RCW; creating a new section; and making appropriations.

Referred to Committee on Higher Education.

HB 1756 by Representatives Buck, Sump, Doumit, Pennington, B. Chandler, Kessler, Mulliken and Clements

AN ACT Relating to limitations on fishery licenses; and amending RCW 77.70.410, 77.70.420, 77.65.100, and 77.65.110.

Referred to Committee on Natural Resources.

HB 1757 by Representatives Carrell and Anderson

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

Referred to Committee on Judiciary.

HB 1758 by Representatives Murray, Santos, McDermott, Tokuda, Ruderman, Darneille and Jackley

AN ACT Relating to civil unions; amending RCW 26.04.020, 26.12.220, 36.18.010, 43.70.150, 43.70.160, 70.58.005, 70.58.104, 70.58.107, and 9A.64.010; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1759 by Representatives Darneille, Schual-Berke, McDermott, Santos, Murray, Tokuda and Wood

AN ACT Relating to the sale of hypodermic syringes; and amending RCW 69.50.412, 69.50.4121, and 70.115.050.

Referred to Committee on Health Care.

HB 1760 by Representatives Cox, Boldt, Lambert, Casada, Mielke, Campbell, Mulliken, Sump, G. Chandler, Schindler and Talcott

AN ACT Relating to defining eligibility for benefits provided to state employees; amending RCW 41.05.065; adding a new section to chapter 41.05 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on State Government.

HB 1761 by Representatives Ogden, Tokuda, Edmonds, Dunshee, Ruderman, Delvin, Cody, Jarrett, Edwards, Darneille, Kagi and Santos

AN ACT Relating to licensed mental health counselors, marriage and family therapists, and social workers; amending RCW 18.120.020, 18.130.040, 5.60.060, 18.100.050, 18.205.090, 25.05.510, 25.15.045, and 48.43.087; reenacting and amending RCW 9A.44.010; adding a new section to chapter 70.02 RCW; adding a new chapter to Title 18 RCW; and repealing RCW 18.19.010, 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.070, 18.19.080, 18.19.090, 18.19.100, 18.19.110, 18.19.120, 18.19.130, 18.19.140, 18.19.150, 18.19.160, 18.19.170, 18.19.180, 18.19.190, 18.19.900, and 18.19.901.

Referred to Committee on Health Care.

HB 1762 by Representatives Kessler, Lisk, Cairnes, Morris, Eickmeyer, Marine, Roach, Talcott, Armstrong, Linville, Schoesler, Campbell, Esser, Casada, Bush and Mulliken

AN ACT Relating to syrup taxes; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1763 by Representatives McIntire, Bush, Keiser and Ogden; by request of Insurance Commissioner

AN ACT Relating to protecting the confidentiality of information relating to insurance; adding a new section to chapter 48.02 RCW; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1764 by Representatives Ruderman, Ballasiotes, Dunshee, O'Brien, Barlean, Gombosky, Kessler and Tokuda

AN ACT Relating to juvenile sex offender registration; and amending RCW 9A.44.140.

Referred to Committee on Juvenile Justice.

HB 1765 by Representatives Linville, G. Chandler, Kessler, Pearson, Eickmeyer, Grant, DeBolt, Schoesler, Buck, B. Chandler, Doumit, Casada and Mulliken

AN ACT Relating to providing a tax rate for manufacturers of dairy products comparable to other processors of agricultural commodities; reenacting and amending RCW 82.04.260; creating a new section; and providing an effective date.

Referred to Committee on Agriculture & Ecology.

HB 1766 by Representatives Ericksen and Casada

AN ACT Relating to city and county jails; amending RCW 70.48.020, 70.48.090, 70.48.180, 70.48.190, and 70.48.220; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1767 by Representatives O'Brien, Simpson, Haigh, Schmidt, Conway, Kenney, Bush, Cairnes, Veloria, Anderson, Campbell and Lovick

AN ACT Relating to special armed forces license plates; reenacting and amending RCW 46.16.305; adding a new section to chapter 46.16 RCW; repealing RCW 73.04.110 and 73.04.115; and providing an effective date.

Referred to Committee on Transportation.

HB 1768 by Representatives Keiser, Campbell, Darneille, Pennington, Hunt, Cody, Edmonds, Schual-Berke, Morris, Edwards, Linville, Conway and Santos

AN ACT Relating to school nurses; adding a new section to chapter 28A.210 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1769 by Representatives G. Chandler, B. Chandler, Clements, Armstrong, Lisk, Delvin and Mulliken

AN ACT Relating to nonuse of water for sufficient cause; and amending RCW 90.14.043, 90.14.140, 90.14.160, 90.14.170, and 90.14.180.

Referred to Committee on Agriculture & Ecology.

HB 1770 by Representatives McDermott, Schmidt, Haigh, Miloscia, Dunshee, McMorris, Morris, Romero, Esser, Lambert, Schindler, Dickerson and Ogen

AN ACT Relating to contributions made to a candidate who loses a primary; and amending RCW 42.17.640.

Referred to Committee on State Government.

HB 1771 by Representatives McMorris, Grant, G. Chandler and B. Chandler

AN ACT Relating to exempting items included in cooperator files of a conservation district from public disclosure requirements; and adding a new section to chapter 89.08 RCW.

Referred to Committee on State Government.

HB 1772 by Representatives Schual-Berke, Skinner, Fisher, Cody, Ogden, Lovick, Kenney, Cooper, Keiser, Darneille and Kagi

AN ACT Relating to child passenger safety restraint systems; amending RCW 46.61.687 and 46.61.688; and providing an effective date.

Referred to Committee on Transportation.

HB 1773 by Representatives Boldt, Mielke and B. Chandler

AN ACT Relating to water quality investigations involving dairy farms; and amending RCW 90.64.030.

Referred to Committee on Agriculture & Ecology.

HB 1774 by Representatives Pennington, Conway, Skinner, Cody, Ballasiotes, Schual-Berke, Campbell, Darneille, Anderson, Armstrong, Roach, Talcott, Edwards, Wood, Schoesler, Santos, Esser, Dunn, Casada, Bush and Mulliken

AN ACT Relating to creating a senior pharmacy assistance program; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care.

HJM 4004 by Representatives Poulsen, DeBolt, Berkey, Casada, Wood, Anderson, Cooper, Esser, Ruderman, Delvin, Linville, Keiser, Ogden, Conway and Simpson

Requesting a reduction of wholesale energy costs.

Referred to Committee on Technology, Telecommunications & Energy.

HJM 4005 by Representatives Roach, Kirby, Marine, Miloscia, Cairnes, Bush, Anderson, Morell, Lambert, Pennington, Casada and Ogden

Requesting that the dependent care tax credit be expanded to include parents who stay at home to care for children.

Referred to Committee on Children & Family Services.

HJR 4209 by Representatives Hurst, Dunn, Wood, Cooper, Haigh, Quall, Voloria, Edwards, Eickmeyer, Tokuda, Keiser, Ogden and Kagi

Amending the state Constitution to modify levy procedures for schools.

Referred to Committee on Education.

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

### REPORTS OF STANDING COMMITTEES

January 30, 2001

HB 1018 Prime Sponsor, Representative Pennington: Providing tax relief for disasters. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos and Veloria.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

January 30, 2001

HB 1055 Prime Sponsor, Representative Haigh: Exempting certain leasehold interests from leasehold excise tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Conway; Pennington; Santos and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Conway, Pennington, Santos and Veloria.

Voting nay: Representative Carrell.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

January 31, 2001

HB 1099 Prime Sponsor, Representative Santos: Outlining requirements for the operation of a PACE program in Washington state. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

On page 2, line 16, after "insurance" strike ",letters of credit"

On page 2, line 21, strike all of section 3, and insert:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 48.01 RCW to read as follows:  
The activities and operations of PACE programs, as defined in section 2 of this act and as authorized under sections 1894, 1905(a), and 1934 of the social security act, when registered, certified, licensed, or otherwise



recognized or designated as a PACE program by the Washington state department of social and health services, are exempt from the requirements of this title."

Correct the title.

Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Excused: Representative Barlean.

Passed to Committee on Rules for second reading.

January 30, 2001

HB 1125 Prime Sponsor, Representative Cairnes: Limiting the combined sales tax rate on lodging. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos and Veloria.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

January 31, 2001

HB 1217 Prime Sponsor, Representative Benson: Reducing the mortgage brokers business and occupation tax rate. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; Cairnes; DeBolt; Miloscia; Roach; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire, Democratic Vice Chair; Keiser.

Voting yea: Representatives Benson, Hatfield, Bush, Cairnes, DeBolt, Miloscia, Roach, Santos and Simpson.

Voting nay: Representatives McIntire and Keiser.

Excused: Representative Barlean.

Passed to Committee on Finance.

January 31, 2001

HJR 4202 Prime Sponsor, Representative Sommers: Investing state investment board funds. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Excused: Representative Barlean.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 5, 2001, the 29<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Monday, February 5, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Marine presiding).

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

**MESSAGE FROM THE SENATE**

February 2, 2001

Mr. Speakers:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4403,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville, O'Brien, Edwards, Edmonds, Dickerson, Kagi and Darneille

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on First Reading.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards, McDermott, Fromhold, Esser and Miloscia

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on First Reading.

HB 1549 by Representatives Schual-Berke, Cody, Campbell, Conway, Schmidt, Fromhold, Kenney, Rockefeller, McIntire, Miloscia, Edwards, Hunt, Edmonds, O'Brien, Ogden, Kagi, Lovick and Darneille; by request of Governor Locke & Attorney General

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Held on First Reading.

HB 1750 by Representatives Fisher, Mitchell, Simpson, Schindler, Wood, Hurst and Ogden

AN ACT Relating to street vacations; and amending RCW 35.79.030.

Referred to Committee on Transportation.

HB 1775 by Representatives Roach, Casada and Van Luven

AN ACT Relating to limiting property tax increases; amending RCW 84.55.0101; reenacting and amending RCW 84.55.005; and repealing RCW 84.55.092.

Referred to Committee on Finance.

HB 1776 by Representatives Miloscia, Boldt, Kagi, Conway, Darneille and Dickerson; by request of Department of Social & Health Services

AN ACT Relating to making the background check requirements for department of social and health services' employees consistent with background check requirements for service providers, agencies, and entities serving vulnerable adults and children; amending RCW 9.96A.020, 41.06.475, 43.20A.020, 43.20A.710, 43.43.830, 43.43.832, 72.05.440, and 72.23.035; reenacting and amending RCW 74.15.030; creating a new section; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1777 by Representatives Delvin, Hurst and Lovick

AN ACT Relating to professional advancement in the Washington state patrol; and amending RCW 43.43.330, 43.43.340, and 43.43.350.

Referred to Committee on Transportation.

HB 1778 by Representatives Kirby, Bush, O'Brien, Lovick, Edwards, Conway and Van Luven

AN ACT Relating to tax exemptions for sales of food products sold through vending machines for human consumption; and amending RCW 82.08.0293 and 82.12.0293.

Referred to Committee on Finance.

HB 1779 by Representatives O'Brien, Ballasiotes, Quall, Lovick, Keiser, Bush and Edwards

AN ACT Relating to continuing education requirements for certificated instructional staff; and adding a new section to chapter 28A.410 RCW.

Referred to Committee on Education.

HB 1780 by Representatives Armstrong, Linville, B. Chandler and Grant

AN ACT Relating to the fruit and vegetable district fund; amending RCW 15.17.243; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1781 by Representatives Sommers, Sehlin, Clements, Conway and Kenney; by request of Liquor Control Board

AN ACT Relating to payment of agency commissions for agency liquor vendor stores; and amending RCW 66.08.026.

Referred to Committee on Appropriations.

HB 1782 by Representatives Dunshee, Hatfield, Conway, Gombosky, Talcott and Van Luven

AN ACT Relating to awarding service credit under the teachers' retirement system plan 1 for military service; and amending RCW 41.32.260.

Referred to Committee on Appropriations.

HB 1783 by Representatives Carrell, Lantz, Hurst, Lovick, Marine and Woods

AN ACT Relating to privileged communications by fire fighters and law enforcement officers; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 1784 by Representatives Tokuda, Kagi, Kenney, Edmonds, Santos, Darneille, McIntire and Edwards

AN ACT Relating to time limits for temporary assistance for needy families; and amending RCW 74.08A.010.

Referred to Committee on Children & Family Services.

HB 1785 by Representatives Murray, Alexander, Doumit, Rockefeller, Esser, Sump, Kenney and McIntire; by request of Governor Locke & Superintendent of Public Instruction

AN ACT Relating to implementing the recommendations of the joint legislative audit and review committee report regarding capital budget programs investing in the environment; adding a new section to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 1786 by Representatives Haigh, Talcott, Rockefeller, Schual-Berke, Keiser, Conway, Edmonds, Edwards, Kenney and O'Brien

AN ACT Relating to improving student achievement; adding new sections to chapter 28A.900 RCW; adding a new chapter to Title 28A RCW; repealing RCW 28A.150.010, 28A.150.020, 28A.150.030, 28A.150.040, 28A.150.050, 28A.150.060, 28A.150.070, 28A.150.080, 28A.150.100, 28A.150.200, 28A.150.205, 28A.150.210, 28A.150.211, 28A.150.220, 28A.150.230, 28A.150.240, 28A.150.250, 28A.150.260, 28A.150.270, 28A.150.275, 28A.150.280, 28A.150.290, 28A.150.295, 28A.150.300, 28A.150.305, 28A.150.350, 28A.150.360, 28A.150.370, 28A.150.380, 28A.150.390, 28A.150.400, 28A.150.410, 28A.150.420, 28A.150.500, 28A.150.510, 28A.155.010, 28A.155.020, 28A.155.030, 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.070, 28A.155.080, 28A.155.090, 28A.155.100, 28A.155.105, 28A.155.115, 28A.155.140, 28A.155.160, 28A.160.010, 28A.160.020, 28A.160.030, 28A.160.040, 28A.160.050, 28A.160.060, 28A.160.070, 28A.160.080, 28A.160.090, 28A.160.100, 28A.160.110, 28A.160.115, 28A.160.120, 28A.160.130, 28A.160.140, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, 28A.160.190, 28A.160.195, 28A.160.200, 28A.160.210, 28A.165.010, 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, 28A.165.090, 28A.175.010, 28A.180.010,

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28A.525.158, 28A.525.160, 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.182, 28A.525.190, 28A.525.200, 28A.525.210, 28A.525.212, 28A.525.214, 28A.525.216, 28A.525.218, 28A.525.220, 28A.525.222, 28A.525.230, 28A.525.240, 28A.525.250, 28A.525.260, 28A.525.270, 28A.525.280, 28A.525.290, 28A.525.300, 28A.525.310, 28A.530.010, 28A.530.020, 28A.530.030, 28A.530.040, 28A.530.050, 28A.530.060, 28A.530.070, 28A.530.080, 28A.535.010, 28A.535.020, 28A.535.030, 28A.535.040, 28A.535.050, 28A.535.060, 28A.535.070, 28A.535.080, 28A.540.010, 28A.540.020, 28A.540.030, 28A.540.040, 28A.540.050, 28A.540.060, 28A.540.070, 28A.540.080, 28A.540.090, 28A.540.100, 28A.540.110, 28A.545.010, 28A.545.020, 28A.545.030, 28A.545.040, 28A.545.050, 28A.545.060, 28A.545.070, 28A.545.080, 28A.545.090, 28A.545.100, 28A.545.110, 28A.600.010, 28A.600.020, 28A.600.025, 28A.600.030, 28A.600.035, 28A.600.040, 28A.600.050, 28A.600.060, 28A.600.070, 28A.600.080, 28A.600.100, 28A.600.110, 28A.600.120, 28A.600.130, 28A.600.140, 28A.600.150, 28A.600.160, 28A.600.200, 28A.600.210, 28A.600.220, 28A.600.230, 28A.600.240, 28A.600.300, 28A.600.310, 28A.600.320, 28A.600.330, 28A.600.340, 28A.600.350, 28A.600.360, 28A.600.370, 28A.600.380, 28A.600.385, 28A.600.390, 28A.600.400, 28A.600.410, 28A.600.415, 28A.600.420, 28A.600.455, 28A.600.460, 28A.600.475, 28A.605.010, 28A.605.020, 28A.605.030, 28A.620.010, 28A.620.020, 28A.623.010, 28A.623.020, 28A.623.030, 28A.625.010, 28A.625.020, 28A.625.030, 28A.625.042, 28A.625.050, 28A.625.100, 28A.625.110, 28A.625.150, 28A.625.200, 28A.625.210, 28A.625.220, 28A.625.230, 28A.625.240, 28A.625.350, 28A.625.360, 28A.625.370, 28A.625.380, 28A.625.390, 28A.625.900, 28A.630.400, 28A.630.810, 28A.630.820, 28A.630.825, 28A.630.830, 28A.630.835, 28A.630.840, 28A.630.845, 28A.630.850, 28A.630.853, 28A.630.881, 28A.635.010, 28A.635.020, 28A.635.030, 28A.635.040, 28A.635.050, 28A.635.060, 28A.635.070, 28A.635.080, 28A.635.090, 28A.635.100, 28A.635.110, 28A.635.120, 28A.640.010, 28A.640.020, 28A.640.030, 28A.640.040, 28A.640.050, 28A.640.900, 28A.645.010, 28A.645.020, 28A.645.030, 28A.645.040, 28A.650.005, 28A.650.010, 28A.650.015, 28A.650.020, 28A.650.025, 28A.650.030, 28A.650.035, 28A.650.040,

28A.690.010, 28A.690.020, 28A.690.030, 28A.900.030, 28A.900.040, 28A.900.050, 28A.900.060, 28A.900.070, 28A.900.080, 28A.900.100, 28A.900.101, 28A.900.102, 28A.900.103, and 28A.900.105; providing effective dates; and providing expiration dates.

Referred to Committee on Education.

HB 1787 by Representatives Campbell, Cody, Conway, Clements and Edwards

AN ACT Relating to requiring the department of labor and industries to adopt rules on physician assistants; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1788 by Representatives Woods, Lantz, Talcott, Rockefeller, Cairnes, Anderson, Bush and Pflug

AN ACT Relating to information on students; amending RCW 28A.225.330 and 13.04.155; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Juvenile Justice.

HB 1789 by Representatives Fromhold, Cox, Gombosky, Kenney, Ogden and Santos

AN ACT Relating to granting certain real property tax exemptions to nonprofit, tax-exempt school or college foundations; amending RCW 84.36.050; and reenacting and amending RCW 84.34.108.

Referred to Committee on Finance.

HB 1790 by Representatives Edmonds, McIntire, Dunshee, Edwards, Murray and Kenney

AN ACT Relating to the use of funds derived from the real estate excise tax; amending RCW 82.46.010; and reenacting and amending RCW 82.46.035.

Referred to Committee on Local Government & Housing.

HB 1791 by Representatives Dunn, Fromhold, Ogden, Hurst and O'Brien

AN ACT Relating to certification of resident managers of mobile home parks; adding a new chapter to Title 18 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 1792 by Representatives Benson and Hatfield; by request of Insurance Commissioner

AN ACT Relating to the holding company act for health care service contractors and health maintenance organizations; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1793 by Representatives Hatfield and McDermott



AN ACT Relating to court filing fees; amending RCW 36.18.012, 36.18.016, 36.18.025, 40.14.027, 41.50.136, 46.87.370, 50.20.190, 50.24.115, 51.24.060, 51.48.140, 82.32.210, 82.36.047, and 82.38.235; and reenacting and amending RCW 51.32.240.

Referred to Committee on Judiciary.

HB 1794 by Representatives Murray, G. Chandler, Kirby, Lisk, Schoesler and Darneille

AN ACT Relating to local rules and regulations enacted by local boards of health; and amending RCW 70.05.060.

Referred to Committee on Local Government & Housing.

HB 1795 by Representatives Veloria, Schoesler, Cooper, Mielke, McIntire, G. Chandler, Armstrong and Santos

AN ACT Relating to moving and relocation expenses; and amending RCW 8.26.035.

Referred to Committee on Judiciary.

HB 1796 by Representatives Anderson, Pflug, Lambert, Roach, Cairnes, Esser, Schmidt, Casada and Van Luven

AN ACT Relating to voter approval on regional transit authority projects; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Transportation.

HB 1797 by Representatives Conway, Cairnes, Clements, Wood, Santos and Hurst

AN ACT Relating to the negotiation, enforcement, and resolution of disputes regarding tribal/state gaming compacts under the federal Indian gaming regulatory act of 1988; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 1798 by Representatives Kagi, Pennington, Morris, Edmonds, Mulliken, Gombosky and Lovick

AN ACT Relating to equitable adjustment of bonded indebtedness for fire protection district mergers and annexations; adding a new section to chapter 52.06 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1799 by Representatives Cody, Campbell, Cooper, Lambert, Casada, Santos, Schual-Berke, Van Luven and Kenney

AN ACT Relating to health care benefits for retirees of local government employers; adding new sections to chapter 41.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

HB 1800by Representatives Dunshee, Hankins and Fromhold

AN ACT Relating to requiring a popular vote of the city for an island of territory annexations; and amending RCW 35A.14.299.

Referred to Committee on Local Government & Housing.

HB 1801by Representatives Dunshee, Dunn, Quall and Mielke

AN ACT Relating to manufactured housing; amending RCW 35.63.110, 35.63.160, 35A.63.100, 35A.63.145, and 36.70.750; adding a new section to chapter 36.70A RCW; creating a new section; and providing an effective date.

Referred to Committee on Local Government & Housing.

HB 1802by Representatives Dunshee, Mielke, Murray, Hankins, Skinner, Hurst and Romero

AN ACT Relating to providing incentives to reduce air pollution through the licensing and use of neighborhood electric vehicles; amending RCW 46.04.320; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1803by Representatives Romero and Santos

AN ACT Relating to authorizing tribal-state compacts in which the state retrocedes from motor fuel tax for fuel sold or distributed by a tribal government, a tribally owned enterprise, or a tribally licensed business; adding new sections to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; and repealing RCW 82.36.450 and 82.38.310.

Referred to Committee on Transportation.

HB 1804by Representatives Romero, Hankins, Fisher, Hatfield, Sump, Murray, Skinner, McIntire, Dickerson, Hurst, Hunt, Jackley, Lovick and Kenney

AN ACT Relating to car pooling by intermediate license holders; and amending RCW 46.20.075.

Referred to Committee on Transportation.

HB 1805by Representatives Barlean, Keiser, Darneille, Sehlin, Schual-Berke and Miloscia

AN ACT Relating to management of state-owned aquatic lands; amending RCW 79.90.465, 79.90.475, 79.90.520, and 79.93.040; and adding new sections to chapter 79.90 RCW.

Referred to Committee on Natural Resources.

HB 1806by Representatives Clements and Wood

AN ACT Relating to wine and beer pricing by the liquor control board; adding a new section to chapter 66.16 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1807 by Representatives Romero, Van Luven, McDermott and McIntire

AN ACT Relating to limiting exemptions from animal cruelty in the second degree; amending RCW 16.52.185; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1808 by Representatives Miloscia, Anderson, Hunt, Clements, Schmidt, Haigh, Boldt, Romero, Delvin, McDermott, Kessler, Schindler and Ruderman

AN ACT Relating to state agency contract accountability; amending RCW 28B.10.350, 28B.50.330, 39.04.155, 39.80.050, 43.30.300, 43.78.110, 43.105.041, 47.28.090, 47.56.030, and 77.12.210; reenacting and amending RCW 28B.10.029, 43.19.1906, and 79A.05.030; and adding a new section to chapter 43.41 RCW.

Referred to Committee on State Government.

HB 1809 by Representatives Lambert, Dunshee, Mielke, Ruderman and Mulliken

AN ACT Relating to new counties; amending RCW 36.32.020 and 84.09.030; adding new sections to chapter 36.09 RCW; adding a new section to chapter 47.01 RCW; creating a new section; repealing RCW 4.12.070, 36.09.010, 36.09.020, 36.09.035, 36.09.040, and 36.09.050; and prescribing penalties.

Referred to Committee on Local Government & Housing.

HB 1810 by Representatives Lambert, Mulliken, Sump, Lisk, Van Luven, Schindler, Woods, Talcott, Esser, Casada and Pearson

AN ACT Relating to legislative oversight of agency rules; and amending RCW 34.05.570, 34.05.610, 34.05.630, and 34.05.640.

Referred to Committee on State Government.

HB 1811 by Representatives Lambert, Grant, Campbell, Conway, Cox, Schoesler, Lovick, Cody, Simpson, Gombosky, Schual-Berke, Barlean, Fromhold, Benson, Clements, Miloscia, Darneille and Armstrong

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; amending RCW 41.05.011; reenacting and amending RCW 41.05.011; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1812 by Representatives Schindler, Ahern, Crouse, Sump, Benson, Cox, Wood, Gombosky and Schoesler

AN ACT Relating to independent commissions to set salaries for city and town elected officials, and county commissioners and councilmembers; amending RCW 35.22.200 and 36.17.020; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.17 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1813 by Representatives Mulliken, Doumit, Alexander, Mielke, Kirby, Jarrett, Crouse, Hatfield, B. Chandler, Morell, Dunn and Pearson

AN ACT Relating to local government regulatory fairness; amending RCW 34.05.320 and 43.135.060; and adding a new chapter to Title 34 RCW.

Referred to Committee on State Government.

HB 1814 by Representatives Conway, Kenney, Delvin, Miloscia, Hunt, Fromhold, Kagi and O'Brien

AN ACT Relating to labor relations in institutions of higher education; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HJM 4006 by Representatives Pennington, Casada, Pearson, Bush, Roach, Buck, Mulliken, Delvin, Boldt, Woods, Talcott, Anderson and Campbell

Requesting the end of electricity transfers to California.

Referred to Committee on Technology, Telecommunications & Energy.

HJR 4210 by Representatives Lambert, Mulliken, Casada, Roach, G. Chandler, Sump, Schindler, Schoesler, Woods and Talcott

Giving the legislature Constitutional power to invalidate executive branch rules.

Referred to Committee on State Government.

HJR 4211 by Representative Lambert

Establishing criteria for new counties.

Referred to Committee on Local Government & Housing.

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

### **REPORTS OF STANDING COMMITTEES**

February 1, 2001

HB 1000 Prime Sponsor, Representative Murray: Managing capital facility projects by the public works board.  
Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; Lantz; O'Brien; Poulsen; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada, Hankins, Hunt, Lantz, O'Brien, Poulsen, Schoesler, Veloria and Woods.  
Excused: Representatives Ogden, and Reardon.

Passed to Committee on Rules for second reading.

February 1, 2001

HB 1001 Prime Sponsor, Representative Alexander: Authorizing projects recommended by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; Lantz; O'Brien; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada, Hankins, Hunt, Lantz, O'Brien, Poulsen, Schoesler, Veloria and Woods.  
Excused: Representatives Ogden, and Reardon.

Passed to Committee on Rules for second reading.

January 31, 2001

HB 1026 Prime Sponsor, Representative O'Brien: Authorizing the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

January 31, 2001

HB 1039 Prime Sponsor, Representative Ballasiotes: Clarifying which prior offenses are considered strikes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

January 31, 2001

HB 1040 Prime Sponsor, Representative Ballasiotes: Authorizing crime victims' compensation benefits in hit-and-run vehicular assault cases. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

January 31, 2001

HB 1052 Prime Sponsor, Representative O'Brien: Incorporating amendments into the reorganized chapter 9.94A RCW. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

January 31, 2001

HB 1062 Prime Sponsor, Representative O'Brien: Modifying provisions pertaining to the certification of peace officers. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

January 31, 2001

HB 1063 Prime Sponsor, Representative Ballasiotes: Providing for victim notification. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

January 31, 2001

HB 1066 Prime Sponsor, Representative O'Brien: Revising the authority of the criminal justice training commission to own and operate training facilities. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Referred to Committee on Capital Budget.

January 31, 2001

HB 1067 Prime Sponsor, Representative O'Brien: Revising provisions relating to the commissioning and training of railroad police. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 1, 2001

HB 1095 Prime Sponsor, Representative Mitchell: Updating oversize load permits. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Lovick, Hankins, Ahern, Anderson, Armstrong, Edmonds, Haigh, Hatfield, Jackley, Jarrett, Marine, Mielke, Morell, Murray, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Excused: Representatives G. Chandler, Cooper, Ericksen, Hurst, Ogden, and Reardon.

Passed to Committee on Rules for second reading.

February 1, 2001

HB 1098 Prime Sponsor, Representative Fisher: Improving the effectiveness of the commute trip reduction program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Armstrong; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Lovick, Hankins, Ahern, Anderson, Armstrong, Edmonds, Haigh, Hatfield, Jackley, Jarrett, Marine, Mielke, Morell, Murray, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Excused: Representatives G. Chandler, Cooper, Ericksen, Hurst, Ogden, and Reardon.

Passed to Committee on Rules for second reading.

January 31, 2001

HB 1244 Prime Sponsor, Representative Kenney: Creating the foster care endowed scholarship program.  
Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Kenney, Gombosky, Jarrett, Dunn, Fromhold, Lantz and Skinner.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

#### COMMITTEE ASSIGNMENTS

Speaker Ballard announced the following changes to standing committee assignments: Representatives Mielke and Pflug were assigned to the Committee on Technology, Telecommunications & Energy.

Speaker Chopp announced the following changes to standing committee assignments: Representative Hunt is assigned to the Committee on Technology, Telecommunications & Energy.

There being no objection, the House adjourned until 10:00 a.m., February 6, 2001, the 30<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



**THIRTIETH DAY**

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**MORNING SESSION**

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House Chamber, Olympia, Tuesday, February 6, 2001

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

Speaker Chopp assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brian Hurd and Amy Quarto. Speaker Chopp led the Chamber in the Pledge of Allegiance. Prayer was offered by Father Tony Bawyn, Judicial Vicar for the Archdiocese of Seattle.

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

**INTRODUCTIONS AND FIRST READING**

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville, O'Brien, Edwards, Edmonds, Dickerson, Kagi and Darneille

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on 1st Reading.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards, McDermott, Fromhold, Esser and Miloscia

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on 1st Reading.

HB 1549 by Representatives Schual-Berke, Cody, Campbell, Conway, Schmidt, Fromhold, Kenney, Rockefeller, McIntire, Miloscia, Edwards, Hunt, Edmonds, O'Brien, Ogden, Kagi, Lovick and Darneille; by request of Governor Locke & Attorney General

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Held on 1st Reading.

HB 1815 by Representative Dunshee

AN ACT Relating to requiring concurrency planning for parks, schools, and law enforcement in growth management comprehensive plans and development regulations; amending RCW 36.70A.070; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1816 by Representatives O'Brien, Ballasiotes, Eickmeyer, Fromhold and Kirby; by request of Commissioner of Public Lands

AN ACT Relating to assault in the third degree; and amending RCW 9A.36.031.

Referred to Committee on Criminal Justice & Corrections.

HB 1817 by Representatives Gombosky, Ahern and Fromhold

AN ACT Relating to public centers districts; amending RCW 82.29A.130; adding new sections to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; adding a new chapter to Title 36 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1818 by Representatives Rockefeller, Cox, Quall and Haigh

AN ACT Relating to school safety; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

HB 1819 by Representatives Kirby, Dunn, O'Brien, Wood, Jarrett and Dickerson

AN ACT Relating to housing finance; amending RCW 43.33A.080 and 43.180.240; and adding a new section to chapter 43.180 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1820 by Representatives Van Luven, Sommers and Lantz; by request of University of Washington

AN ACT Relating to clarifying ethics requirements for officers and employees of institutions of higher education with regard to sponsored research and technology transfer agreements; amending RCW 42.52.030 and 42.52.120; and creating a new section.

Referred to Committee on State Government.

HB 1821 by Representatives Buck, Doumit, Sump, Hatfield and Kessler

AN ACT Relating to the consideration of extenuating circumstances for gear and effort reduction for the coastal Dungeness crab resource plan provisions; amending RCW 77.70.400; and creating a new section.

Referred to Committee on Natural Resources.

HB 1822 by Representative Ballasiotes

AN ACT Relating to custodial interference; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1823 by Representative Linville; by request of Department of Agriculture

AN ACT Relating to authorizing the director of agriculture to consult with public entities on human health risks associated with any proposed pesticide use by the department; amending RCW 15.58.060 and 15.58.065; and adding a new section to chapter 15.58 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1824 by Representatives Schual-Berke, G. Chandler, Linville, Lantz, Romero, McIntire, Dunshee, O'Brien and Veloria

AN ACT Relating to hazardous substance deposits on lesser contaminated sites; amending RCW 70.105D.020, 70.105D.050, and 70.105D.080; adding a new section to chapter 70.105D RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1825 by Representatives Lambert, Hurst and Carrell

AN ACT Relating to nonelected judicial officers and commissioners; adding a new section to chapter 2.28 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1826 by Representative Hunt; by request of Governor Locke

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1827 by Representatives Romero, Hunt, Dickerson, McIntire, Tokuda and Ogden; by request of Office of Financial Management

AN ACT Relating to legislative building preservation and renovation; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1828 by Representatives Alexander and Murray; by request of Office of Financial Management

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1829 by Representatives Alexander and Murray; by request of Office of Financial Management

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1830 by Representatives Roach, Esser, Morris, Casada, Ruderman and Miloscia

AN ACT Relating to athletic trainers; amending RCW 18.130.040 and 7.70.020; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care.

HB 1831 by Representatives Skinner, Lovick, Fromhold, Armstrong, Jackley, Schindler, Haigh and O'Brien

AN ACT Relating to snowmobile registration fees; and amending RCW 46.10.040.

Referred to Committee on Natural Resources.

HB 1832 by Representatives Linville and G. Chandler

AN ACT Relating to water resources management; amending RCW 90.82.040, 90.82.130, 90.03.380, 90.80.005, 90.80.010, 90.80.050, 90.80.070, 90.80.080, 90.80.090, 90.80.100, 90.80.120, 90.80.130, 90.80.140, 90.03.330, 90.66.040, 90.66.060, 90.14.140, 90.38.020, 90.38.040, 90.42.040, and 90.42.080; adding new sections to chapter 90.80 RCW; adding a new section to chapter 90.03 RCW; adding new sections to chapter 90.66 RCW; adding a new section to chapter 82.16 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1833 by Representatives G. Chandler, Lantz, Campbell, Schoesler, Lambert, Pennington, Grant, Haigh, Delvin, Boldt, Hankins, Simpson, Ogden and Dunn

AN ACT Relating to setting tuition fees at the state's institutions of higher education; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 1834 by Representative Ogden

AN ACT Relating to capital projects for local art, cultural, and social service organizations; amending RCW 43.63A.750 and 43.63A.125; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1835 by Representatives Doumit, Sump, Schoesler and Clements

AN ACT Relating to a forest products commission; amending RCW 42.17.31907 and 43.135.055; and adding a new chapter to Title 15 RCW.

Referred to Committee on Natural Resources.

HB 1836 by Representatives Edwards, Doumit, Sump, Cooper, Haigh, Eickmeyer, Tokuda, Boldt, Dunn, Esser and Lovick

AN ACT Relating to a legislative task force on local park and recreation maintenance and operations; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1837 by Representatives Boldt and Lambert

AN ACT Relating to contracting out WorkFirst activities; and amending RCW 74.08A.290.

Referred to Committee on Children & Family Services.

HB 1838 by Representatives Lovick, Lambert, O'Brien, Ballasiotes, Hatfield, Cooper and Dickerson

AN ACT Relating to school mapping; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1839 by Representatives Rockefeller, Cox, Haigh and Talcott

AN ACT Relating to local effort assistance; and amending RCW 28A.500.030.

Referred to Committee on Education.

HB 1840 by Representatives Veloria, Barlean, Poulsen, Cooper, Tokuda, Linville, Morris, Wood, Ruderman and Simpson

AN ACT Relating to the restoration of investments in energy conservation, renewable energy resources, and low-income energy services; adding a new chapter to Title 80 RCW; and prescribing penalties.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1841 by Representatives Haigh, Rockefeller, Doumit, Keiser, McDermott, Clements, Schoesler, Kagi and Lovick

AN ACT Relating to courses of study options offered by public high schools; and amending RCW 28A.230.010 and 28A.230.130.

Referred to Committee on Education.

HB 1842 by Representatives Poulsen, Crouse, Ruderman, Dunshee, Morris, Dickerson, Lantz and Kagi

AN ACT Relating to cable subscriber information practices; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1843 by Representatives Dunshee, Mitchell, Miloscia, Hankins, Rockefeller and Delvin

AN ACT Relating to establishing criteria for setting population projections for counties and cities planning under the growth management act; and amending RCW 36.70A.110 and 43.62.035.

Referred to Committee on Local Government & Housing.

HB 1844 by Representatives Doumit, Pennington, Hatfield and Mielke; by request of Department of Natural Resources

AN ACT Relating to an exchange of bedlands and the resolution of boundary disputes in and near the Cowlitz river near the confluence of the Columbia river in Longview, Washington; adding a new section to chapter 79.08 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1845 by Representatives Sehlin and Sommers; by request of Department of Natural Resources

AN ACT Relating to surface mining reclamation permit fees; and amending RCW 78.44.085.

Referred to Committee on Appropriations.

HB 1846 by Representatives Alexander, Hunt, Romero and DeBolt; by request of Department of Natural Resources

AN ACT Relating to the exchange or sale and replacement of administrative property owned by the department of natural resources; and adding a new section to chapter 76.01 RCW.

Referred to Committee on Natural Resources.

HB 1847 by Representatives Pennington and Doumit; by request of Department of Natural Resources

AN ACT Relating to improving the business practices associated with selling valuable materials on trust land; amending RCW 79.01.084, 79.01.116, 79.01.124, 79.01.132, 79.01.160, 79.01.184, 79.01.188, 79.01.204, 79.01.232, 79.01.240, 79.01.340, 79.01.392, 79.01.795, 79.64.030, 79.64.040, and 79.64.050; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Natural Resources.

HB 1848 by Representatives McIntire, Jarrett, Kenney, Cox and Tokuda; by request of Parks & Recreation Commission

AN ACT Relating to earned income training credits; adding new sections to chapter 28B.10 RCW; making appropriations; and providing expiration dates.

Referred to Committee on Higher Education.

HB 1849 by Representatives Pearson, Jackley, Doumit, Eickmeyer, Rockefeller, Cox, Barlean and Armstrong

AN ACT Relating to a record check of the parks and recreation commission's job applicants, volunteers, and independent contractors; and amending RCW 79A.05.035.

Referred to Committee on Natural Resources.

HB 1850 by Representatives Morris, Cairnes, Alexander, Murray, Rockefeller, Esser, McIntire, Cody, Kagi, Skinner, Veloria, Hankins, Ruderman, Kenney, Darneille, Hunt and Edmonds

AN ACT Relating to community health center facilities; amending RCW 70.37.020 and 70.37.090; adding new sections to chapter 70.37 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1851 by Representative McMorris

AN ACT Relating to modifying the definition of small employers for insurance purposes; and amending RCW 48.43.005.

Referred to Committee on Health Care.

HB 1852 by Representatives Morris and Schoesler

AN ACT Relating to international marketing of Washington's goods and services; amending RCW 43.23.035 and 43.31.145; adding a new section to chapter 43.23 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1853 by Representatives Morris, Cairnes, Pennington, Miloscia, Roach, Benson, Van Luven, Veloria, Carrell, Kessler and Linville

AN ACT Relating to clarifying the decision of the Washington state supreme court in Simpson Investment Co. v. Dept. of Revenue; amending RCW 82.04.4281; and creating a new section.

Referred to Committee on Finance.

HB 1854 by Representatives Cairnes, Kessler, Mulliken, Morris, Van Luven, Grant, Carrell and Linville

AN ACT Relating to municipal tax fairness; adding a new chapter to Title 35 RCW; repealing RCW 35.21.706, 35.21.710, and 35.21.711; and prescribing penalties.

Referred to Committee on Finance.

HB 1855 by Representatives Hunt, Conway, Clements, Ericksen and Pennington

AN ACT Relating to liquor by the drink at special events at restricted clubs; and amending RCW 66.24.425.

Referred to Committee on Commerce & Labor.

HJM 4007 by Representatives Schual-Berke, Fisher, Fromhold, Mielke, Cooper, Roach, Dunn, McIntire, Miloscia and Simpson

Designating Historic U.S. Highway 99.

Referred to Committee on Transportation.

HJR 4212 by Representatives Buck, Doumit, Sump, Hatfield, Eickmeyer, Pennington, Veloria, Boldt, O'Brien, Schoesler, Kessler, Clements and Grant

Amending the Constitution regarding initiatives and referenda on fish and wildlife issues.

Referred to Committee on Natural Resources.

HCR 4405 by Representative Romero

Promoting state and tribal relations.

Referred to Committee on State Government.

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

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

There being no objection, the Committee on State Government was relieved of House Bill No. 1785, and the bill was referred to the Committee on Natural Resources.

There being no objection, the Committee on State Government was relieved of House Bill No. 1813, and the bill was referred to the Committee on Local Government & Housing.

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

There being no objection, the House adjourned until 9:55 a.m., February 7, 2001, the 31<sup>st</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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MORNING SESSION

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House Chamber, Olympia, Wednesday, February 7, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Pearson presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville, O'Brien, Edwards, Edmonds, Dickerson, Kagi and Darneille

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on First Reading.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards, McDermott, Fromhold, Esser, Miloscia and Jackley

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on First Reading.

HB 1549 by Representatives Schual-Berke, Cody, Campbell, Conway, Schmidt, Fromhold, Kenney, Rockefeller, McIntire, Miloscia, Edwards, Hunt, Edmonds, O'Brien, Ogden, Kagi, Lovick, Darneille and Poulsen; by request of Governor Locke & Attorney General

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Held on First Reading.

HB 1856 by Representatives Morell, O'Brien, Talcott, Miloscia, Quall, Carrell, Rockefeller, Bush, Cox, Pflug, Pearson and Woods

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

Referred to Committee on Education.

HB 1857 by Representatives Clements, Doumit, Cox, Dunshee, Grant and Mulliken

AN ACT Relating to county public defense services; and adding a new section to chapter 10.101 RCW.

Referred to Committee on Appropriations.

HB 1858 by Representatives Mastin and Grant

AN ACT Relating to specialty plumbing; and amending RCW 18.106.010, 18.106.040, 18.106.050, 18.27.070, 18.106.125, and 18.106.130.

Referred to Committee on Commerce & Labor.

HB 1859 by Representatives Poulsen, Crouse, Morris, Casada, DeBolt, Esser, Simpson, B. Chandler, Linville, Delvin, Wood, Conway, Kenney, Santos, Romero, Kessler, Pflug, Rockefeller, Lovick, O'Brien, Darneille, Pearson, Ruderman, McIntire, Anderson, Keiser, Dunn, McDermott, Kagi, Schual-Berke, Campbell, Edmonds and Jackley

AN ACT Relating to exempting electric generating facilities using wind, solar energy, landfill gas, or fuel cells from sales and use taxes; amending RCW 82.08.02567 and 82.12.02567; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1860 by Representatives Gombosky, Poulsen, Wood, Ruderman, Linville, Simpson, McIntire, Sommers, Lantz, Cooper, Berkey, Conway, Kenney, Santos, Kessler, Rockefeller, Lovick, O'Brien, Darneille, Keiser, McDermott, Kagi, Schual-Berke, Edmonds, Jackley and Van Luven

AN ACT Relating to the low-income energy assistance program; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1861 by Representatives Mulliken and Dunn

AN ACT Relating to unfunded mandates imposed by courts; adding a new chapter to Title 2 RCW; adding a new chapter to Title 3 RCW; adding a new chapter to Title 35 RCW; and adding a new chapter to Title 35A RCW.

Referred to Committee on Judiciary.

HB 1862 by Representatives Ruderman, Barlean, Keiser, McIntire, Jarrett, McDermott, Conway, Santos, Edwards, Esser, Simpson, Quall, Cairnes, Kagi, Schual-Berke and Edmonds

AN ACT Relating to housing allowances for nonsupervisory K-12 employees; amending RCW 28A.400.200, 84.52.0531, 41.32.010, 41.40.010, and 41.40.010; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.500 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Education.

HB 1863 by Representatives Kagi, Ballasiotes, O'Brien, Dickerson, Darneille and Wood

AN ACT Relating to drug offenders; amending RCW 9.94A.360; reenacting and amending RCW 9.94A.320; adding a new section to chapter 70.96A RCW; adding a new section to chapter 43.20A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1864 by Representatives Dickerson, Casada and McIntire

AN ACT Relating to information requirements in family law court files; and amending RCW 26.09.020, 26.21.305, 26.23.050, 26.23.055, and 26.26.130.

Referred to Committee on Judiciary.

HB 1865 by Representatives G. Chandler and Grant

AN ACT Relating to irrigation districts acting as initiating governments for watershed planning; and amending RCW 90.82.060.

Referred to Committee on Agriculture & Ecology.

HB 1866 by Representatives B. Chandler, Wood, Conway and Clements

AN ACT Relating to the merchandising of beer and wine by employees between the ages of eighteen and twenty-one on or about a licensee's premises; and amending RCW 66.44.318.

Referred to Committee on Commerce & Labor.

HB 1867 by Representatives Linville, Ruderman and Kagi

AN ACT Relating to salary bonuses for educational staff associates receiving board or association certification; and adding a new section to chapter 28A.405 RCW.

Referred to Committee on Education.

HB 1868 by Representatives Berkey, Reardon, Conway, Linville, Gombosky, Murray, Kessler, Santos, Darneille, Wood, Keiser and Schual-Berke

AN ACT Relating to sales and use tax exemption holidays for clothing and school supplies; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 1869 by Representatives Mulliken, Mielke, DeBolt, Sump, Doumit, Alexander, Kessler, Boldt, Hatfield and Dunn

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

Referred to Committee on Local Government & Housing.

HB 1870 by Representatives Linville, G. Chandler, Grant, Doumit, Gombosky, Santos, Lovick, O'Brien, Wood, Edmonds and Jackley

AN ACT Relating to water rights established under the authority of family farm permits; and amending RCW 90.66.060.

Referred to Committee on Agriculture & Ecology.

HB 1871 by Representatives Linville, G. Chandler, Grant, Doumit, Gombosky, Santos, Lovick, O'Brien, Wood, McDermott, Edmonds and Jackley

AN ACT Relating to reclaimed water; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1872 by Representatives Linville, G. Chandler, Quall, Morris, Grant, Simpson, Doumit, Rockefeller, Ogden, Gombosky, Santos, Lovick, O'Brien, Wood, McDermott, Kagi and Schual-Berke

AN ACT Relating to a tax credit for water conservation for purveyors of water; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1873 by Representatives G. Chandler and Linville

AN ACT Relating to metering or measuring water; and amending RCW 90.03.360, 90.44.030, and 90.44.450.

Referred to Committee on Agriculture & Ecology.

HB 1874 by Representatives Linville and G. Chandler

AN ACT Relating to water rights; amending RCW 90.03.383; adding a new section to chapter 43.20 RCW; adding new sections to chapter 90.03 RCW; and adding new sections to chapter 90.44 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1875 by Representatives G. Chandler, Linville and Woods

AN ACT Relating to municipal water suppliers; amending RCW 90.03.015, 90.03.330, 90.03.460, and 90.03.386; adding a new section to chapter 90.03 RCW; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1876 by Representatives Linville, G. Chandler, Grant, Doumit, Gombosky, Lovick, O'Brien, Hunt, Wood, Edmonds, Jackley and Santos

AN ACT Relating to public water systems; amending RCW 90.03.383; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1877 by Representatives G. Chandler and Linville

AN ACT Relating to modifications of water rights; amending RCW 90.03.380, 90.80.010, 90.80.070, 90.80.080, 90.80.100, 90.80.120, 90.80.140, 90.66.040, and 90.66.060; adding a new section to chapter 90.80 RCW; adding a new section to chapter 90.66 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1878 by Representatives G. Chandler, Linville, Lovick, O'Brien, Wood, Edmonds and Jackley

AN ACT Relating to water rights established under the authority of family farm permits; amending RCW 90.66.040, 90.66.060, and 90.03.380; and adding a new section to chapter 90.66 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1879 by Representatives Linville, G. Chandler, Haigh, Delvin, Doumit, Cairnes, Rockefeller, Roach, Lantz and Cooper

AN ACT Relating to public water systems; amending RCW 90.03.015, 90.03.330, 90.03.460, 90.03.386, and 90.03.383; adding new sections to chapter 90.03 RCW; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1880 by Representative Poulsen

AN ACT Relating to a pilot program for the protection of salmon spawning beds; adding a new section to chapter 77.95 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 1881 by Representatives Carrell, Woods, Benson, Reardon, Morris, Pennington, Anderson, O'Brien, Cairnes, DeBolt, Pflug and Hunt

AN ACT Relating to information provided by former or current employers to prospective employers; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1882 by Representative Delvin

AN ACT Relating to the Washington association of constables and police chiefs; amending RCW 36.28A.010, 36.28A.020, 36.28A.030, 36.28A.040, 36.28A.050, 4.24.5501, 9.94A.060, 9.94A.207, 10.99.030, 13.60.120, 28B.10.569, 35.21.334, 36.110.030, 38.52.530, 40.14.070, 41.72.020, 43.43.490, 43.43.655, 43.43.858, 43.101.224, 43.101.270, 43.101.315, 43.103.040, 43.330.190, 72.09.300, 74.14B.010, 82.14.310, 82.14.320, 82.14.330, and 82.14.335; and reenacting and amending RCW 42.17.310.

Referred to Committee on Criminal Justice & Corrections.

HB 1883 by Representatives Lovick, Edwards, Fisher and Schual-Berke

AN ACT Relating to carrying persons or animals in pickup truck beds; and amending RCW 46.61.660.

Referred to Committee on Transportation.

HB 1884 by Representatives Ogden, Poulsen, Crouse and Kenney; by request of Department of Social & Health Services

AN ACT Relating to telecommunications devices and services for the hearing or speech impaired; and amending RCW 43.20A.720 and 43.20A.725.

Referred to Committee on Children & Family Services.

HB 1885 by Representatives Linville, G. Chandler, Grant, Doumit, Gombosky, Conway, Kessler, Hatfield and Anderson

AN ACT Relating to marketing of agricultural products; adding new sections to chapter 15.64 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Agriculture & Ecology.

HB 1886 by Representatives Linville, G. Chandler, Grant, Doumit, B. Chandler and Hatfield

AN ACT Relating to tax rate modifications for animal health products; amending RCW 82.04.050; and providing an effective date.

Referred to Committee on Finance.

HB 1887 by Representatives Linville, G. Chandler and Grant

AN ACT Relating to providing farmers with sales and use tax exemptions for propane and wood shavings used in the raising of chickens; adding new sections to chapter 82.08 RCW; and adding new sections to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1888 by Representatives Linville, G. Chandler, Grant, Doumit, B. Chandler, Hatfield and Van Luven

AN ACT Relating to tax exemptions and credits for dairy farmers and anaerobic digesters; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 1889 by Representatives Lovick, Cairnes, Dunshee, Lantz, Dickerson, Hurst, Kenney, Wood and Ruderman

AN ACT Relating to DNA testing of evidence; adding new sections to chapter 10.73 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 1890 by Representatives Keiser, Quall and Rockefeller; by request of Governor Locke

AN ACT Relating to standards for educator quality; amending RCW 28A.410.200, 28A.410.210, 28A.410.020, 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, and 28A.305.130; reenacting and amending RCW 28A.410.010; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 1891 by Representatives Mulliken, Schoesler, Veloria, B. Chandler, Van Luven, Linville, G. Chandler, Conway and Dunn

AN ACT Relating to international marketing of agriculture; creating new sections; and making appropriations.

Referred to Committee on Trade & Economic Development.

HB 1892 by Representatives Linville and G. Chandler

AN ACT Relating to agricultural commodity boards and commissions; amending RCW 15.66.030, 15.66.110, 15.66.140, 15.65.040, 15.65.230, 15.65.280, and 43.03.230; adding new sections to chapter 15.65 RCW; and adding new sections to chapter 15.66 RCW.

Referred to Committee on Agriculture & Ecology.

HJR 4213 by Representatives Mulliken and Dunn

Amending the Constitution to prohibit courts from imposing new policy or fiscal responsibilities on political subdivisions of the state.

Referred to Committee on Judiciary.

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

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

There being no objection, the Committee on Health Care was relieved of House Bill No. 1850, and the bill was referred to the Committee on Capital Budget.

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

There being no objection, the House adjourned until 10:00 a.m., February 8, 2001, the 32<sup>nd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
THIRTY SECOND DAY

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MORNING SESSION

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House Chamber, Olympia, Thursday, February 8, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lauren Brooks and Sara Watson. Prayer was offered by Reverend Dr. Cleveland Williams, Walker Chapel, African Methodist Episcopal Church, Seattle.

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

**MESSAGE FROM THE SENATE**

February 7, 2001

Mr. Speakers:

The Senate has passed:

and the same is herewith transmitted.

SUBSTITUTE SENATE BILL NO. 5717,

Tony M. Cook, Secretary

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

**REPORTS OF STANDING COMMITTEES**

February 6, 2001

HB 1058 Prime Sponsor, Representative Ruderman: Providing assistance to treat breast and cervical cancer.  
Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edwards, Marine, McMorris, Pennington, and Ruderman.

Excused: Representative Edmonds.

Referred to Committee on Appropriations.

February 7, 2001

HB 1070 Prime Sponsor, Representative Delvin: Revising provisions relating to the juvenile offender basic training camp program. Reported by Committee on Juvenile Justice



MAJORITY recommendation: Do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Carrell; Darneille and Tokuda.

Voting yea: Representatives Delvin, Dickerson, Eickmeyer, Marine, Armstrong, Carrell, Darneille and Tokuda.

Referred to Committee on Appropriations.

February 6, 2001

HB 1162 Prime Sponsor, Representative McMorris: Providing medical assistance reimbursements for small, rural hospitals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Conway; Darneille; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edwards, Marine, McMorris, Pennington, and Ruderman.  
Excused: Representative Edmonds.

Referred to Committee on Appropriations.

February 6, 2001

HB 1180 Prime Sponsor, Representative Cody: Obtaining and expending funds for the public health system. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edwards, Marine, McMorris, Pennington, and Ruderman.  
Excused: Representative Edmonds.

Referred to Committee on Appropriations.

February 6, 2001

HB 1309 Prime Sponsor, Representative Edwards: Establishing training standards for hemodialysis technicians. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edwards, Marine, McMorris, Pennington, and Ruderman.  
Excused: Representative Edmonds.

Passed to Committee on Rules for second reading.

February 6, 2001

HB 1317 Prime Sponsor, Representative Ballasiotes: Removing the expiration date on emergency administration of epinephrine. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edwards, Marine, McMorris, Pennington, and Ruderman.

Excused: Representative Edmonds.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

### RESOLUTION

HOUSE RESOLUTION NO. 2001-4612 by Representatives Reardon, Berkey, Mulliken, Ballard, Kessler, Kenney, Conway, Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods

WHEREAS, Washington State Representative Patricia "Pat" Scott, who served eight terms in unselfish, distinguished work for the citizens of Snohomish county, and for all the people of Washington, passed away on Sunday, January 7th; and

WHEREAS, Pat Scott was a loving mother to her son Tim, and a doting grandmother to Megan, Ryan, and Nate; and

WHEREAS, Children from all across Washington were always uppermost in the mind of Representative Scott through her unwavering commitment to protect and nurture their well-being; and

WHEREAS, Representative Scott fought against child abuse her entire career, sponsoring legislation that extended the statute of limitations for victims of abuse, ensured proper training for caseworkers to help identify child abuse, and increase penalties for those who operate a methamphetamine lab around children; and

WHEREAS, Representative Scott's quiet, tenacious work to create and pass the Homicide by Abuse Bill created a model that many other states have followed; and

WHEREAS, During a legislative career that will be forever modeled by men and women here and in other state governments, Representative Scott placed maximum importance on getting things done, not getting credit; and

WHEREAS, Representative Scott, our true friend and colleague, was tireless and scrupulous in her work to highlight the importance of self-esteem, personal accountability, and a positive mental attitude on the part of our young people; and

WHEREAS, The civic-mindedness of Representative Scott will always be remembered in Everett by that fair city's police and fire departments; and

WHEREAS, Although the Legislature hasn't been the same without her and now the world won't be the same without her, Representative Scott would be the first to admonish that we not mourn her passing — but that instead we celebrate her life and the time that she laughed, played, and worked among us;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington celebrate the distinguished legislative, professional, civic, and, most of all, the personal life of Washington State Representative Pat Scott; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the members of the family of Washington State Representative Pat Scott.

Representative Reardon moved the adoption of the resolution.

Representatives Reardon, Mulliken, Eickmeyer, Doumit, Morris and Sommers spoke in favor of the adoption of the resolution.

House Resolution No. 4612 was adopted.

HOUSE RESOLUTION NO. 2001-4610 by Representatives Anderson, Pflug, Romero, Hunt, DeBolt, Lambert, Alexander, Veloria, Ruderman and Schmidt

WHEREAS, The Washington State School Directors' Association chose three "school boards of the year" at their annual conference held on November 16, 2000, in Spokane, Washington; and

WHEREAS, The school boards picked for this honor are the Snoqualmie Valley School Board representing districts with 1,001 to 5,000 students, the Tumwater School Board representing districts with 5,001 or more students, and the Mossyrock School Board representing districts with 1,000 or fewer students; and

WHEREAS, The Snoqualmie Valley School Board, the Tumwater School Board, and the Mossyrock School Board were all selected based on an essay each board submitted on the topic of "the most important thing we learned this year" describing the role of the school board in raising academic achievement levels for all students; and

WHEREAS, The Snoqualmie Valley School Board, the Tumwater School Board, and the Mossyrock School Board were each acknowledged for their leadership and outstanding contributions as boards who consistently demonstrate dedication to improving and raising levels of academic achievement and student learning; and

WHEREAS, The Snoqualmie Valley School Board was honored for recognizing that genuine school improvement is a change process and that the measure of success is the willingness to commit time, energy, and resources over the long term to major goals and objections; and

WHEREAS, The Snoqualmie Valley School Board was also lauded for evaluating the district against the seven attributes of high achieving school districts - leadership, performance, accountability, effective governance, shared values, learning partnerships, staff development, and technology infrastructure; and

WHEREAS, The Tumwater School Board was recognized for setting a positive example by using a process that involved all stakeholders in the community to establish goals, celebrate successes, establish innovations in education, and implement strategies for the future; and

WHEREAS, The Mossyrock School Board was recognized for taking advantage of learning opportunities to strengthen its leadership role in providing excellence in education for its students and developing a strategic plan to make changes needed to help students in a global society; and

WHEREAS, The Snoqualmie Valley School Board members are Kristy Lee Sullivan, Chair; Richard Krona; Rudolph Edwards; Rebekah Jorgensen; and David Reed, with Richard McCullough, Superintendent; and

WHEREAS, The Tumwater School Board members are Jay Wood, Chair; Robert Barclift; Corinne Tobeck; Liz Larsen; and Janine Ward, with Nick Brossoit, Superintendent; and

WHEREAS, The Mossyrock School Board members are Mark Bolender, Chair; Dwight Belcher; Vicki Oakerman; Cynthia Phillips; and John DeGoede, with Toma Manke, Superintendent;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the Snoqualmie Valley School Board, the Tumwater School Board, and the Mossyrock School Board for being recognized as "school boards of the year" and for their commitment to providing the children of their districts a quality education;

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Snoqualmie Valley School Board, the Tumwater School Board, and the Mossyrock School Board.

Representative Anderson moved the adoption of the resolution.

Representatives Anderson, Pflug, Romero, Ruderman, Schual-Berke and Hunt spoke in favor of the adoption of the resolution.

House Resolution No. 4610 was adopted.

Speaker Chopp called upon Representative Ruderman to preside.

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

### INTRODUCTIONS AND FIRST READING

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville, O'Brien, Edwards, Edmonds, Dickerson, Kagi and Darneille

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on First Reading.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards, McDermott, Fromhold, Esser, Miloscia, Jackley and Kagi

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on First Reading.

HB 1549 by Representatives Schual-Berke, Cody, Campbell, Conway, Schmidt, Fromhold, Kenney, Rockefeller, McIntire, Miloscia, Edwards, Hunt, Edmonds, O'Brien, Ogden, Kagi, Lovick, Darneille and Poulsen; by request of Governor Locke & Attorney General

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Held on First Reading.

HB 1893 by Representatives Mielke, Jarrett, Boldt, Dunn and McMorris

AN ACT Relating to the Washington state scholars program; amending RCW 28A.600.100 and 28A.600.110; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 1894 by Representatives Mielke, Dunn, Lovick, Boldt and Keiser

AN ACT Relating to the time for using studded tires; and amending RCW 46.37.420 and 47.36.250.

Referred to Committee on Transportation.

HB 1895 by Representatives Esser, Morris, Barlean, Cooper, Mielke, O'Brien, Mulliken, Ericksen, Hatfield, B. Chandler, Linville and Kirby

AN ACT Relating to theft of motor vehicle fuel; amending RCW 46.20.311, 46.20.342, and 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1896 by Representatives Clements, Boldt, Morris, Woods, Campbell, DeBolt, Grant, McMorris, Quall, Delvin, Mielke, Doumit, Morell, O'Brien, Dunn, Hatfield, Ballasiotes, Linville, Kessler, Mulliken, Lambert, Hankins, Cairnes, Ericksen, Bush, Anderson, B. Chandler, Schmidt, Sump, Mitchell, Schoesler, Pennington, G. Chandler, Alexander, Benson, Pflug, Buck, Ahern, Sehlin, Roach, Esser and Schindler

AN ACT Relating to safety and health rules related to musculoskeletal disorders; amending RCW 49.17.040 and 49.17.050; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1897 by Representatives Delvin, Hankins, Poulsen, Grant, B. Chandler, Mastin and G. Chandler

AN ACT Relating to agricultural fairs; and amending RCW 15.76.140.

Referred to Committee on Appropriations.

HB 1898 by Representatives Hankins, Skinner, Tokuda, Boldt, Kenney, Dunn, Keiser, Van Luven, McMorris, Delvin, Mitchell and Santos

AN ACT Relating to the licensing of crisis nurseries; amending RCW 74.15.020; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Children & Family Services.

HB 1899 by Representatives Bush, McIntire, Cairnes, Keiser, DeBolt, Hatfield, Benson, Santos, Roach, Miloscia, Barlean, Lovick, Casada, O'Brien, Morell, Simpson, Mielke, Jackley, Pearson, Romero, Eickmeyer, Ruderman, Sump, Linville, Schmidt, Campbell, Esser, Hunt, Hurst and Schual-Berke

AN ACT Relating to the use of identifying information in professional licenses; and adding a new section to chapter 43.24 RCW.

Referred to Committee on State Government.

HB 1900 by Representatives Dunn, Boldt and Mielke

AN ACT Relating to library districts; amending RCW 27.12.190, 27.12.010, 54.28.055, 27.12.040, 27.12.050, 27.12.420, and 27.12.470; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Local Government & Housing.

HB 1901 by Representatives Clements and Ogden

AN ACT Relating to initiatives; and adding a new section to chapter 29.79 RCW.

Referred to Committee on State Government.

HB 1902 by Representatives O'Brien, Ballasiotes, Cody, Cox, Schual-Berke, Van Luven, Bush, Santos, Benson, Woods, Schmidt, Dunshee, Edwards, Ogden, Lovick, Wood, Mastin, Dunn, Mitchell, Ruderman, Keiser, Kenney and Conway

AN ACT Relating to health care information; and amending RCW 70.02.010.

Referred to Committee on Health Care.

HB 1903 by Representatives Hatfield, G. Chandler, Linville, Mulliken, Doumit, Grant, Dunshee, Eickmeyer, Sump, Edmonds, Kessler and Woods

AN ACT Relating to declaring that shoreline master program guidelines provisions adopted after November 1, 2000, do not apply retroactively to existing and ongoing agriculture; amending RCW 90.58.030; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1904 by Representatives Ruderman, Santos, Jackley, Dunshee, Simpson, Kessler, Darneille, Edwards, Conway, Rockefeller, Linville, Keiser, Tokuda, Kirby and Hurst

AN ACT Relating to property tax relief; amending RCW 84.52.080, 84.56.050, 84.36.383, 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.52 RCW; creating a new section; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1905 by Representatives Linville and G. Chandler

AN ACT Relating to clarifying the use of natural systems as integral portions of storm water control systems and aquifer protection systems; amending RCW 35.58.200, 35.67.010, 35.92.020, 36.36.010, 36.94.010, 43.155.020, 57.08.005, 70.146.020, 82.46.010, and 90.72.030; reenacting and amending RCW 82.46.035; adding a new section to chapter 36.89 RCW; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1906 by Representatives Linville, G. Chandler, Schoesler, Haigh, B. Chandler, Hunt, Morris, Kirby, Grant, Jackley, Cox, Hatfield, Mielke, Armstrong, Delvin, Mulliken, Sump, McMorris, Barlean, Pflug, Kessler, Pearson and Conway

AN ACT Relating to the exemption of machinery and equipment used in farming operations from the state property tax and preventing a shift of property taxes; amending RCW 84.48.080 and 84.52.010; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1907 by Representatives Linville, Barlean, Hunt, Kirby, Mielke, Jackley, Romero, Morris, Dunshee, Delvin, Anderson, Keiser, Lovick, Ruderman, Ogden, O'Brien, Kagi, Edmonds, Wood, McDermott, Santos, Kessler, Simpson, Kenney and Schual-Berke

AN ACT Relating to recycling and waste reduction; amending RCW 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090, 70.95.290, and 43.19.1905; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 1908 by Representatives Schoesler, Morris, Santos, Hankins, Sump, Pennington, DeBolt, B. Chandler, Sehlin, Schmidt, Dunn, Mielke, McMorris, Tokuda, Buck, Skinner, Mulliken and Bush

AN ACT Relating to restrictions on mailings and public service broadcasts by state officials; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government.

HB 1909 by Representatives Quall, Ericksen, McDermott, Cox, Keiser, Kessler, Kenney and Conway; by request of Superintendent of Public Instruction

AN ACT Relating to career and technical education; adding a new section to chapter 28C.04 RCW; and creating a new section.

Referred to Committee on Education.

HB 1910 by Representatives Kenney, Cox, Schoesler, Schindler, Benson, Gombosky, McMorris, Skinner, Fromhold, Dunn, Jarrett, Crouse, Lantz, Sump, Ogden, Ahern, Bush, Esser and Wood

AN ACT Relating to graduate education in physical therapy; and adding a new section to chapter 28B.35 RCW.

Referred to Committee on Higher Education.

HB 1911 by Representatives Reardon, Cody, Santos and Ballasiotes

AN ACT Relating to insurance coverage for neurodevelopmental therapies; and amending RCW 41.05.170, 48.21.310, 48.44.450, and 48.46.520.

Referred to Committee on Health Care.

HB 1912 by Representatives Boldt and Mielke

AN ACT Relating to construction of common schools; amending RCW 39.04.010, 39.12.020, 28A.335.190, and 39.80.020; adding a new section to chapter 39.12 RCW; adding a new section to chapter 82.02 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Commerce & Labor.

HB 1913 by Representative Boldt

AN ACT Relating to a blended funding demonstration project to provide services to disturbed youth; adding a new chapter to Title 74 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Juvenile Justice.

HB 1914 by Representatives Boldt, Clements, McMorris, Alexander and Pflug

AN ACT Relating to funding restrictions for the Washington WorkFirst program; and amending RCW 74.08A.340.

Referred to Committee on Appropriations.

HB 1915 by Representatives Cairnes, Morris, Sommers, Skinner, Hankins, Kessler, Lisk, Clements, Benson, Delvin, B. Chandler, Veloria, G. Chandler, Conway, Ruderman, Santos, Grant and Barlean

AN ACT Relating to modifying wine and cider provisions by removing a termination date; and amending RCW 66.24.210.

Referred to Committee on Finance.

HB 1916 by Representative Dunshee

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

Referred to Committee on State Government.

HB 1917 by Representative Dunshee

AN ACT Relating to spending in election campaigns; adding a new section to chapter 42.17 RCW; adding a new section to chapter 29.81 RCW; creating a new section; and providing an effective date.

Referred to Committee on State Government.

HB 1918 by Representatives Poulsen, Dunshee, Schual-Berke, Murray, McIntire, Lantz, Romero, Dickerson, Rockefeller, Veloria, Keiser, Ruderman, Ogden and Kenney

AN ACT Relating to compliance with law; amending RCW 36.70B.030; and adding a new section to chapter 39.04 RCW.

Referred to Committee on State Government.

HB 1919 by Representatives Kirby, Dunn, Roach, Linville, G. Chandler, Hatfield, Hunt, Delvin, Ruderman, Ogden, Schmidt, Esser, Kagi, Edmonds, Woods and Conway



AN ACT Relating to motorcycle taillights; and amending RCW 46.37.100.

Referred to Committee on Transportation.

HB 1920 by Representatives Carrell, Lantz, Cody and Campbell

AN ACT Relating to medical reports in guardianship proceedings by advanced registered nurse practitioners; and amending RCW 11.88.045.

Referred to Committee on Judiciary.

HB 1921 by Representatives Linville, Kagi, Ruderman, Simpson, Dunshee, Murray and Veloria

AN ACT Relating to greenhouse gases affecting climate change; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1922 by Representatives Linville, Kagi, Ruderman, Simpson, Dunshee, Murray, Keiser, Rockefeller, Ogden and Wood

AN ACT Relating to the reduction of greenhouse gases affecting climate change; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1923 by Representatives Roach, Crouse and Veloria

AN ACT Relating to auctioneers; and amending RCW 18.11.070, 18.11.085, and 18.11.180.

Referred to Committee on Commerce & Labor.

HB 1924 by Representatives O'Brien and Dunn

AN ACT Relating to condominium resale certificates; and amending RCW 64.34.425.

Referred to Committee on Local Government & Housing.

HB 1925 by Representatives Sommers, Sehlin, Romero, Wood and Schindler; by request of Secretary of State

AN ACT Relating to local government records; amending RCW 36.22.175; adding a new section to chapter 36.22 RCW; repealing 1996 c 245 s 2 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1926 by Representatives Sehlin, Sommers, Romero and Wood; by request of Secretary of State

AN ACT Relating to local government records; amending RCW 36.22.175; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1927 by Representatives Mastin, Delvin, Clements, Mulliken, Casada, Roach, Ahern, Morell, Dunn, Sump, Mielke, Schmidt, Cairnes, Campbell, McMorris, Boldt, Lambert, Buck, DeBolt, B. Chandler, Armstrong, Bush, Pennington, G. Chandler, Pflug, Schindler, Pearson and Benson

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on First Reading.

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt and Esser

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 1929 by Representatives Mulliken, Campbell, O'Brien, Miloscia, Cox, Schindler, Boldt, Talcott, Bush, DeBolt, Mielke, Dunn, Sump, Benson, Pennington and Schmidt

AN ACT Relating to protecting children born alive; amending RCW 18.71.240; adding new sections to chapter 18.71 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

HB 1930 by Representatives Quall, Conway, Morris, Miloscia, Talcott, Dunshee and Kirby

AN ACT Relating to designating Almond Roca Buttercrunch as the state candy; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1931 by Representatives Quall, Dunshee, Kagi and Edmonds

AN ACT Relating to a mandatory community service graduation requirement; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

HB 1932 by Representatives Quall, Dunshee, Edmonds, Wood and McIntire

AN ACT Relating to requiring antismoking instruction in grades six through twelve; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

HB 1933 by Representatives Mitchell, Skinner and Woods

AN ACT Relating to toll bridges; amending RCW 47.56.010, 47.56.030, 47.56.240, and 47.56.270; creating a new section; repealing RCW 47.56.271; and declaring an emergency.

Referred to Committee on Transportation.

HB 1934 by Representatives Linville, Barlean, Doumit, Ericksen, Dunshee, Keiser, Lovick, Ogden, Marine, O'Brien, Edmonds, Santos, McIntire, Kenney, Pearson and Schual-Berke; by request of Governor Locke

AN ACT Relating to modifying shoreline master program timelines; and amending RCW 90.58.080 and 90.58.250.

Referred to Committee on Local Government & Housing.

HB 1935 by Representatives Hurst, Conway, Wood, McDermott, Cooper, Keiser and Santos

AN ACT Relating to requiring the distribution of tips to employees; adding a new section to chapter 49.46 RCW; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Commerce & Labor.

HB 1936 by Representatives Quall, Morris, Linville, Grant, Sehlin, Doumit, Esser and Anderson

AN ACT Relating to mooring at buoys; and amending RCW 79.90.105.

Referred to Committee on Natural Resources.

HB 1937 by Representatives Linville, B. Chandler, G. Chandler, Delvin, Quall, Grant and Simpson

AN ACT Relating to reclaimed water; amending RCW 90.46.005, 90.46.010, 90.14.140, 90.03.252, and 90.44.062; and adding a new section to chapter 90.46 RCW.

Referred to Committee on Agriculture & Ecology.

HJR 4214 by Representative Clements

Requiring initiatives to specify funding sources.

Referred to Committee on State Government.

HJR 4215 by Representatives Ruderman, Santos, Jackley, Dunshee, Simpson, Darneille, Kessler, Edwards, Conway, Rockefeller, Linville and Kirby

Amending the Constitution to allow a property tax credit.

Referred to Committee on Finance.

HCR 4406 by Representatives Schual-Berke, Campbell, Pennington, G. Chandler, DeBolt, Mulliken, Grant, McMorris, Edwards, McIntire, Cody, Morris, Schmidt, Poulsen, Doumit, Sommers, Darneille, Barlean, Cox, Kagi, Tokuda, Linville, Ogden, Edmonds, Wood, Santos, Kessler, Simpson and Kenney

Establishing a blue ribbon commission on medical care cost and access.

Referred to Committee on Health Care.

SSB 5717 by Senate Committee on Ways & Means

AN ACT Relating to the low-income energy assistance program; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

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

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

#### MOTION

There being no objection, the House adjourned until 9:55 a.m., February 9, 2001, the 33<sup>rd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Friday, February 9, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Pennington presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville, O'Brien, Edwards, Edmonds, Dickerson, Kagi and Darneille

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Held on 1st Reading.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards, McDermott, Fromhold, Esser, Miloscia, Jackley and Kagi

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Held on 1st Reading.

HB 1549 by Representatives Schual-Berke, Cody, Campbell, Conway, Schmidt, Fromhold, Kenney, Rockefeller, McIntire, Miloscia, Edwards, Hunt, Edmonds, O'Brien, Ogden, Kagi, Lovick, Darneille and Poulsen; by request of Governor Locke & Attorney General

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Held on 1st Reading.

HB 1927 by Representatives Mastin, Delvin, Clements, Mulliken, Casada, Roach, Ahern, Morell, Dunn, Sump, Mielke, Schmidt, Cairnes, Campbell, McMorris, Boldt, Lambert, Buck, DeBolt, B. Chandler, Armstrong, Bush, Pennington, G. Chandler, Pflug, Schindler, Pearson, Benson and Anderson

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on 1st Reading.

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser and Casada

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on 1st Reading.

HB 1938 by Representatives Pearson, Sump, Doumit, Jackley, Pennington, Mulliken, Boldt, Schoesler and Buck

AN ACT Relating to sabotage resulting in damage to land, facilities, and property; amending RCW 4.24.630 and 9.05.060; reenacting and amending RCW 9.94A.320; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1939 by Representatives Dickerson, Eickmeyer, Kenney, McIntire, Edmonds, Keiser, O'Brien and Darneille; by request of Governor Locke & Superintendent of Public Instruction

AN ACT Relating to mental health evaluation of minors who commit felonies on school facilities; adding a new section to chapter 9.61 RCW; and adding a new section to chapter 9A.48 RCW.

Referred to Committee on Juvenile Justice.

HB 1940 by Representatives Pearson, Quall, Talcott, Cox, Anderson, Schmidt, Morell, O'Brien and Kessler

AN ACT Relating to rewarding schools for meeting fourth grade reading goals; adding a new section to chapter 28A.655 RCW; and creating new sections.

Referred to Committee on Education.

HB 1941 by Representatives Doumit and Dunshee

AN ACT Relating to enhancing efficiency in permit processes; amending RCW 58.17.095, 36.70B.060, 36.70B.140, and 36.70B.150; adding new sections to chapter 43.21A RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 77.55 RCW; adding a new section to chapter 36.70B RCW; adding a new section to chapter 64.40 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Local Government & Housing.

HB 1942 by Representatives Dunshee and McIntire

AN ACT Relating to tenant security deposits; and amending RCW 59.18.270.

Referred to Committee on Local Government & Housing.

HB 1943 by Representatives Mulliken, Grant, G. Chandler and Dunshee

AN ACT Relating to county rail districts; and amending RCW 36.60.010.

Referred to Committee on Transportation.

HB 1944 by Representatives Carrell, Hurst, Lambert, Kagi, McIntire and Keiser

AN ACT Relating to background checks at gun shows; and creating a new section.

Referred to Committee on Judiciary.

HB 1945 by Representatives Darneille, Hunt, Morris and Conway

AN ACT Relating to immunizations at long-term care facilities; adding a new section to chapter 74.39 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 1946 by Representative Mulliken

AN ACT Relating to modifying shoreline master program timelines; and amending RCW 90.58.080.

Referred to Committee on Local Government & Housing.

HB 1947 by Representatives G. Chandler, Hatfield, B. Chandler, Doumit, Mulliken, Clements, Grant and Sump

AN ACT Relating to application and review of shoreline master program guidelines adopted after November 1, 2000; amending RCW 90.58.030; adding a new section to chapter 90.58 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 1948 by Representatives G. Chandler, Linville, Sump, McIntire and Casada

AN ACT Relating to increasing the amount of the small business business and occupation tax credit; amending RCW 82.04.4451; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1949 by Representatives Marine, Mulliken, DeBolt, Schoesler, Crouse, Sump, Jarrett, Woods, Buck, Ahern, Delvin, Benson, Anderson, Armstrong and Bush

AN ACT Relating to a tax exemption for property that has declined in value due to shoreline regulation; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Local Government & Housing.

HB 1950 by Representatives Conway, Clements, Wood, Kenney and Miloscia

AN ACT Relating to worker rights under industrial insurance; amending RCW 51.14.100, 51.28.010, 51.28.020, 51.28.080, and 51.36.010; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1951 by Representatives Clements, B. Chandler, G. Chandler, Lisk and Mulliken

AN ACT Relating to the sale of wine for off-premises consumption; and amending RCW 66.24.450, 66.24.452, 66.24.425, and 66.24.400.

Referred to Committee on Commerce & Labor.

HB 1952 by Representatives Ballasiotes and O'Brien

AN ACT Relating to registration of transient sex offenders and kidnapping offenders; and amending RCW 9A.44.130 and 4.24.550.

Referred to Committee on Criminal Justice & Corrections.

HB 1953 by Representatives Kessler and Buck

AN ACT Relating to alterations of mobile homes; and amending RCW 43.22.360.

Referred to Committee on Commerce & Labor.

HB 1954 by Representatives Veloria, Conway, Campbell, Cooper, Wood, Dickerson, Dunshee, Romero and Doumit

AN ACT Relating to subsidy disclosure; adding new sections to chapter 42.17 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 1955 by Representatives Lantz, Esser, Dickerson, Mastin, Lovick, Boldt, Kenney, Anderson, Conway, O'Brien and Darneille

AN ACT Relating to increasing civil jury trial fees; and amending RCW 3.62.060, 12.12.030, and 10.46.190.

Referred to Committee on Judiciary.

HB 1956 by Representatives Lovick, Lambert, Dickerson, Boldt, Lantz, O'Brien and Dunn

AN ACT Relating to venue for courts of limited jurisdiction; and amending RCW 3.66.070.

Referred to Committee on Judiciary.

HB 1957 by Representatives Kagi, Lambert, Keiser and O'Brien

AN ACT Relating to persistent offender sentencing; amending RCW 9.94A.560; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1958 by Representatives Delvin, Dickerson, Carrell and Darneille

AN ACT Relating to children in need of services, at-risk youth, and truancy petitions; amending RCW 13.32A.030, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190, 13.32A.196, 13.32A.198, and 28A.225.035;



reenacting and amending RCW 28A.225.090 and 28A.225.090; providing an effective date; and providing an expiration date.

Referred to Committee on Juvenile Justice.

HB 1959 by Representatives Cairnes, Morris, Carrell, Reardon, Roach and Casada

AN ACT Relating to a business and occupation tax deduction for health care services provided by health care providers; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 1960 by Representatives Edmonds, Cody, Kenney, Poulsen, Lantz, Hurst, Keiser, Miloscia, Darneille, Lovick and Romero

AN ACT Relating to citizen enforcement of land use and shorelines laws; adding a new chapter to Title 4 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1961 by Representatives Keiser, Poulsen, Cody, Lantz, Edmonds, Hurst, Ruderman, Miloscia, Darneille, Lovick and Romero

AN ACT Relating to citizen enforcement of environmental laws; adding a new chapter to Title 4 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1962 by Representative Dunshee

AN ACT Relating to creating incentives for the transfer of development rights; and amending RCW 36.70A.177.

Referred to Committee on Local Government & Housing.

HB 1963 by Representatives Cooper, Hunt and Keiser

AN ACT Relating to the role of critical areas ordinances adopted under the growth management act in protecting shorelines of the state; amending RCW 36.70A.030, 36.70A.050, 36.70A.060, 36.70A.106, 36.70A.170, 36.70A.172, 36.70A.480, 90.58.030, and 90.58.100; adding a new section to chapter 36.70A RCW; adding a new section to chapter 77.12 RCW; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Local Government & Housing.

HB 1964 by Representatives Linville, Mulliken, Doumit, Mielke, Dunshee, Keiser and Kessler

AN ACT Relating to integrating the planning processes of the growth management act and the shoreline management act; amending RCW 36.70A.020, 36.70A.030, 36.70A.035, 36.70A.045, 36.70A.070, 36.70A.110, 36.70A.130, 36.70A.140, 36.70A.210, 36.70A.215, 36.70A.480, 36.70A.320, 90.58.030, 90.58.060, 90.58.070, 90.58.080, 90.58.090, 90.58.100, 90.58.110, 90.58.130, and 90.58.250; adding a new section to chapter 36.70A

RCW; adding a new section to chapter 90.58 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 1965 by Representatives McIntire, Dickerson, Kenney, Poulsen, Cody, Lantz, Edmonds, Hurst, Ruderman, Keiser, Miloscia, Wood, Darneille, Lovick and Romero

AN ACT Relating to requiring local shoreline master plan compliance with the endangered species act; and amending RCW 90.58.080.

Referred to Committee on Local Government & Housing.

HB 1966 by Representatives Pennington, Hatfield, Mielke and Doumit

AN ACT Relating to protecting children and dependent persons; amending RCW 9A.42.010; adding a new section to chapter 9A.42 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HJR 4216 by Representatives Lambert and Hunt

Allowing job sharing by elected officials.

Referred to Committee on State Government.

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

### REPORTS OF STANDING COMMITTEES

February 7, 2001

HB 1014 Prime Sponsor, Representative Pennington: Preserving appropriated funds and interest earned in the landowner contingency forest fire suppression account. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Referred to Committee on Appropriations.

February 6, 2001

HB 1201 Prime Sponsor, Representative Dunshee: Authorizing the governor to enter into cooperative agreements concerning the sales of cigarettes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Santos; Van Luven and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Conway and Pennington.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Santos, Van Luven and Veloria.  
Voting nay: Representatives Conway, and Pennington.

Passed to Committee on Rules for second reading.

February 7, 2001

HB 1303 Prime Sponsor, Representative Fisher: Removing the photo requirement for special identification cards for persons issued disabled parking permits. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Hatfield; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Skinner; Sump and Wood.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Hatfield, Jackley, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Skinner, Sump and Wood.

Excused: Representatives Haigh, Hurst, Schindler and Woods.

Passed to Committee on Rules for second reading.

February 7, 2001

HB 1472 Prime Sponsor, Representative Buck: Creating the fish and wildlife equipment fund. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 12, 2001, the 36<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
THIRTY SIXTH DAY

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MORNING SESSION

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House Chamber, Olympia, Monday, February 12, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1410 by Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville, O'Brien, Edwards, Edmonds, Dickerson, Kagi and Darneille

AN ACT Relating to cigarette fire safety; adding a new chapter to Title 70 RCW; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Commerce & Labor.

HB 1448 by Representatives Ruderman, Schual-Berke, Ericksen, Cody, Edmonds, Linville, McIntire, Hunt, Edwards, McDermott, Fromhold, Esser, Miloscia, Jackley and Kagi

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Referred to Committee on Local Government & Housing.

HB 1549 by Representatives Schual-Berke, Cody, Campbell, Conway, Schmidt, Fromhold, Kenney, Rockefeller, McIntire, Miloscia, Edwards, Hunt, Edmonds, O'Brien, Ogden, Kagi, Lovick, Darneille and Poulsen; by request of Governor Locke & Attorney General

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Referred to Committee on Health Care.

HB 1927 by Representatives Mastin, Delvin, Clements, Mulliken, Casada, Roach, Ahern, Morell, Dunn, Sump, Mielke, Schmidt, Cairnes, Campbell, McMorris, Boldt, Lambert, Buck, DeBolt, B. Chandler, Armstrong, Bush, Pennington, G. Chandler, Pflug, Schindler, Pearson, Benson, Anderson, Carrell and Talcott

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on First Reading.

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell and Carrell

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 1967 by Representatives Schindler, Quall, Lambert, Miloscia, Cox, Bush, Dunn and Esser

AN ACT Relating to the Washington assessments of student learning; and adding a new section to chapter 28A.655 RCW.

Referred to Committee on Education.

HB 1968 by Representatives McMorris, B. Chandler, Pflug, Dunn and Mulliken

AN ACT Relating to ensuring that agency rules do not exceed their statutory authorization; amending RCW 34.05.570; and adding new sections to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 1969 by Representatives Lambert, Boldt, Dunn and Mulliken

AN ACT Relating to legislative oversight of agency rules; and amending RCW 34.05.570, 34.05.610, 34.05.630, 34.05.640, and 34.05.660.

Referred to Committee on State Government.

HB 1970 by Representatives Mulliken, Casada, Mielke, Lambert, Campbell, Cox, Sump, Schindler, Boldt, Morell, Carrell, Ahern and Dunn

AN ACT Relating to reaffirming and protecting the institution of marriage; amending RCW 26.04.020; and providing for submission of this act to a vote of the people.

Referred to Committee on Judiciary.

HB 1971 by Representatives Quall and Talcott

AN ACT Relating to allowing state certified appraisers to appraise school district properties; and amending RCW 28A.335.090.

Referred to Committee on Education.

HB 1972 by Representatives Quall, Morris, Wood and McIntire

AN ACT Relating to local option real estate excise taxes for affordable housing purposes; and adding a new section to chapter 82.46 RCW.

Referred to Committee on Finance.

HB 1973 by Representatives Grant, Clements, Reardon, McMorris, O'Brien, Schoesler, Quall, B. Chandler, Tokuda, Mastin, Morris, Santos, Barlean, Kessler, Buck, Lisk, Ruderman, Murray, Benson, Pflug, Jarrett, Boldt, Bush, Anderson, Van Luven, Morell, Ericksen, Marine, Carrell, Ahern, Dunn, Esser, Mulliken, Pearson and Skinner

AN ACT Relating to establishing an adjusted minimum tipped wage rate; amending RCW 49.46.020; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

HB 1974 by Representatives Haigh, Jarrett, Cox, Doumit, Schoesler, Jackley, Talcott, Hatfield, Mulliken, McIntire, Hurst, Linville, Schual-Berke, Fromhold, G. Chandler, Keiser, Barlean, Kenney, Benson, Quall, Lantz, McDermott, Kessler, Grant, Santos, Rockefeller, Eickmeyer, Simpson, Hunt, Mitchell, Ogden, Conway and Pearson

AN ACT Relating to changing the state special education funding formula; and amending RCW 28A.150.390.

Referred to Committee on Education.

HB 1975 by Representatives Gombosky, Jarrett, Cox, Wood and Schual-Berke

AN ACT Relating to the running start program; amending RCW 28A.600.310; and providing an effective date.

Referred to Committee on Education.

HB 1976 by Representatives Jackley, Cox, Quall, Esser, Schmidt, Darneille, O'Brien, Lantz, Gombosky, Eickmeyer, Bush, Ruderman, Simpson, Ogden, Santos, Keiser, Hurst and McIntire

AN ACT Relating to teachers' retirement system plan 1 employees; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Appropriations.

HB 1977 by Representatives Lambert, Ruderman, Benson, Schual-Berke, Keiser, Campbell and McIntire

AN ACT Relating to protecting privacy by restricting the use of social security account numbers by financial institutions; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1978 by Representatives Gombosky, Jarrett, Dunn, Lantz, Fromhold, Wood and McIntire

AN ACT Relating to a loan repayment endowment program for attorneys who provide legal services in public interest areas of the law; amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1979 by Representatives Reardon and Van Luven

AN ACT Relating to clarifying tax exemptions for sale or use of dental devices; amending RCW 82.08.0283 and 82.12.0277; and declaring an emergency.

Referred to Committee on Finance.

HB 1980 by Representatives Keiser, Conway, Miloscia, Cox, Cairnes, Esser and Schual-Berke

AN ACT Relating to authorizing school boards to accept bids based on students' best interests; and amending RCW 28A.335.190.

Referred to Committee on State Government.

HB 1981 by Representatives Kagi, Benson, Poulsen, Cody, Reardon, Edmonds, Schual-Berke, Conway, Santos, Kenney, Lovick and Wood

AN ACT Relating to addressing health problems that significantly increase energy needs; adding a new section to chapter 82.16 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1982 by Representatives Kagi, Conway, Edmonds, Clements, Simpson, Ogden, Kenney, Tokuda and McIntire

AN ACT Relating to unemployment compensation payable to individuals who took family and medical leave; amending RCW 50.04.020; adding a new section to chapter 50.04 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1983 by Representatives Benson and Hatfield

AN ACT Relating to the collection of financial claims; and amending RCW 19.16.100.

Referred to Committee on Financial Institutions & Insurance.

HB 1984 by Representatives Quall, Morris, Barlean, Cooper, Ericksen, Dunshee, Linville, Hatfield, Ruderman, Poulsen, Conway, Lovick and Kagi

AN ACT Relating to marketing of agricultural products; adding new sections to chapter 15.64 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Agriculture & Ecology.

HB 1985 by Representatives Kenney, Lisk, Conway, Clements, Edmonds, Wood and Bush

AN ACT Relating to cosmetology, barbering, manicuring, and esthetics; amending RCW 18.16.010, 18.16.020, 18.16.030, 18.16.060, 18.16.090, 18.16.100, 18.16.110, 18.16.140, 18.16.170, 18.16.175, 18.16.200, 18.16.210, 18.16.240, and 18.16.900; reenacting and amending RCW 18.16.050; adding new sections to chapter 18.16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1986 by Representatives O'Brien, Dunn, Fromhold, McMorris, Cairnes, Roach, Esser and B. Chandler

AN ACT Relating to authorizing certain residential property management entities to perform work on the owner's residential property; and amending RCW 19.28.261 and 18.27.090.

Referred to Committee on Commerce & Labor.

HB 1987 by Representatives Mitchell, Fisher, Woods and McIntire; by request of Office of Financial Management

AN ACT Relating to procuring new auto ferries; adding new sections to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1988 by Representatives Mitchell, Fisher, Simpson, Ogden, Schual-Berke, Conway, Kenney, Hurst, Kagi, Wood and McIntire; by request of Office of Financial Management

AN ACT Relating to commute trip reduction incentives; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.16 RCW; adding a new section to chapter 70.94 RCW; prescribing penalties; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Transportation.

HB 1989 by Representatives Anderson, Rockefeller, Quall, Cox, Fromhold, Miloscia, Pflug, Talcott, Santos and Keiser

AN ACT Relating to legislative review of school district financial management practices; adding a new section to chapter 44.28 RCW; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

HB 1990 by Representatives Clements, Conway, Anderson, Kenney, Keiser and Woods

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

Referred to Committee on Commerce & Labor.

HB 1991 by Representatives Lantz and Woods

AN ACT Relating to information sharing between schools and juvenile justice and care agencies; amending RCW 13.40.050, 13.40.150, 26.50.050, and 10.14.070; adding a new section to chapter 26.50 RCW; and adding a new section to chapter 10.14 RCW.

Referred to Committee on Juvenile Justice.

HB 1992 by Representatives Lantz and Woods



AN ACT Relating to communications to schools from juvenile justice and care agencies; and amending RCW 13.50.050.

Referred to Committee on Juvenile Justice.

HB 1993 by Representatives Hankins, Fisher, Mitchell and Wood

AN ACT Relating to vehicle license fees; and amending RCW 46.16.0621.

Referred to Committee on Transportation.

HB 1994 by Representatives Boldt, Morell and Dunn

AN ACT Relating to community support services for persons with developmental disabilities; and amending RCW 71A.16.010.

Referred to Committee on Children & Family Services.

HB 1995 by Representatives Dickerson, Cairnes, Grant, Dunn, Campbell, Kagi, Pearson and Wood

AN ACT Relating to civil forfeitures of property; amending RCW 69.50.505; and adding a new section to chapter 10.105 RCW.

Referred to Committee on Judiciary.

HB 1996 by Representatives Lambert and Haigh; by request of Department of Fish & Wildlife

AN ACT Relating to exemptions from public inspection of data obtained by the department of fish and wildlife; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 1997 by Representatives Alexander, DeBolt, Doumit, Mulliken, Dunshee, Mielke, Kessler, Hatfield and Ogden

AN ACT Relating to establishing industrial land banks outside urban growth areas; and amending RCW 36.70A.367.

Referred to Committee on Local Government & Housing.

HB 1998 by Representatives G. Chandler, Clements, Dunshee, Reardon, Hunt, Schoesler, Esser, Linville and Delvin

AN ACT Relating to fair competition in motor fuel marketing; adding a new chapter to Title 19 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1999 by Representatives Schual-Berke, Campbell, Cody, Skinner and Simpson

AN ACT Relating to automated external defibrillators; and creating new sections.

Referred to Committee on Health Care.

HB 2000 by Representatives Delvin, Lovick and Hankins

AN ACT Relating to arrests without warrant; and amending RCW 10.31.100.

Referred to Committee on Judiciary.

HB 2001 by Representatives Lovick, Fisher, Mitchell, Cooper, G. Chandler, Delvin, Ogden and Campbell

AN ACT Relating to abandoned vehicles; amending RCW 46.20.031, 46.20.289, 46.20.291, 46.20.311, 46.55.085, 46.55.105, 46.55.110, 46.63.030, and 46.63.110; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 2002 by Representatives Kessler, Kenney and McIntire

AN ACT Relating to branches of member institutions of accrediting associations recognized by rule of the higher education coordinating board; and amending RCW 28B.10.802 and 28B.12.030.

Referred to Committee on Higher Education.

HB 2003 by Representatives Ballasiotes, O'Brien, Morell, Woods and Wood

AN ACT Relating to drug offenders; amending RCW 9.94A.360; reenacting and amending RCW 9.94A.320; adding a new section to chapter 70.96A RCW; creating a new section; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2004 by Representatives O'Brien, Ballasiotes, Kirby, Bush, Kagi, Edwards, Grant and Lisk

AN ACT Relating to allowing recreational use of lands designated as resource lands under the growth management act; and amending RCW 36.70A.020 and 36.70A.060.

Referred to Committee on Agriculture & Ecology.

HB 2005 by Representatives Morris, Schoesler, Grant, Barlean, Kessler, Doumit, Poulsen and Linville

AN ACT Relating to taxation of property previously owned by the federal government; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

HB 2006 by Representatives Gombosky, Dunn, Fromhold, Armstrong, Wood, Lantz, Pennington and McIntire

AN ACT Relating to authorizing the imposition or expenditure of student fees by a two-thirds vote; and amending RCW 28B.15.045.

Referred to Committee on Higher Education.

HB 2007by Representatives Mielke, Boldt, Anderson and Dunn

AN ACT Relating to vehicles operating under oversize or overweight permits; and amending RCW 46.44.090.

Referred to Committee on Transportation.

HB 2008by Representatives Mielke, Crouse, Pflug, Anderson, Dunn, Pearson and Boldt

AN ACT Relating to county commissioner elections; and amending RCW 36.32.050.

Referred to Committee on Local Government & Housing.

HB 2009by Representatives Cairnes, Bush and Roach

AN ACT Relating to creation of an identity theft bureau; and adding a new section to chapter 43.10 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2010by Representatives Cairnes, Van Luven, Conway, Santos, Buck and Kessler

AN ACT Relating to the business and occupation tax deduction for health or social welfare services; amending RCW 82.04.4297; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 2011by Representatives Campbell, Darneille, Bush, Lantz and Cody

AN ACT Relating to public psychiatric facilities; and amending RCW 71.12.455 and 71.12.460.

Referred to Committee on Health Care.

HB 2012by Representatives Schoesler, Grant, Sump, Linville, B. Chandler, Cox, G. Chandler, Cooper, Kagi and Wood

AN ACT Relating to incentives to encourage the use of grass or straw-based materials in construction; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 2013by Representative Kagi

AN ACT Relating to indemnifying individuals for good faith investigations of child abuse or neglect or fatality reviews; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Children & Family Services.

HB 2014 by Representatives Simpson, Hatfield, Benson, McIntire, Bush, Ruderman, Schual-Berke, Conway, Santos, Kenney, Lovick, Keiser, Hurst and Kagi

AN ACT Relating to creating an office of privacy protection; and adding new sections to chapter 43.10 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2015 by Representatives McIntire, Hatfield, Benson, Bush, Ruderman, Schual-Berke, Conway, Kenney, Keiser and Hurst

AN ACT Relating to protecting personal information; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 2016 by Representatives McIntire, Hatfield, Benson, Bush, Ruderman, Schual-Berke, Conway, Kenney, Keiser, Hurst and Kagi

AN ACT Relating to protecting privacy; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 2017 by Representatives Lovick, Ballasiotes, O'Brien, Veloria, Kenney, Mitchell, Hankins, Van Luven, Conway, Murray, Santos, Schual-Berke, Tokuda, McDermott, Kagi and McIntire

AN ACT Relating to traffic-stop racial profiling; adding a new section to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 2018 by Representatives O'Brien, Ballasiotes, Veloria, Kenney, Lovick, Cooper, Reardon, Van Luven, Conway, Murray, Santos, Schual-Berke, Tokuda, McDermott and McIntire

AN ACT Relating to reporting on issues pertaining to racial profiling; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 2019 by Representatives Grant and Mastin

AN ACT Relating to diverting funds collected by the agricultural burning practices and research task force to develop a manufacturing facility program; amending RCW 70.94.650; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2020 by Representatives Grant, Mastin and Dunn

AN ACT Relating to leasehold interests in baseball stadiums seating less than ten thousand; and amending RCW 82.29A.130.

Referred to Committee on Finance.

HB 2021 by Representatives Kirby and Conway

AN ACT Relating to fireboats in first class cities; and adding a new section to chapter 35.22 RCW.

Referred to Committee on Local Government & Housing.

HB 2022 by Representatives Alexander and Pennington

AN ACT Relating to prohibiting therapeutic substitution by the medical assistance administration; amending RCW 74.09.010; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2023 by Representatives Kagi and Tokuda

AN ACT Relating to offender participation in correctional industries programs; and amending RCW 72.09.111.

Referred to Committee on Criminal Justice & Corrections.

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

### REPORTS OF STANDING COMMITTEES

February 8, 2001

HB 1047 Prime Sponsor, Representative Sommers: Exempting trainers and trainees in housing authority resident training programs from membership in the public employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Benson and Matson.

Passed to Committee on Rules for second reading.

February 7, 2001

HB 1091 Prime Sponsor, Representative Lambert: Changing sexual misconduct laws with regard to school employees. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading

February 8, 2001

HB 1102 Prime Sponsor, Representative Boldt: Regarding rights of foster parents. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia and Pflug.

Passed to Committee on Rules for second reading

February 7, 2001

HB 1150 Prime Sponsor, Representative Lovick: Establishing the crime of mail theft or receipt of stolen mail. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Referred to Committee on Appropriations

February 8, 2001

HB 1213 Prime Sponsor, Representative Delvin: Correcting statutes pertaining to the public employees' and school employees' retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading

February 8, 2001

HB 1214 Prime Sponsor, Representative Sommers: Reconfiguring and changing the duties of the employee retirement benefits board. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading

February 7, 2001

HB 1227 Prime Sponsor, Representative Ballasiotes: Changing provisions relating to escaping from custody. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading

February 8, 2001

HB 1249 Prime Sponsor, Representative Kagi: Regarding the quality of foster care services. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia and Pflug.

Referred to Committee on Appropriations

February 8, 2001

HB 1259 Prime Sponsor, Representative Tokuda: Providing services for persons twenty years of age who are or who have been in foster care. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia and Pflug.

Referred to Committee on Appropriations

February 7, 2001

HB 1271 Prime Sponsor, Representative Ballasiotes: Modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading

February 9, 2001

HB 1272 Prime Sponsor, Representative Ballasiotes: Increasing seriousness of identity crimes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kirby and Morell.

MINORITY recommendation: Without recommendation. Signed by Representative Kagi.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kirby and Morell.

Voting nay: Representative Kagi.

Referred to Committee on Appropriations.

February 7, 2001

HB 1280 Prime Sponsor, Representative Simpson: Increasing the seriousness ranking for hit and run--death. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading

February 7, 2001

HB 1407 Prime Sponsor, Representative Fisher: Modifying the taxation of fuel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 8, after line 34, insert the following:



"Sec. 1. RCW 82.36.060 and 1998 c 176 s 18 are each amended to read as follows:

(1) An application for a license issued under this chapter shall be made to the department on forms to be furnished by the department and shall contain such information as the department deems necessary.

(2) Every application for a license must contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his or her fingerprints or those of the officers of a corporation making the application;

(b) The applicant's form and place of organization including proof that the individual, partnership, or corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has an unsatisfied judgment in a federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime that directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered a judgment within the preceding five years in a civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners.

(3) An applicant for a license as a motor vehicle fuel importer must list on the application each state, province, or country from which the applicant intends to import motor vehicle fuel and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(4) An applicant for a license as a motor vehicle fuel exporter must list on the application each state, province, or country to which the exporter intends to export motor vehicle fuel received in this state by means of a transfer outside of the bulk transfer-terminal system and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(5) An applicant for a license as a motor vehicle fuel supplier must have a federal certificate of registry that is issued under the internal revenue code and authorizes the applicant to enter into federal tax-free transactions on motor vehicle fuel in the terminal transfer system.

(6) After receipt of an application for a license, the director may conduct an investigation to determine whether the facts set forth are true. The director shall require a fingerprint record check of the applicant through the Washington state patrol criminal identification system and the federal bureau of investigation before issuance of a license. The results of the background investigation including criminal history information may be released to authorized department personnel as the director deems necessary. The department shall charge a license holder or license applicant a fee of fifty dollars for each background investigation conducted.

An applicant who makes a false statement of a material fact on the application may be prosecuted for false swearing as defined by RCW 9A.72.040.

(7) Except as provided by subsection (8) of this section, before granting any license issued under this chapter, the department shall require applicant to file with the department, in such form as shall be prescribed by the department, a corporate surety bond duly executed by the applicant as principal, payable to the state and conditioned for faithful performance of all the requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter. The total amount of the bond or bonds shall be fixed by the department and may be increased or reduced by the department at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds, the department shall require a bond or bonds equivalent in total amount to twice the estimated monthly excise tax determined in such manner as the department may deem proper. If at any time the estimated excise tax to become due during the succeeding month amounts to more than fifty percent of the established bond, the department shall require additional bonds or securities to maintain the marginal ratio herein specified or shall demand excise tax payments to be made weekly or semimonthly to meet the requirements hereof.

The total amount of the bond or bonds required of any licensee shall never be less than five thousand dollars nor more than one hundred thousand dollars.

No recoveries on any bond or the execution of any new bond shall invalidate any bond and no revocation of any license shall effect the validity of any bond but the total recoveries under any one bond shall not exceed the amount of the bond.

In lieu of any such bond or bonds in total amount as herein fixed, a licensee may deposit with the state treasurer, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state, or any county of the state, of an actual market value not less than the amount so fixed by the department.

Any surety on a bond furnished by a licensee as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety has lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty day period. The department shall promptly, upon receiving any such request, notify the licensee who furnished the bond; and unless the licensee, on or before the expiration of the thirty day period, files a new bond, or makes a deposit in accordance with the requirements of this section, the department shall forthwith cancel the license. Whenever a new bond is furnished by a licensee, the department shall cancel the old bond as soon as the department and the attorney general are satisfied that all liability under the old bond has been fully discharged.

The department may require a licensee to give a new or additional surety bond or to deposit additional securities of the character specified in this section if, in its opinion, the security of the surety bond theretofore filed by such licensee, or the market value of the properties deposited as security by the licensee, shall become impaired or inadequate; and upon the failure of the licensee to give such new or additional surety bond or to deposit additional securities within thirty days after being requested so to do by the department, the department shall forthwith cancel his or her license.

(8) The department may waive the requirements of subsection (7) of this section for licensed distributors if, upon determination by the department, the licensed distributor has sufficient resources, assets, other financial instruments, or other means, to adequately make payments on the estimated monthly motor vehicle fuel tax payments, penalties, and interest arising out of this chapter. The department shall adopt rules to administer this subsection."

Renumber sections following consecutively and correct any internal references accordingly.

On page 10, after line 30, insert the following:

"**Sec. 7.** RCW 82.38.110 and 1998 c 176 s 63 are each amended to read as follows:

(1) Application for a license issued under this chapter shall be made to the department. The application shall be filed upon a form prepared and furnished by the department and shall contain such information as the department deems necessary.

(2) Every application for a special fuel license, other than an application for a dyed special fuel user or international fuel tax agreement license, must contain the following information to the extent it applies to the applicant:

(a) Proof as the department shall require concerning the applicant's identity, including but not limited to his or her fingerprints or those of the officers of a corporation making the application;

(b) The applicant's form and place of organization including proof that the individual, partnership, or corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has an unsatisfied judgment in a federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime that directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered a

judgment within the preceding five years in a civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners.

(3) An applicant for a license as a special fuel importer must list on the application each state, province, or country from which the applicant intends to import fuel and, if required by the state, province, or country listed, must be licensed or registered for special fuel tax purposes in that state, province, or country.

(4) An applicant for a license as a special fuel exporter must list on the application each state, province, or country to which the exporter intends to export special fuel received in this state by means of a transfer outside the bulk transfer-terminal system and, if required by the state, province, or country listed, must be licensed or registered for special fuel tax purposes in that state, province, or country.

(5) An applicant for a license as a special fuel supplier must have a federal certificate of registry that is issued under the internal revenue code and authorizes the applicant to enter into federal tax-free transactions on special fuel in the terminal transfer system.

(6) After receipt of an application for a license, the director shall conduct an investigation to determine whether the facts set forth are true. The director shall require a fingerprint record check of the applicant through the Washington state patrol criminal identification system and the federal bureau of investigation before issuance of a license. The results of the background investigation including criminal history information may be released to authorized department personnel as the director deems necessary. The department shall charge a license holder or license applicant a fee of fifty dollars for each background investigation conducted.

(7) An applicant who makes a false statement of a material fact on the application may be prosecuted for false swearing as defined by RCW 9A.72.040.

(8) A special fuel license may not be issued to any person or continued in force unless such person has furnished bond, as defined in RCW 82.38.020, in such form as the department may require, to secure his or her compliance with this chapter, and the payment of any and all taxes, interest, and penalties due and to become due hereunder. The requirement of furnishing a bond may be waived: (a) For special fuel distributors who only deliver special fuel into the fuel tanks of marine vessels((?)); (b) for dyed special fuel users ((and)); (c) for persons issued licenses under the international fuel tax agreement; or (d) for licensed special fuel distributors who, upon determination by the department, have sufficient resources, assets, other financial instruments, or other means to adequately make payments on the estimated monthly motor vehicle fuel tax payments, penalties, and interest arising out of this chapter. The department shall adopt rules to administer this section.

(9) The department may require a licensee to post a bond if the licensee, after having been licensed, has failed to file timely reports or has failed to remit taxes due, or when an investigation or audit indicates problems severe enough that the department, in its discretion, determines that a bond is required to protect the interests of the state. The department may also adopt rules prescribing conditions that, in the department's discretion, require a bond to protect the interests of the state.

(10) The total amount of the bond or bonds required of any licensee shall be equivalent to three times the estimated monthly fuel tax, determined in such manner as the department may deem proper: PROVIDED, That those licensees having held a special fuel license for five or more years without having said license suspended or revoked by the department shall be permitted to reduce the amount of their bond to twice the estimated monthly tax liability: PROVIDED FURTHER, That the total amount of the bond or bonds shall never be less than five hundred dollars nor more than one hundred thousand dollars.

(11) An application for a dyed special fuel user license must be made to the department. The application must be filed upon a form prescribed by the department and contain such information as the department deems necessary.

(12) An application for an international fuel tax agreement license must be made to the department. The application must be filed upon a form prescribed by the department and contain such information as the department may require."

Correct the title.

Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice-Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice

Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Hatfield; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Skinner; Sump; and Wood.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Hatfield, Jackley, Jarrett, Marine, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Skinner, Sump and Wood.

Excused: Representatives Haigh, Hurst, Mielke, Schindler and Woods.

Passed to Committee on Rules for second reading

February 9, 2001

HJM 4002 Prime Sponsor, Representative Veloria: Asking that the federal government provide veterans' benefits owed to Filipino veterans. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Schindler, Haigh, Lambert, McDermott and Schmidt.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 13, 2001, the 37<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Tuesday, February 13, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kimberly Warfel and Norward Joseph Brooks III. The Speaker (Representative Pennington presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Angela Ling, Bethany United Church of Christ, Seattle.

Classical Guitarist Terry Hunt from Twisp performed "Prelude Number 1" by Heitor Villa-Lobos.

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

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2001-4613 by Representatives Skinner, Kessler, Schmidt, Linville, Ogden, Dunn, Hankins, Armstrong and Edmonds

WHEREAS, The Arts enhance the lives of the people of the State of Washington; and

WHEREAS, The literary, performing, and visual Arts are vibrant threads weaving through the tapestry of life in the State of Washington; and

WHEREAS, The Arts stimulate creative thinking, inspire creativity and innovation, encourage self-expression, knit our communities and our state together with a common understanding of our humanity, foster communication and understanding across cultures, and transmit core national and local values to future generations; and

WHEREAS, The Arts enable lifelong learning, are essential to a basic education, assist with the teaching of other subjects, and foster logical analysis, self-discipline, cooperation, and teamwork; and

WHEREAS, The Arts contribute to full brain development, accelerate students' mastery of history, math, and science, enhance problem-solving skills, and increase the self-esteem of youth at risk; and

WHEREAS, The Arts contribute to the economic development of our state's communities by generating millions of dollars in revenue each year through performances, projects, exhibitions, festivals, Art walks, craft fairs, and concerts; and

WHEREAS, The Arts of Washington State have received international acclaim for the quality of our Artists, Arts educators, and Arts agencies, facilities, organizations, and institutions, drawing audiences from across the nation and the world to the Northwest, and making cultural tourism a vital part of our economy; and

WHEREAS, The Arts industry informs and educates the public and its leadership about cultural opportunities, and encourages artistic and economic growth; and

WHEREAS, The Arts industry provides assistance in long-range community and educational planning in an effort to secure a place for the Arts as a vital component of Washington State's environment; and

WHEREAS, The Arts industry provides forums for discussion and collaboration between the cultural community at large to implement ways and means to meet the identified cultural goals of the area, and supports efforts to meet those needs;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Arts, Artists, Arts educators, and Arts agencies, facilities, organizations, and institutions of this state, and

encourage all the citizens of Washington State to join the conversation in planning on the Arts as we address the issues and opportunities for Arts and culture for our state and our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Washington State Arts Commission and the Office of the Superintendent of Public Instruction on behalf of all the Artists, Arts educators, and Arts agencies, facilities, organizations, and institutions of this state.

Representative Skinner moved the adoption of the resolution.

Representatives Skinner and Kessler spoke in favor of the adoption of the resolution.

House Resolution No. 4613 was adopted.

HOUSE RESOLUTION NO. 2001-4615 by Representatives DeBolt, Mielke, Pennington, Hankins, Talcott, Edmonds and Kagi

WHEREAS, The Rotary Club of Chehalis No. 814 received its charter from Rotary International on February 1, 1921, and thus is celebrating its Eightieth Anniversary; and

WHEREAS, The Club counts among its members community leaders in business, the professions, and trades; and

WHEREAS, The Club has enriched its community and our world by observing the Rotary Motto, "Service Above Self," and donates thousands of dollars to the local community, sponsors projects, and provides "hands-on" service to the youth, the aged, the ill, the poor, the illiterate, the physically challenged, and the environment; and

WHEREAS, The Club is contributing to and supporting the Rotary International's PolioPlus Program to eradicate polio in developing countries and regions worldwide as well as contributing to the Rotary International Foundation to alleviate human suffering throughout the world; and

WHEREAS, The Club provides leadership in forming the Lewis County Rotary Foundation in 1998 which has since raised and contributed \$159,000 to community projects for kids and families; and

WHEREAS, The Rotary Club of Chehalis No. 814 will officially observe its anniversary with a Gala Celebration on Thursday, February 15, 2001, at Centralia-Chehalis Elks Lodge No. 2435, to be attended by the Club's members, guests, and dignitaries;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the Rotary Club of Chehalis No. 814 for its outstanding accomplishments; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Rotary Club of Chehalis No. 814 and Rotary International.

Representative DeBolt moved the adoption of the resolution.

Representative DeBolt spoke in favor of the adoption of the resolution.

House Resolution No. 4615 was adopted.

HOUSE RESOLUTION NO. 2001-4619 by Representatives Lantz, Jackley and Fromhold

WHEREAS, The Peninsula High School's Economics Team, lovingly dubbed Econ Hawks, has won the first ever National Junior Achievement Titan competition; and

WHEREAS, The students included in the competition were: Olivia Blades, Nick Castellani, Dana Champlin, Marc Johnson, Bill Lincoln, Sarah Nichols, Steve Puckett, and Angela Strote; and

WHEREAS, The student managers of the Peninsula High School's Economics Team included: Alison Heagy, Laurence Oh, and Dustin Welch; and

WHEREAS, Lori Smith, the teacher of Applied Economics at Peninsula High School, worked with and provided invaluable assistance to the school's participants; and

WHEREAS, The students simulated an online company that produces and sells a fictitious product called Cyberpen; and

WHEREAS, The students worked as a team to determine price, production, investment, and research and development; and

WHEREAS, The students competed on December 9, 2000, at the Peninsula High School computer lab and, finishing second in the Regional competition, were able to advance to the Final Regional competition; and

WHEREAS, The students met on December 13, 2000, at the Peninsula High School library computer lab to compete at the national level; and

WHEREAS, There were a total of eight teams in the final competitive round, all other teams participating having gone bankrupt; and

WHEREAS, The final standing teams were: Peninsula High School, Gig Harbor, Washington, with one hundred ten performance index points; Mnmdecjsj, New Hampshire, with one hundred two performance index points; B & D, Inc., Edmonds, Washington, with eighty-four performance index points; CDC2, Denver, Colorado, with eighty performance index points; and Kent-Meridian High School, Kent, Washington; and

WHEREAS, The Junior Achievement business consultant for the team, Nancy Giacalone, worked with the team once a week;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the award-winning Peninsula High School Economics Team for the competition that gave them first place, a tremendous accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Economic Department staff, counselors, and administration at Peninsula High School.

Representative Lantz moved the adoption of the resolution.

Representative Lantz spoke in favor of the adoption of the resolution.

House Resolution No. 4619 was adopted.

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

### REPORTS OF STANDING COMMITTEES

February 9, 2001

HB 1466 Prime Sponsor, Representative Fromhold: Creating the Washington promise scholarship. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Kenney, Gombosky, Fromhold, Lantz and Skinner.

Excused: Representatives Jarrett and Dunn.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committees so designated.

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

There being no objection, the Committee on Technology, Telecommunications and Economy was relieved of Substitute Senate Bill No. 5717, and the bill was referred to the Committee on Appropriations.

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

### INTRODUCTIONS AND FIRST READING

HB 1927 by Representatives Mastin, Delvin, Clements, Mulliken, Casada, Roach, Ahern, Morell, Dunn, Sump, Mielke, Schmidt, Cairnes, Campbell, McMorris, Boldt, Lambert, Buck, DeBolt, B. Chandler, Armstrong, Bush, Pennington, G. Chandler, Pflug, Schindler, Pearson, Benson, Anderson, Carrell and Talcott

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on First Reading.

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell and Carrell

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2024 by Representatives Rockefeller, Dunn, Jackley, Lantz, Linville, Mielke and McDermott

AN ACT Relating to floating residences above aquatic lands; amending RCW 79.90.465; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

HB 2025 by Representatives Santos, Talcott, Quall, Keiser, Ogden, Tokuda, Schual-Berke and Kenney

AN ACT Relating to students whose primary language is other than English; amending RCW 28A.180.030; and adding new sections to chapter 28A.180 RCW.

Referred to Committee on Education.

HB 2026 by Representatives Haigh, Cox, Kagi, Ericksen, Keiser, Hunt, Lovick, Doumit, Linville, Eickmeyer, Barlean, Schmidt, Ogden, Tokuda, Conway, Edmonds and Santos

AN ACT Relating to the environmental education partnership fund; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.



HB 2027 by Representatives Cairnes and Hatfield

AN ACT Relating to simplifying and harmonizing the taxation of lands valued at current use; amending RCW 84.33.035, 84.33.130, 84.33.140, 84.33.145, 84.33.170, 84.33.210, 84.33.220, 84.33.230, 84.33.250, 84.33.260, 84.33.270, 84.34.020, and 84.34.065; reenacting and amending RCW 84.34.108; decodifying RCW 84.33.112, 84.33.113, 84.33.114, 84.33.115, 84.33.116, and 84.33.118; and repealing RCW 84.33.020, 84.33.073, 84.33.100, 84.33.110, and 84.33.120.

Referred to Committee on Natural Resources.

HB 2028 by Representatives Schmidt and Romero

AN ACT Relating to the privacy of certain business financial and commercial information; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 2029 by Representatives Hurst, Mitchell, Fisher, Hankins, Haigh, Anderson, Cooper, Ericksen, Ogden, Marine, Jarrett, Wood, Romero, Armstrong, Rockefeller, Mielke, Hatfield, Sump, Lovick, Simpson, Woods, Reardon, Morell, Skinner, Ahern, Jackley, Murray, Edmonds and Kenney

AN ACT Relating to certificates of ownership and registration; reenacting and amending RCW 46.12.030; and creating new sections.

Referred to Committee on Transportation.

HB 2030 by Representatives Murray, McIntire and Santos

AN ACT Relating to authorization for public funds to be used to finance political campaigns for public office; amending RCW 42.17.128; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Local Government & Housing.

HB 2031 by Representatives Cairnes, Crouse, Poulsen, Morris, Reardon, Delvin and Barlean

AN ACT Relating to limiting the taxation of pay phone services; amending RCW 35.21.710, 35.21.712, 35A.82.050, and 35A.82.055; and providing an effective date.

Referred to Committee on Finance.

HB 2032 by Representatives Murray, McDermott, Hunt, Tokuda, Darneille and Santos

AN ACT Relating to malicious harassment; and amending RCW 9A.36.080.

Referred to Committee on Criminal Justice & Corrections.

HB 2033 by Representatives Kagi, Dickerson and Dunn

AN ACT Relating to occupational driver's licenses; and reenacting and amending RCW 46.20.391.

Referred to Committee on Juvenile Justice.

HB 2034 by Representatives Campbell, Hankins, O'Brien, Kagi, Reardon, Lambert, Boldt, Schoesler, Linville, Van Luven, Morris, Mastin, Murray, Santos, Talcott, Grant, Morell, Lisk, Dickerson, Carrell, Quall, Delvin, Miloscia, Conway, Buck, Kenney, Esser, Mulliken, G. Chandler, Bush, Ruderman, Benson, Haigh, Rockefeller, McDermott, Tokuda, Lovick, B. Chandler, Veloria, Dunn, Casada, Mielke, Pearson, Roach, Cooper, Simpson, Jackley, Ogden, Kessler, Anderson, DeBolt, Crouse, Pennington, Mitchell, Cairnes, Schmidt, Ericksen, Barlean, Pflug, Ahern, Cox, Hatfield, Doumit, Dunshee, Eickmeyer, Keiser, Poulsen, Gombosky, Romero, Fisher, Kirby and Hurst

AN ACT Relating to authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry; and amending RCW 18.53.010, 18.53.140, 69.41.030, and 69.50.101.

Referred to Committee on Health Care.

HB 2035 by Representative Campbell

AN ACT Relating to publication of court of appeals opinions; and amending RCW 2.06.040.

Referred to Committee on Judiciary.

HB 2036 by Representative G. Chandler

AN ACT Relating to classification, jurisdiction, and use of irrigation district conveyance and drainage facilities; amending RCW 77.55.100; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2037 by Representative G. Chandler

AN ACT Relating to administration of irrigation districts; and amending RCW 87.03.845, 85.08.850, 87.03.560, and 87.03.445.

Referred to Committee on Agriculture & Ecology.

HB 2038 by Representatives Linville and G. Chandler

AN ACT Relating to clarifying "voluntarily fails" for water rights relinquishment purposes; adding a new section to chapter 90.14 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2039 by Representatives Marine, Mielke, Armstrong, Barlean, Morell, Schmidt, Sump and Dunn

AN ACT Relating to special districts; and amending RCW 36.96.040, 36.96.070, 85.38.220, and 85.38.225.

Referred to Committee on Local Government & Housing.

HB 2040 by Representatives Cody, Clements, Wood, Lisk, Cairnes, Roach, Hurst and Quall

AN ACT Relating to changing from five years to fifteen years the time that certain amounts are awarded to owners and breeders; and amending RCW 67.16.102 and 67.16.175.

Referred to Committee on Commerce & Labor.

HB 2041 by Representatives Edmonds, Skinner, Ogden and Kenney

AN ACT Relating to resident protection standards in boarding homes and adult family homes; amending RCW 74.39A.060, 18.20.185, 18.20.190, 70.128.160, 70.128.060, and 18.20.050; adding new sections to chapter 70.128 RCW; adding a new section to chapter 18.20 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care.

HB 2042 by Representatives Dunshee, Dunn and Kagi

AN ACT Relating to authorizing the participation of youth as decision makers in dispositions of minor offenses and rules violations; amending RCW 13.40.020, 13.40.080, 13.40.250, and 46.63.040; adding new sections to chapter 13.40 RCW; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Juvenile Justice.

HB 2043 by Representatives Anderson, McMorris, Cairnes, Roach, Pflug, Mielke, B. Chandler, Crouse, Mastin, Lambert, Casada, Bush and Delvin

AN ACT Relating to providing excise tax credits for compliance with regulatory requirements; and adding a new section to chapter 82.04 RCW.

Referred to Committee on State Government.

HB 2044 by Representatives Cooper, Keiser and Simpson

AN ACT Relating to retiring early in the public employees' retirement system, plan 2; and amending RCW 41.40.630.

Referred to Committee on Appropriations.

HB 2045 by Representatives Kessler and Buck

AN ACT Relating to commercial fishing license fees and taxes; amending RCW 77.65.160 and 82.27.020; and providing for submission of this act to a vote of the people.

Referred to Committee on Natural Resources.

HB 2046 by Representatives Haigh, Lantz, Sump, Reardon, Dunn and Barlean

AN ACT Relating to validating trusts created for the benefit of nonhuman animals; adding a new chapter to Title 11 RCW; providing an effective date; and providing contingent effective dates.

Referred to Committee on Judiciary.

HB 2047 by Representatives Fromhold, Lantz, Gombosky, Ogden and Kenney

AN ACT Relating to including existing community support and multimodal transportation considerations in higher education coordinating board comprehensive master plans; and amending RCW 28B.80.330.

Referred to Committee on Higher Education.

HB 2048 by Representatives Cooper, Hurst, Murray and Lovick

AN ACT Relating to providing additional criteria in priority programming for highway development, multimodal transportation planning, and the transportation improvement board program and project selection; and amending RCW 47.05.051, 47.06.040, and 47.66.040.

Referred to Committee on Transportation.

HB 2049 by Representatives Pearson, Crouse, Cox, Schindler, DeBolt, Mitchell, Ericksen, Cairnes, Clements and Talcott

AN ACT Relating to technical assistance programs; amending RCW 43.05.040 and 43.05.030; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 2050 by Representatives Morell, Quall, G. Chandler, Grant, McMorris, Hatfield, Kessler and Woods

AN ACT Relating to legislative review of agency rules; amending RCW 34.05.380; and creating a new section.

Referred to Committee on State Government.

HB 2051 by Representatives Roach, Quall, Bush, G. Chandler, Hatfield, McMorris, Grant, Kessler and Woods

AN ACT Relating to rule-making procedures; and amending RCW 34.05.310, 34.05.320, and 34.05.328.

Referred to Committee on State Government.

HB 2052 by Representatives G. Chandler, Quall, Bush, Grant, Hatfield and Kessler

AN ACT Relating to the equal access to justice act; amending RCW 4.84.340, 4.84.350, and 4.84.360; and adding new sections to chapter 4.84 RCW.

Referred to Committee on Judiciary.

HB 2053 by Representatives Anderson, Alexander, Cox, DeBolt, Crouse, Schindler, Mitchell, Ericksen, Clements, Cairnes, Talcott and Woods

AN ACT Relating to expiration of agency rules; adding a new section to chapter 34.05 RCW; and providing an effective date.

Referred to Committee on State Government.

HB 2054 by Representatives McMorris, DeBolt, Cox, Crouse, Schindler, Mitchell, Ericksen, Clements, Cairnes, Talcott, Lambert and Woods

AN ACT Relating to notice of rule changes; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 2055 by Representatives Talcott, Haigh, Bush, Schmidt, Cox, Anderson and Skinner

AN ACT Relating to providing students with increased opportunities to learn in schools where people are treated with respect and civility; and creating new sections.

Referred to Committee on Education.

HB 2056 by Representatives Mulliken, Dunshee, Mielke, O'Brien, Edmonds, Edwards, Dunn, Jarrett, Woods, Boldt, Roach, Pearson, Grant, Quall, Linville, Hatfield, Crouse, Anderson, DeBolt, Clements, Lantz, Simpson, Schindler, Benson, Lambert, G. Chandler, Buck, Rockefeller, Fromhold, Keiser, Cooper, Barlean, McMorris, McIntire, Schoesler, Ahern, Ericksen, Schmidt, Talcott, Miloscia, Ogden, Marine, Carrell, Eickmeyer, Campbell, Van Luven, Sump, Kessler, Berkey, Jackley, Lisk, Bush, Esser, B. Chandler, Conway, Cox, Morell, Delvin, Kenney, Skinner, Pflug, Morris, Lovick, Kagi, Alexander and Haigh

AN ACT Relating to incorporating effective economic development planning into growth management planning; amending RCW 36.70A.020, 36.70A.030, 36.70A.070, 36.70A.210, and 36.70A.215; and providing an effective date.

Referred to Committee on Local Government & Housing.

HB 2057 by Representatives Sommers, Sehlin, Benson and Hatfield; by request of State Investment Board

AN ACT Relating to the state investment board; and amending RCW 43.33A.100.

Referred to Committee on Financial Institutions & Insurance.

HB 2058 by Representatives Dunn, Fromhold, Barlean, Cooper, Edmonds, Haigh, Bush, Jarrett, Ericksen and Boldt

AN ACT Relating to refund of erroneous overpayment of vehicle fees and taxes; and amending RCW 46.68.010 and 82.44.120.

Referred to Committee on Transportation.

HB 2059 by Representatives Dunn, Barlean, Fromhold, Cooper, Bush, Ericksen, Boldt and Linville

AN ACT Relating to health carrier duties in regards to primary care providers; and amending RCW 48.43.515.

Referred to Committee on Health Care.

HB 2060by Representatives Dunn, Cooper, Haigh, Edmonds and Fromhold

AN ACT Relating to funds for operating and maintenance of low- income housing projects and for innovative housing demonstration projects; amending RCW 36.18.010; adding a new section to chapter 36.22 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2061by Representatives Simpson, Ruderman, Fromhold, Keiser, Kessler, Hatfield, Jackley, Ogden, Conway, Schual-Berke, Lantz, Edmonds, Santos, Darneille, Rockefeller, Veloria, Lovick and Hurst

AN ACT Relating to property tax relief for first-time home buyers; adding new sections to chapter 84.36 RCW; creating new sections; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Finance.

HB 2062by Representative Carrell

AN ACT Relating to providing incremental gains in state sales tax revenues to municipal jurisdictions with low sales tax revenues; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

HB 2063by Representative Carrell

AN ACT Relating to providing methods of funding county law libraries other than through civil filing fees; and creating a new section.

Referred to Committee on Judiciary.

HB 2064by Representative Carrell

AN ACT Relating to providing for the availability of online legal research capability on a cost-efficient basis to all residents of the state; and adding a new section to chapter 27.04 RCW.

Referred to Committee on Judiciary.

HB 2065by Representatives Edmonds, Carrell, Lambert, Lantz, Kessler, Rockefeller and Kenney

AN ACT Relating to petitions for visitation for persons related to the child or acting in a parental role; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2066by Representatives Keiser, Talcott, Quall, Anderson, Haigh, Romero, Ericksen, Schmidt, Conway, Pearson, Schindler, Cox, Edmonds, Santos and Kenney

AN ACT Relating to educator preparation and mentoring; amending RCW 28A.415.250; adding a new section to chapter 28A.410 RCW; and creating new sections.

Referred to Committee on Education.

HB 2067 by Representatives Quall, Talcott, Haigh, Anderson, Hunt and Keiser

AN ACT Relating to creating a small personalized schools pilot project; adding a new chapter to Title 28A RCW; and providing an expiration date.

Referred to Committee on Education.

HB 2068 by Representatives Talcott, Quall, Santos, Anderson, Haigh, Cox, Doumit, Mastin, Hunt, Pflug, Mielke, B. Chandler, Kirby, Schoesler, Gombosky, Esser, Wood, Ahern, McDermott, Armstrong, Boldt, Simpson, Roach, Darneille, Schmidt, Kagi, Ericksen, Dunn, Schindler, Kenney and Hurst

AN ACT Relating to high school graduation requirements; amending RCW 28A.655.060, 28A.195.010, 28A.200.010, 28B.80.350, 28B.20.130, and 28B.30.150; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28B.35 RCW; adding a new section to chapter 28B.40 RCW; and creating a new section.

Referred to Committee on Education.

HB 2069 by Representatives Conway, Clements, Darneille and Santos; by request of Employment Security Department

AN ACT Relating to extending unemployment insurance coverage to employees of Indian tribes.

Referred to Committee on Commerce & Labor.

HJM 4008 by Representatives Cairnes, Roach, Carrell, Barlean, Benson, Pennington, Casada, Schmidt, Dunn, Schoesler, Lambert and Esser

Encouraging support of President Bush's tax relief plan.

Referred to Committee on Finance.

HJR 4217 by Representatives Simpson, Ruderman, Fromhold, Keiser, Kessler, Hatfield, Jackley, Ogden, Conway, Schual-Berke, Lantz, Santos, Rockefeller, Veloria, Lovick and Hurst

Amending the Constitution to allow a property tax exemption for first-time home buyers.

Referred to Committee on Finance.

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

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

Speaker Ballard assumed the chair.

**SECOND READING**

**HOUSE BILL NO. 1015 by Representatives Pennington, Mielke, Schindler, Ogden, Esser, Ruderman, Linville, Pearson, Ericksen, Morell and Talcott**

**Prohibiting methyl tertiary-butyl ether as a gasoline additive.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Ecology was adopted. (For committee amendment, see Journal, 25th Day, February 1, 2001.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington and Linville spoke in favor of passage of the bill.

**MOTIONS**

On motion of Representative Schoesler, Representative Alexander was excused. On motion of Representative Santos, Representatives O'Brien and Cody were excused.

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 1015.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1015 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp, - 95.

Excused: Representatives Alexander, Cody, and O'Brien - 3.

Engrossed House Bill No. 1015, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1026 by Representatives O'Brien, Lovick, Hurst, Ballasiotes, Ahern and Kagi**

**Authorizing the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds.**

The bill was read the second time.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Ballasiotes spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1026.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1026 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Alexander, Cody, and O'Brien - 3.

House Bill No. 1026, having received the necessary constitutional majority, was declared passed.

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

### MOTION

On motion of Representative DeBolt, the House adjourned until 9:55 a.m., February 14, 2001, the 38<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
THIRTY EIGHTH DAY

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MORNING SESSION

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House Chamber, Olympia, Wednesday, February 14, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1927 by Representatives Mastin, Delvin, Clements, Mulliken, Casada, Roach, Ahern, Morell, Dunn, Sump, Mielke, Schmidt, Cairnes, Campbell, McMorris, Boldt, Lambert, Buck, DeBolt, B. Chandler, Armstrong, Bush, Pennington, G. Chandler, Pflug, Schindler, Pearson, Benson, Anderson, Carrell and Talcott

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Referred to Committee on Transportation.

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell and Carrell

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2070 by Representatives B. Chandler, Grant and Fromhold

AN ACT Relating to tax exemptions and credits for structures and equipment used to reduce agricultural burning; and amending RCW 82.08.840, 82.12.840, 82.04.4459, and 84.36.580.

Referred to Committee on Finance.

HB 2071 by Representatives Alexander, Sommers, Carrell and Doumit

AN ACT Relating to post judgment interest on tort judgments; and amending RCW 4.56.115 and 4.56.110.

Referred to Committee on Judiciary.

HB 2072 by Representatives Dunn, Fromhold, Eickmeyer, Jarrett, Mulliken, Ogden and Pennington

AN ACT Relating to authorizing a pilot program for designating industrial land banks outside urban growth areas in certain circumstances; and amending RCW 36.70A.367.

Referred to Committee on Local Government & Housing.

HB 2073 by Representatives Dunn, Fromhold, Eickmeyer, Ogden, Pennington and Morell

AN ACT Relating to sale of a mobile home, manufactured home, park model, or personal property after eviction of the owner from mobile home lot; and adding a new section to chapter 60.72 RCW.

Referred to Committee on Local Government & Housing.

HB 2074 by Representatives Clements, Conway, Alexander and Romero

AN ACT Relating to industrial hygiene and safety; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2075 by Representatives Mulliken and Veloria

AN ACT Relating to the office of the Washington state trade representative; amending RCW 43.332.005 and 43.332.010; and adding a new section to chapter 43.332 RCW.

Referred to Committee on Trade & Economic Development.

HB 2076 by Representatives Roach, Grant, G. Chandler and Ericksen

AN ACT Relating to charges for surface water runoff; and amending RCW 36.89.080, 36.94.140, and 86.15.160.

Referred to Committee on Agriculture & Ecology.

HB 2077 by Representatives Dickerson and Esser

AN ACT Relating to witness unavailability due to incompetency or death; and adding a new section to chapter 5.60 RCW.

Referred to Committee on Judiciary.

HB 2078 by Representatives Haigh, G. Chandler, Rockefeller, Woods and Delvin

AN ACT Relating to eliminating certain restrictions on water system interties; and amending RCW 90.03.383.

Referred to Committee on Agriculture & Ecology.

HB 2079 by Representatives Schual-Berke and Campbell

AN ACT Relating to authorizing dispensing opticians to perform eye refraction and modify existing prescriptions to reflect changes in vision; amending RCW 18.34.020, 18.34.060, 18.34.050, 18.34.080,

18.34.120, 18.34.136, and 18.34.010; adding new sections to chapter 18.34 RCW; recodifying RCW 18.34.010 and 18.34.060; and repealing RCW 18.34.110.

Referred to Committee on Health Care.

HB 2080 by Representative Dunn

AN ACT Relating to all terrain vehicles; and amending RCW 46.10.010.

Referred to Committee on Natural Resources.

HB 2081 by Representative Dunn

AN ACT Relating to the nonconsumptive use of natural resources; adding new sections to chapter 79A.25 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 2082 by Representatives Darneille, Campbell, Dickerson, Ballasiotes, O'Brien, Boldt, Tokuda, Bush, Simpson, Morell, Kirby, Conway, Kenney, Woods, Ahern, Hurst and Schual-Berke

AN ACT Relating to dependent children and the manufacture of methamphetamine; amending RCW 26.44.020; and creating a new section.

Referred to Committee on Children & Family Services.

HB 2083 by Representatives Linville, Roach, O'Brien, Cooper, Fromhold, Dunn, Armstrong and Boldt

AN ACT Relating to the Washington state public pension protection act; amending RCW 41.50.020, 41.45.020, 41.45.030, 41.45.090, 41.40.650, and 41.26.450; reenacting and amending RCW 41.45.020 and 41.45.060; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 41 RCW; creating new sections; decodifying RCW 41.45.0602; repealing RCW 41.45.100, 41.45.110, and 41.45.120; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2084 by Representatives Jackley, Edmonds, Linville, Conway, O'Brien, Fromhold, Roach, Cooper, Dunn, Boldt, Armstrong and Santos

AN ACT Relating to extraordinary investment gain sharing for plan 1; and amending RCW 41.31.010.

Referred to Committee on Appropriations.

HB 2085 by Representatives Fromhold, Edmonds, Conway, Jackley, O'Brien, Linville, Roach, Cooper, Dunn, Boldt, Armstrong and Santos

AN ACT Relating to increasing the minimum retirement allowance for certain plan 1 members; amending RCW 41.32.4851 and 41.40.1984; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2086 by Representatives O'Brien, Ballasiotes, Lovick, Kenney and Conway; by request of Department of Community, Trade & Economic Development

AN ACT Relating to compliance with federal standards for lifetime registration for certain sex offenders; amending RCW 9A.44.140; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 2087 by Representatives Santos, Talcott, Quall, Kenney and Schual-Berke

AN ACT Relating to the Washington assessment of student learning; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

HB 2088 by Representatives Kenney, Cox, Keiser, Tokuda, Skinner, Fromhold, Jarrett, Gombosky, Quall, Santos and Schual-Berke

AN ACT Relating to conditional scholarships; and adding a new section to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

HB 2089 by Representatives Kenney, Cox, Gombosky, Skinner, Keiser, Fromhold, Jarrett, Quall, Campbell, Conway, Santos, Hurst and Schual-Berke

AN ACT Relating to part-time faculty at community and technical colleges; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2090 by Representatives Carrell, Boldt, Lambert, McMorris, Veloria, Bush, Esser, Ericksen, Lantz, Campbell and Woods

AN ACT Relating to causes of action against the department of social and health services for the use or release of false or inaccurate information in department records; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Judiciary.

HB 2091 by Representatives Mitchell and Fisher

AN ACT Relating to contracting for ferries and ferry facilities repairs; and amending RCW 47.56.030.

Referred to Committee on Transportation.

HB 2092 by Representatives Mitchell and Fisher

AN ACT Relating to procurement of large ferry equipment and systems; and amending RCW 47.56.030.

Referred to Committee on Transportation.

HB 2093 by Representatives Mielke, Crouse and Anderson

AN ACT Relating to repair services offered by public utility districts; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2094 by Representatives Dunshee and Mulliken

AN ACT Relating to sale of unnecessary property by water-sewer districts; and amending RCW 57.08.016.

Referred to Committee on Local Government & Housing.

HB 2095 by Representatives Dunshee and Mulliken

AN ACT Relating to procurement of architectural and engineering services; and amending RCW 39.80.040.

Referred to Committee on State Government.

HB 2096 by Representatives Dunshee, Mulliken, Santos and Schual-Berke

AN ACT Relating to assistance for low-income residential utility customers; and amending RCW 57.46.010.

Referred to Committee on Local Government & Housing.

HB 2097 by Representatives Mulliken, Mielke, Campbell, Pearson and Ahern

AN ACT Relating to clarifying that churches and private schools are not urban growth and providing for siting of such facilities; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

HB 2098 by Representatives Edmonds, Pennington, McIntire, Jarrett, Morris, Cairnes, Santos and Conway; by request of Department of Revenue

AN ACT Relating to the exemption from taxation of housing for very low-income households; amending RCW 84.36.560; and reenacting and amending RCW 84.36.805.

Referred to Committee on Finance.

HB 2099 by Representatives G. Chandler and Grant

AN ACT Relating to compliance with water discharge permits; amending RCW 90.48.160, 90.48.180, and 90.48.260; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2100 by Representatives Dunshee, Mulliken and Berkey

AN ACT Relating to increasing bid limits for the alternative bid procedure under RCW 39.04.190; and amending RCW 54.04.082.

Referred to Committee on State Government.

HB 2101 by Representatives Cooper, Delvin, Reardon, Crouse, Berkey and Campbell

AN ACT Relating to public utility district ownership and operation of electric generation facilities; amending RCW 54.44.010 and 54.44.020; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2102 by Representatives Poulsen, Crouse, Campbell, Kenney, Linville, Conway, Ruderman and Schual-Berke

AN ACT Relating to diversification of state electricity supply and demand management; amending RCW 80.60.005 and 80.60.010; adding new sections to chapter 80.60 RCW; adding a new section to chapter 43.21F RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2103 by Representatives Cooper, Ericksen, Poulsen, Haigh, Marine, Rockefeller, Jackley, Linville, Quall, Morris, Delvin and McDermott

AN ACT Relating to sale of ferry tickets and medium; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2104 by Representatives Rockefeller, Sump, Pearson and Doumit

AN ACT Relating to funding for forest fire protection; amending RCW 76.04.167 and 76.04.610; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Natural Resources.

HB 2105 by Representatives Sump, Doumit, Pearson, Rockefeller and Woods

AN ACT Relating to small forest landowners; and amending RCW 76.13.110 and 76.13.120.

Referred to Committee on Natural Resources.

HB 2106 by Representatives Sump, Doumit and Pearson

AN ACT Relating to extending the time for the forest practices board to complete rule making required to implement the forests and fish report; amending RCW 76.09.370; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 2107 by Representatives Doumit, Sump and Pearson

AN ACT Relating to the authority for reviewing and amending rules regarding state timber sales; adding a new section to chapter 79.01 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Natural Resources.

HB 2108 by Representatives Talcott, Haigh, Kenney, Santos and Schual-Berke

AN ACT Relating to traffic safety and driver training programs; and adding a new section to chapter 28A.220 RCW.

Referred to Committee on Education.

HB 2109 by Representatives Cairnes and Morris

AN ACT Relating to general license fees; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Finance.

HB 2110 by Representatives Marine, Mielke, Campbell, Bush and Ahern

AN ACT Relating to prohibiting the housing of sexually violent predators in facilities other than those approved by the legislature or that meet criteria established by the legislature; amending RCW 71.09.092; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2111 by Representatives Marine, Pennington and Bush

AN ACT Relating to a sales tax exemption for green base building construction; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2112 by Representatives Marine, Edmonds, Conway, Bush and Santos

AN ACT Relating to excise tax credits for employer-provided child care benefits; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2113 by Representatives Marine and Mielke

AN ACT Relating to ferry surcharges; and amending RCW 47.60.326.

Referred to Committee on Transportation.

HB 2114 by Representatives Campbell, Kirby, Cody, Pennington, Ballasiotes, McMorris, Schual-Berke, Skinner, Tokuda, Marine, Cooper, Lisk, Boldt, Woods and Morell



AN ACT Relating to establishing a joint legislative fiscal note process; amending RCW 43.88A.010, 43.132.010, 43.132.800, and 43.132.810; adding a new chapter to Title 44 RCW; creating a new section; recodifying RCW 43.88A.010, 43.132.010, 43.132.055, 43.132.060, 43.132.800, and 43.132.810; recodifying 2000 c 182 s 1 (uncodified); repealing RCW 43.88A.020, 43.88A.030, 43.88A.040, 43.88A.900, 43.132.020, 43.132.030, 43.132.040, and 43.132.050; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2115 by Representatives Conway, Ruderman, Schual-Berke and Cody

AN ACT Relating to lead-based paint activities; and creating new sections.

Referred to Committee on Health Care.

HB 2116 by Representatives Murray, Delvin, Hankins and Fromhold; by request of Department of Community Trade & Economic Development

AN ACT Relating to public works board projects; amending RCW 43.155.010, 43.155.020, 43.155.065, 43.155.068, and 43.155.070; and reenacting and amending RCW 43.155.050.

Referred to Committee on Capital Budget.

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

### REPORTS OF STANDING COMMITTEES

February 12, 2001

HB 1124 Prime Sponsor, Representative Darneille: Evaluating mental health programs for children. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia and Pflug.

Referred to Committee on Appropriations.

February 12, 2001

HB 1255 Prime Sponsor, Representative Cox: Including educational service districts in school district provisions. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Ericksen, Keiser, McDermott, Pearson, Rockefeller, Santos, Schindler, Schmidt and Schual-Berke.

Passed to Committee on Rules for second reading.

February 12, 2001

HB 1287 Prime Sponsor, Representative Reardon: Extending the prohibition on mandatory local measured telecommunications service. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; Cooper; Delvin; Esser; Hunt; Mielke; Morris; Pflug; Simpson and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Poulsen, Democratic Co-Chair.

Voting yea: Representatives Crouse, Poulsen, Ruderman, Anderson, Berkey, Bush, B. Chandler, Cooper, Delvin, Esser, Hunt, Mielke, Morris, Pflug, Simpson and Wood.  
Excused: Representatives Casada, DeBolt, Linville, and Reardon.

Passed to Committee on Rules for second reading.

February 9, 2001

HB 1296 Prime Sponsor, Representative Hatfield: Restricting the investment of insurers in depository institutions or any company which controls a depository institution. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach and Santos.  
Excused: Representatives McIntire and Simpson.

Passed to Committee on Rules for second reading.

February 9, 2001

HB 1347 Prime Sponsor, Representative Benson: Creating the structured settlement protection act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Sign by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach and Santos.  
Excused: Representatives McIntire and Simpson.

Passed to Committee on Rules for second reading.

February 9, 2001

HB 1366 Prime Sponsor, Representative Hatfield: Regulating credit unions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach and Santos.

Excused: Representatives McIntire and Simpson.

Passed to Committee on Rules for second reading.

February 12, 2001

HB 1406 Prime Sponsor, Representative Esser: Providing sales and use tax exemptions for air pollution control facilities acquired or installed by a light and power business at thermal electric peaking plants. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; Delvin; Esser; Hunt; Mielke; Pflug; Simpson and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper and Morris.

Voting yea: Representatives Crouse, Poulsen, Ruderman, Anderson, Berkey, Bush, B. Chandler, Delvin, Esser, Hunt, Mielke, Pflug, Simpson and Wood.

Voting nay: Representatives Cooper and Morris.

Excused: Representatives Casada, DeBolt, Linville and Reardon.

Referred to Committee on Finance.

February 12, 2001

HB 1441 Prime Sponsor, Representative Ruderman: Providing sales and use tax exemptions for energy efficient lights and household appliances. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic Vice Chair; Berkey; Bush; B. Chandler; Cooper; Esser; Mielke; Simpson and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Delvin; Hunt; Morris and Pflug.

Voting yea: Representatives Crouse, Poulsen, Ruderman, Berkey, Bush, B. Chandler, Cooper, Esser, Mielke, Pflug, Simpson and Wood.

Voting nay: Representatives Anderson, Delvin, Hunt, Morris, and Pflug.

Excused: Representatives Casada, DeBolt, Linville, and Reardon.

Referred to Committee on Finance.

February 9, 2001

HB 1537 Prime Sponsor, Representative Roach: Protecting credit union directors and committee members.  
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Excused: Representative McIntire.

Passed to Committee on Rules for second reading.

February 9, 2001

HB 1547 Prime Sponsor, Representative Simpson: Licensing insurance agents, brokers, solicitors, and adjusters.  
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

February 12, 2001

HB 1859 Prime Sponsor, Representative Poulsen: Exempting electric generating facilities using wind, solar energy, landfill gas, or fuel cells from sales and use taxes. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; Cooper; Delvin; Esser; Hunt; Mielke; Morris; Pflug; Simpson and Wood.

Voting yea: Representatives Crouse, Poulsen, Ruderman, Anderson, Berkey, Bush, B. Chandler, Cooper, Delvin, Esser, Hunt, Mielke, Morris, Pflug, Simpson and Wood.

Excused: Representatives Casada, DeBolt, Linville, and Reardon.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, House Bill No. 1943 was re-referred from the Committee on Transportation to the Committee on Local Government and Housing, and House Bill No. 2031 was re-referred from the Committee on Technology, Telecommunications & Energy to the Committee on Finance.

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

There being no objection, the House adjourned until 9:55 a.m., February 15, 2001, the 39<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
**THIRTY NINTH DAY**

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MORNING SESSION

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House Chamber, Olympia, Thursday, February 15, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Jarrett presiding).

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

**MESSAGE FROM THE SENATE**

February 14, 2001

Mr. Speakers:

The Senate has passed:

and the same is herewith transmitted.

SENATE BILL NO. 5130,

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell and Carrell

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2117 by Representatives Bush, Benson, Reardon and Roach

AN ACT Relating to the admissibility of insurance applications; and amending RCW 48.18.080.

Referred to Committee on Judiciary.

HB 2118 by Representatives Fisher, Ericksen, Mitchell, Jarrett, Lovick and Schual-Berke

AN ACT Relating to the failure to wear safety belt assembly; amending RCW 46.61.688 and 46.61.688; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2119 by Representatives Schmidt and Romero; by request of Office of Financial Management

AN ACT Relating to reports to the legislature; amending RCW 34.05.328, 43.20B.030, 43.79.460, 43.88.110, 74.09.310, 74.09.320, and 84.33.200; and repealing RCW 15.58.420, 17.21.350, 43.41.220, 43.41.230, 43.88.510, 71.36.020, and 82.08.0201.

Referred to Committee on State Government.

HB 2120 by Representatives Crouse, Carrell, Morris, Linville, Kessler, Reardon, Hatfield, Eickmeyer, Dunshee, Delvin, Quall, Doumit, Ericksen, Sump, Casada, Pennington, Cairnes, Mielke, Pflug, Esser, Edwards and Bush

AN ACT Relating to a sales and use tax exemption for energy generating facilities; amending RCW 82.08.02565; adding new sections to chapter 82.08 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2121 by Representatives Jarrett, Fisher, Mitchell, Ericksen, Ballasiotes, Hurst, Haigh and Esser

AN ACT Relating to performance-based budgeting for transportation agencies; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Transportation.

HB 2122 by Representatives Mitchell and Edwards

AN ACT Relating to Washington state ferries; amending RCW 43.17.020, 47.01.081, 47.64.011, 88.16.010, 47.56.030, 47.60.010, 47.60.013, 47.60.040, 47.60.060, 47.60.113, 47.60.114, 47.60.120, 47.60.130, 47.60.135, 47.60.140, 47.60.145, 47.60.150, 47.60.310, 47.60.326, 47.60.440, 47.60.450, 47.60.505, 47.60.530, 47.60.760, and 47.64.120; reenacting and amending RCW 43.17.010 and 46.68.090; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 47 RCW; creating a new section; and repealing RCW 47.60.330 and 47.64.290.

Referred to Committee on Transportation.

HB 2123 by Representatives Rockefeller, Haigh, Eickmeyer, Poulsen, Jackley, Schual-Berke and McDermott

AN ACT Relating to Washington state ferries; amending RCW 43.17.020, 47.01.081, 47.64.011, 88.16.010, 47.60.010, 47.60.013, 47.60.040, 47.60.060, 47.60.113, 47.60.114, 47.60.120, 47.60.130, 47.60.135, 47.60.140, 47.60.145, 47.60.150, 47.60.310, 47.60.326, 47.60.440, 47.60.450, 47.60.505, 47.60.530, 47.60.760, and 47.64.120; reenacting and amending RCW 43.17.010 and 46.68.090; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 47 RCW; creating a new section; and repealing RCW 47.60.330 and 47.64.290.

Referred to Committee on Transportation.

HB 2124 by Representatives Barlean, Dunshee and Pearson

AN ACT Relating to requiring boating safety education for vessel registration; amending RCW 88.02.020; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2125 by Representatives Mastin, Fromhold, Delvin, Kessler, Pearson, Anderson, Roach, Morell, Casada, Jarrett, Schindler and Marine

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Referred to Committee on Transportation.

HB 2126 by Representatives Kenney, Cox, McIntire and Edwards; by request of Committee on Advanced College Tuition Payment & State Treasurer

AN ACT Relating to college payment programs; amending RCW 28B.95.020, 28B.95.110, and 43.79A.040; adding a new section to chapter 28B.95 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 2127 by Representative Haigh; by request of Academic Achievement and Accountability Commission

AN ACT Relating to repealing student improvement goals; repealing RCW 28A.655.050; and providing an effective date.

Referred to Committee on Education.

HB 2128 by Representative Delvin

AN ACT Relating to state capital funding assistance for jails; amending RCW 43.155.020; adding new sections to chapter 70.48 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2129 by Representatives Fisher, Mitchell, Cooper and Marine

AN ACT Relating to state route number 526; and amending RCW 47.17.740.

Referred to Committee on Transportation.

HB 2130 by Representatives Ogden, Lambert, Murray, Hankins, G. Chandler, Romero, Hatfield and McDermott

AN ACT Relating to charitable fund-raising by state officers and state employees; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government.

HJM 4009 by Representatives Dunn, Fromhold, Pennington, Ogden, Hatfield, Mielke, Boldt and Grant

Requesting fair tax treatment of Washington residents working in Oregon.

Referred to Committee on Finance.



HJM 4010 by Representatives Dunn, Fromhold, Pennington, Ogden, Hatfield, Mielke, Boldt and Grant

Requesting fair tax treatment of Washington residents working in Oregon.

Referred to Committee on Finance.

HCR 4407 by Representatives Dunn, Ogden, Fromhold, Boldt, Hatfield, Mielke and Grant

Creating a joint select committee on taxation of nonresidents by Oregon and Washington.

Referred to Committee on Finance.

SB 5130 by Senators Oke, B. Sheldon, T. Sheldon, Horn, Haugen, Swecker, McCaslin, Morton, Snyder, Hale, Kastama, Prentice, Regala, Jacobsen, Hargrove, Spanel, West, Finkbeiner, Long, McDonald, Winsley, McAuliffe and Costa

AN ACT Relating to toll bridges; amending RCW 47.56.010, 47.56.030, 47.56.240, and 47.56.270; creating a new section; repealing RCW 47.56.271; and declaring an emergency.

Referred to Committee on Transportation.

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

### **REPORTS OF STANDING COMMITTEES**

February 13, 2001

HB 1041 Prime Sponsor, Representative Ballasiotes: Allowing protection orders for unlawful harassment to restrain persons under the age of eighteen. Reported by Committee on Juvenile Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Darneille and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell.

Voting yea: Representatives Delvin, Dickerson, Eickmeyer, Marine, Armstrong, Darneille and Tokuda.

Voting nay: Representative Carrell.

Passed to Committee on Appropriations

February 13, 2001

HB 1093 Prime Sponsor, Representative Schual-Berke: Changing physician license fees. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.  
Excused: Representative Schual-Berke.

Passed to Committee on Rules for second reading.

February 13, 2001

HB 1136 Prime Sponsor, Representative Schoesler: Regarding product standards. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Passed to Committee on Rules for second reading.

February 13, 2001

HB 1140 Prime Sponsor, Representative Schoesler: Modifying the taxation of grain warehouses. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Passed to Committee on Rules for second reading.

February 13, 2001

HB 1163 Prime Sponsor, Representative Eickmeyer: Changing provisions relating to disposal of garbage and junk vehicles. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Passed to Committee on Rules for second reading.

February 13, 2001

HB 1202 Prime Sponsor, Representative Cairnes: Improving property tax administration. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Van Luven.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, and Veloria.

Voting nay: Representative Van Luven

Passed to Committee on Rules for second reading.

February 13, 2001

HB 1212 Prime Sponsor, Representative Bush: Sealing certain juvenile records. Reported by Committee on Juvenile Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Carrell; Darneille and Tokuda.

Voting yea: Representatives Delvin, Dickerson, Eickmeyer, Marine, Armstrong, Carrell, Darneille and Tokuda.

Passed to Committee on Rules for second reading.

February 13, 2001

HB 1254 Prime Sponsor, Representative Kessler: Exempting certain land exchanges and sales involving the federal government from real estate excise tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 13, 2001

HB 1266 Prime Sponsor, Representative Fisher: Making supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Haigh, Hatfield, Hurst, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Reardon, Romero, Schindler, Simpson, Skinner, Sump and Wood.

Excused: Representatives Jackley, Rockefeller, and Woods.

Passed to Committee on Rules for second reading.

February 13, 2001

HB 1467 Prime Sponsor, Representative Reardon: Improving property tax administration by correcting terminology and deleting obsolete provisions. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Conway and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell; Pennington; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Conway, Santos and Van Luven.

Voting nay: Representatives Carrell, Pennington, Van Luven, and Veloria.

Passed to Committee on Rules for second reading.

February 13, 2001

HB 1471 Prime Sponsor, Representative Darneille: Regarding diversions. Reported by Committee on Juvenile Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Carrell; Darneille and Tokuda.

Voting yea: Representatives Delvin, Dickerson, Eickmeyer, Marine, Armstrong, Carrell, Darneille and Tokuda.

Passed to Committee on Rules for second reading.

February 14, 2001

HJM 4001 Prime Sponsor, Representative Hatfield: Requesting continuation of the blanket primary. Reported by Committee on Select Committee on Elections

MAJORITY recommendation: Do pass. Signed by Representatives Ogden, Democratic Co-Chair; Schmidt, Republican Co-Chair; Fisher, Democratic Vice Chair; Ballasiotes; Morris and Romero.

Voting yea: Representatives Ogden, Schmidt, Fisher, Ballasiotes, Morris and Romero.

Excused: Representatives Crouse, and Talcott.

Passed to Committee on Rules for second reading.

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

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

The House stood at ease until 1:30 p.m. at which time the House reconvened for a Joint Memorial Service with the Senate.

### JOINT SESSION

The Speaker (Representative Pennington presiding) called the House to order.

The Sergeant at Arms announced that the Senate had arrived. The Speaker (Representative Pennington presiding) requested that the Sergeant at Arms of the House and the Sergeant at Arms of the Senate escort President Pro Tempore Rosa Franklin and Minority Leader Jim West to seats on the Rostrum. The Senators were invited to seats within the Chamber.

The Speaker (Representative Pennington presiding) called upon President Pro Tempore Franklin to preside over the Joint Session.

The President (Senator Franklin presiding) called the Joint Session to order. The Clerk called the roll of the House and Senate and a quorum was present.

The President (Senator Franklin presiding) introduced the Statewide Elected Officials: Governor Gary Locke, Secretary of State Sam Reed, State Treasurer Mike Murphy, Superintendent of Public Instruction, Terry Bergeson, Insurance Commissioner Mike Kreidler and Commissioner of Public Lands Doug Sutherland.

The Clerk announced the former members who were in attendance: Senator Del Bausch, Commissioner of Public Lands Jennifer Belcher, Senator Rick Bender, Representative Art Brown, Representative Patty Butler, Senator Paul Conner, Representative Thomas Copeland, Senator Carol (Monahon) Conley; Representative Phil Dyer, Speaker Wayne Ehlers, Senator Tim Erwin, Senator Pete Francis, Senator Marc Gaspard, State Auditor Robert Graham, Senator H.B. Hanna, Representative Denny Heck, Representative Richard King, Senator Bill Kiskaddon, Representative Paul Sanders, Representative Doug Sayan, Representative Joe Taller, Representative Mike Todd and Representative William Young.

The Flags were escorted to the Rostrum by the Washington State Patrol Color Guard. The President (Senator Franklin presiding) led the Chamber in the Pledge of Allegiance.

The President (Senator Franklin presiding) announced the purpose of the Joint session was to conduct memorial services in memory of departed former members of the Legislature. The President turned the gavel over to Representative Pennington to conduct the service.

The Invocation was offered by Speaker Clyde Ballard: "We come before you today at a time which gives us many emotions. As we read down the list of all those friends, many of whom many of us have served with, we think of all the years of service they have given. We think of all of the years that their families supported them in doing this. We think of the fact that they are not with us here today. These thoughts bring us sadness.

But then we think of all the good times we had in serving with them. We think of all the good things they did. We think of all of the good memories we continue to share when we have our casual and family times. And these thoughts bring us a special joy and hearts full of Thanksgiving. We are so thankful for the lives they gave, their commitment and the differences they made in the lives of the citizens of this State. So this day, we bow before you to say thank you for allowing us to have these individuals as good friends and as good servants of the citizens of the State of Washington. It is with grateful hearts that we say thank you for this blessing.

In Christ's Name, Amen."

The Legislative Choir, composed of volunteers from the Senate and House of Representatives with Guest Director Irv Martin, accompanied by Art Peterson. The Choir sang "On Eagles Wings".

Representative Pennington called upon Speaker Pro Tempore Val Ogden for the Memorial Tribute.

Speaker Pro Tempore Ogden: "We are assembled today to pay tribute to the lives and services of the distinguished former Members of the Senate and House of Representatives of the State of Washington who are no longer with us.

On behalf of the People of our State, the Fifty-Seventh Legislature of the State of Washington conveys its respects to these deceased Legislators who once sat in the chambers of the House and Senate, as we are doing today, answered roll calls on sometimes critical perplexing bills, attended committee meetings and above all else, served to the best of their abilities in order to make our State a better and more enriching place in which to live. While their journey in this life is completed, their achievements, records and valued services have been recorded in the journals of the Senate and House and are now a permanent part of the history of the State of Washington.

We express our sympathies to the bereaved families and their friends and also share with them on this memorable occasion the fond and happy memories of these legislators, who served us well and responsibly. They truly loved this great State of Washington. They have indeed left a legacy of dedicated service that will remain as a reminder to us of our responsibilities and the opportunity we have to serve our State."

Speakers Pro Tempore Pennington and Ogden called the roll of the deceased former members of the Senate and House of Representatives:

<b>Member</b>	<b>Body</b>	<b>District</b>	<b>Service</b>	<b>Memorializer</b>
Bob Basich	House	19	1985-1997	Senator Sid Snyder
Frank "Buster" Broulliet	House	25	1957-1973	Representative Sam Hunt
Ernie Crane	House	31	1983-1991	Senator Mary Margaret Haugen
John Fischer	House	21	1975-1979	Representative Mike Cooper
William Fuller	House	20	1977-1981	Representative Richard DeBolt
	Senate		1981-1985	
Charlie Hodde	House	2	1937-1953 1943-1953 Speaker 1949-53	Representative Helen Sommers
Vaughn Hubbard	House	11	1967-1973	Representative Dave Mastin
Merle Hufford	House	24	1967-1973	Senator Karen Frazer
George Hurley	House	44	1975-1979	Senator Jeanne Kohl-Welles
		37	1943-1947	
Elmer Hyppa	House	25	1953-1957 Sergeant at Arms 1957-67	Senator Rosemary McAuliffe
Mike McManus	Senate	21	1983-1987	Senator Pat Thibaudeau
Pat McMullen	House	40	1983-1987	Senator Harriet Spanel
	Senate		1987-1993	
Charles Moriarty	House	36	1957-1959	Senator Stephen Johnson
	Senate		1959-1967	
Gene Neva	House	21	1957-1961	Representative Brian Hatfield
Dale Norquist	Senate	20	1953-1961	Senator Marilyn Rasmussen
Harold Petrie	House	14	1953-1959	Representative Barbara Lisk
Gladys Phillips	House	21	1951-1953	Representative Lynn Kessler

Pat Scott	House	38	1984-2001	Representative Aaron Reardon
George Sellar	Senate	12	1972-2000	Senator Linda Evans Parlette
Ned Shera	House	28	1969-1973	Senator Shirley Winsley
Jean Silver	House	6	1993-1997	Representative Kathy Lambert
		5	1983-1993	
Richard Smythe	House	49	1967-1973	Senator Dan McDonald
Gene Struthers	House	16	1977-1985	Senator Mike Hewitt

Rabbi Theodore Stainman, Temple Bet Chaverim, Des Moines offered the Memorial Prayer: "Our God and God of our fathers it is altogether right and proper that we meet now and here to consider the lives of those who have rendered service to the community and to our State and have passed to their eternal reward. Their lives are an example to us and their service a model of devotion.

We can give only a small measure of comfort to their heirs by our honors yet it is important for us to do so. It is important because the past assuredly influences the present and the future. By the honor we bestow upon those who have served we insure the future of our work and State. Every one of us exists for only a moment in time and then ceases to be. Our work is our memorial and our everlasting remembrance. By reviewing the life and times of those who preceded us, we learn the important virtues of devotion and rectitude which they so exhibited. We additionally by spending a moment of reflection call to mind the essential humanity of our predecessors and strengthen the connection between them and us. This is all to the good.

Dear God you have implanted in us the capacity of both memory and goodness. By holding on to the lives and labors of these legislators who served with distinction and high purpose we are able to dedicate our work to emulate and finish what they began and initiated. With them in mind we reinforce our own determination to do the best we can for the citizens of our State and to render government for the common good of all.

This then is the lasting tribute and memorial with which we enshrine the memory of those we honor today. We pray to the God who has sheltered us and protected us to take under the wings of his peace the family members and friends who yet grieve the loss of loved ones. We pledge ourselves to keep alive the good name that they earned by a lifetime of service to others. May their memory always bring us blessing as we recall their lives and deeds at this hallowed moment and in this sacred place."

The Legislative Choir sang "To Everything There is a Season". The Washington State Patrol offered a ceremonial salute of 17 bells and "Taps".

Representative Joyce Mulliken offered the Closing Prayer: "'Gracious God and Creator of all ... it is good we could come this afternoon to be part of this ceremony - to remember and to pay tribute to these servants who have given so much of themselves - their time and energy in service for the people in this great State of Washington. We pray especially for their family members - that you will comfort them in their loss and help them find consolation in knowing the benefit their family member provided for so many.

We also pray for each one of us here - that You would encourage and comfort us as we claim their memories as your special gift to us. May these memories instruct us, motivate us, support us and lift us. May we remember what these former members have done by serving among us.

Even though death is powerful and mysterious we know because of our hope in You it does not have the last word. We take joy, as our hearts rise to You, that this divine harmony of death and life was sung by prophets and holy people, and that Your Son, Jesus, sang that song in his death and resurrection from the tomb.

And, so we pray that as we look to the future, we will continue to learn from the past. We thank You our sovereign God for what you have done in our midst and we continue to pray for Your special blessing upon each of our lives, the lives of our families, and the lives of those we serve."

Washington State Patrol Sergeant Keith Huntley played "Amazing Grace" on the bagpipes.

Speaker Pro Tempore Pennington returned the gavel to President Pro Tempore Franklin who thank the members of the Memorial Committee and everyone who participated in the day's ceremony.

On motion by Representative Mastin, the Joint Session was dissolved. President Pro Tempore Franklin turned the gavel over to Speaker Pro Tempore Pennington who asked the Sergeant at Arms of the House and Senate to escort President Pro Tempore Franklin and Minority Leader West from the Rostrum, and the Senators from the floor of the House.

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

#### MOTION

On motion of Representative Mastin, the House adjourned until 9:55 a.m., February 16, 2001, the 40<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



**FORTIETH DAY**

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**MORNING SESSION**

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House Chamber, Olympia, February 16, 2000

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell and Carrell

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2131 by Representatives Crouse, Mielke, B. Chandler, Schindler, Dunn, Ahern, Pflug, Bush, DeBolt, Anderson, Schoesler, Jarrett, Woods, Delvin, Mitchell, Talcott and Benson

AN ACT Relating to the energy facility site evaluation council; amending RCW 80.50.010; adding new sections to chapter 80.50 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2132 by Representatives Poulsen, Haigh, McDermott, Veloria, Cody, Tokuda and Wood

AN ACT Relating to including access to family planning services in growth management planning; and amending RCW 36.70A.020.

Referred to Committee on Local Government & Housing.

HB 2133 by Representatives Armstrong, G. Chandler, Linville, Grant and Schoesler

AN ACT Relating to analysis of potential for water storage facilities in the Wenatchee river drainage to improve instream flows and water supply; creating a new section; and making an appropriation.

Referred to Committee on Agriculture & Ecology.

HB 2134 by Representatives Hurst and Roach

AN ACT Relating to transferring state capital assets; adding a new section to chapter 28B.30 RCW; repealing RCW 72.01.142; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2135 by Representatives G. Chandler, Clements, Delvin and Woods

AN ACT Relating to clarifying the ability to change the purpose of ground water withdrawals; and amending RCW 90.44.100.

Referred to Committee on Agriculture & Ecology.

HB 2136 by Representatives Kenney, Dunn, O'Brien, Benson, Lantz, Dickerson and McIntire

AN ACT Relating to dog guides and service animals; amending RCW 70.84.070 and 9.08.070; adding a new section to chapter 70.84 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2137 by Representatives Hunt, Armstrong, Talcott, Quall, Wood, Delvin, Rockefeller, Fromhold, Keiser and Jackley

AN ACT Relating to explosives on school premises; amending RCW 28A.600.420; and prescribing penalties.

Referred to Committee on Education.

HB 2138 by Representatives G. Chandler, Linville, Mulliken, Clements, Ericksen, Hatfield, Sump, Doumit, Morell, Grant, Pearson, Schoesler, Barlean, Buck, B. Chandler, Edwards and Jackley

AN ACT Relating to rural economic development; amending RCW 82.04.050, 84.48.080, 84.52.010, 82.04.120, and 82.60.020; reenacting and amending RCW 82.04.260; adding new sections to chapter 84.36 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; and creating new sections.

Referred to Committee on Finance.

HCR 4408 by Representatives G. Chandler and Linville

Creating a Joint Select Committee to review the need for the central filing of farm product liens.

Referred to Committee on Agriculture & Ecology.

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

### **REPORTS OF STANDING COMMITTEES**

February 14, 2001

HB 1028 Prime Sponsor, Representative Haigh: Revising the provision for military leave for public employees.  
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert and McDermott.  
Excused: Representatives Schindler and Schmidt.

Passed to Committee on Rules for second reading

February 14, 2001

HB 1056 Prime Sponsor, Representative Haigh: Studying the feasibility of a central repository of teacher education and experience information. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; McDermott; Pearson; Rockefeller; Schmidt and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Schindler.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, McDermott, Pearson, Rockefeller, Schmidt and Schual-Berke.

Voting nay: Representatives Ericksen and Schindler.

Excused: Representatives Keiser and Santos.

Referred to Committee on Appropriations

February 14, 2001

HB 1074 Prime Sponsor, Representative Benson: Changing the timing for transmittal of certain student transportation allocation information. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; McDermott; Pearson; Rockefeller; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Ericksen, McDermott, Pearson, Rockefeller, Schindler, Schmidt and Schual-Berke.

Excused: Representatives Keiser and Santos.

Referred to Committee on Appropriations

February 14, 2001

HB 1103 Prime Sponsor, Representative Lambert: Regulating mail to constituents. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert and McDermott.

Excused: Representatives Schindler and Schmidt.

Passed to Committee on Rules for second reading

February 14, 2001

HB 1120 Prime Sponsor, Representative Rockefeller: Establishing requirements for employing holders of lapsed teaching certificates. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; McDermott; Pearson; Rockefeller; Schindler and Schmidt.

MINORITY recommendation: Do not pass. Signed by Representative Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Ericksen, McDermott, Pearson, Rockefeller, Schindler and Schmidt.

Voting nay: Representative Schual-Berke.

Excused: Representatives Keiser and Santos.

Passed to Committee on Rules for second reading

February 14, 2001

HB 1188 Prime Sponsor, Representative Haigh: Authorizing the military department to dispose at public bid of the state armory known as the Pier 91 property and acquire replacement property and improvements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert and McDermott

Excused: Representatives Schindler and Schmidt.

Referred to Committee on Capital Budget

February 15, 2001

HB 1196 Prime Sponsor, Representative Gombosky: Modifying parking and business improvement areas. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Fromhold, Democratic Vice Chair; Ahern; Gombosky; O'Brien; Pflug and Woods.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Fromhold, Ahern, Gombosky, O'Brien, Pflug and Woods.

Excused: Representatives Jackley and Mulliken.

Passed to Committee on Rules for second reading

February 15, 2001

HB 1198 Prime Sponsor, Representative G. Chandler: Including drinking water accounts in interest-bearing accounts. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Referred to Committee on Appropriations

February 15, 2001

HB 1295 Prime Sponsor, Representative Dunn: Modifying revenue bond provisions of the economic development finance authority. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Fromhold, Democratic Vice Chair; Ahern; Gombosky; O'Brien; Pflug and Woods.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Fromhold, Ahern, Gombosky, O'Brien, Pflug and Woods.

Excused: Representatives Jackley and Mulliken.

Passed to Committee on Rules for second reading

February 13, 2001

HB 1680 Prime Sponsor, Representative Fisher: Extending design-build for public works. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representative Armstrong.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, G. Chandler, Edmonds, Haigh, Hatfield, Hurst, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Reardon, Romero, Schindler, Simpson, Skinner, Sump and Wood.

Voting nay: Representative Armstrong.

Excused: Representatives Jackley, Rockefeller, and Woods.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 19, 2001, the 43<sup>rd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Monday, February 19, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Casada presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell and Carrell

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2139 by Representatives Barlean and Woods

AN ACT Relating to vehicles boarding ferries; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 2140 by Representatives Hurst and Esser

AN ACT Relating to extending the period of court jurisdiction; and amending RCW 35.20.255, 3.50.330, and 3.66.068.

Referred to Committee on Judiciary.

HB 2141 by Representative Fromhold

AN ACT Relating to the process for election to local nonpartisan offices; amending RCW 29.65.050; adding a new chapter to Title 29 RCW; creating a new section; and repealing RCW 29.30.085.

Referred to Committee on State Government.

HB 2142 by Representatives Edwards, Murray, Dunshee, McDermott, Schual-Berke and Santos

AN ACT Relating to property tax relief for low-income tenants; adding a new section to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2143by Representative Campbell

AN ACT Relating to allowing deputy state fire marshals to transfer into the law enforcement officers' and fire fighters' retirement system; reenacting and amending RCW 41.26.030; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 2144by Representatives Kirby, Cairnes, Talcott, Fisher, Van Luven, Darneille and Morris

AN ACT Relating to tax deferrals for theme parks; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Trade & Economic Development.

HB 2145by Representatives Gombosky and Cox

AN ACT Relating to vehicle registration; amending RCW 46.12.020; and prescribing penalties.

Referred to Committee on Transportation.

HB 2146by Representatives Gombosky and Cox

AN ACT Relating to excise tax exemptions for motion picture and video production businesses; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2147by Representatives G. Chandler and Linville

AN ACT Relating to clean water investment; amending RCW 82.08.020; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2148by Representatives McMorris, Romero and Woods

AN ACT Relating to public accountability and the review of state agency performance and outcome measures; amending RCW 44.28.071; creating new sections; and declaring an emergency.

Referred to Committee on State Government.

HB 2149by Representatives Ahern, Benson, Miloscia, Esser, Roach, Pearson, Dunshee, Schindler, Crouse, Barlean, Cairnes, Morell and Woods

AN ACT Relating to murder of a child; amending RCW 10.95.020 and 9.94A.590; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2150 by Representatives Morris, Delvin, Cooper and Esser

AN ACT Relating to a state wireless enhanced 911 excise tax; amending RCW 38.52.010, 38.52.530, 38.52.540, 38.52.550, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.061, and 82.14B.200; adding new sections to chapter 38.52 RCW; creating a new section; repealing RCW 38.52.560; and providing an effective date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2151 by Representatives Carrell and Talcott

AN ACT Relating to witness unavailability due to incompetency or death; and adding a new section to chapter 5.60 RCW.

Referred to Committee on Judiciary.

HB 2152 by Representatives Ogden, Dunshee, Jarrett, Murray, McIntire, Schmidt, Schual-Berke, Santos and Fromhold

AN ACT Relating to authorizing the housing finance commission to provide a revenue source for home ownership assistance for first-time homebuyers through the auction sale of tax credits; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HJM 4011 by Representatives Morris, Berkey, Conway, Santos, Veloria, McIntire, Dickerson, Kenney, Schmidt, Jackley and Fromhold

Requesting a federal tax on energy producers' windfall profits.

Referred to Committee on Finance.

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

### **REPORTS OF STANDING COMMITTEES**

February 14, 2001

HB 1197 Prime Sponsor, Representative Morell: Increasing penalties for manufacturing methamphetamine.  
Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kirby and Morell.

MINORITY recommendation: Do not pass. Signed by Representative Kagi.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kirby and Morell.

Voting nay: Representative Kagi.



Referred to Committee on Appropriations.

February 14, 2001

HB 1512 Prime Sponsor, Representative Sommers: Including computer images in the definition of "visual or printed matter." Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1564 Prime Sponsor, Representative Casada: Reenacting provisions relating to the crime of making false or misleading statements to public servants. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

MINORITY recommendation: Without recommendation. Signed by Representative Lambert, Republican Vice Chair.

Voting yea: Representatives Carrell, Lantz, Hurst, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Voting nay: Representative Lambert

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1578 Prime Sponsor, Representative Carrell: Reenacting provisions relating to criminal profiteering. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1579 Prime Sponsor, Representative Carrell: Reenacting provisions relating to the crime of unlawful practice of law. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1614 Prime Sponsor, Representative Lovick: Reenacting provisions relating to the crime of commercial bribery. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

February 14, 2001

HB 1655 Prime Sponsor, Representative Sump: Appointing a fish and wildlife advisory committee composed of disabled persons. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Eickmeyer, Jackley, Murray and Pennington.

Excused: Representatives Edwards and Ericksen.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1692 Prime Sponsor, Representative Boldt: Reenacting provisions relating to the crime of perjury. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1694 Prime Sponsor, Representative Boldt: Reenacting provisions relating to the crime of unlicensed practice of a profession or business. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

February 14, 2001

HB 1785 Prime Sponsor, Representative Murray: Implementing the recommendations of the joint legislative audit and review committee report regarding capital budget programs investing in the environment. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Eickmeyer, Jackley, Murray and Pennington.

Excused: Representatives Edwards and Ericksen.

Referred to Committee on Capital Budget.

February 14, 2001

HCR 4401 Prime Sponsor, Representative Rockefeller: Creating a joint select committee on the disposal of derelict vessels. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Eickmeyer, Jackley, Murray and Pennington.

Excused: Representatives Edwards and Ericksen.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The House went at ease.

Speaker Ballard called the House to order. The Clerk called the roll and a quorum was present.

The Flags were escorted to the Rostrum by the Sergeant at Arms Color Guard Kaci Lewis and Justin Gower. Speaker Ballard led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Talcott.

**RESOLUTION**

HOUSE RESOLUTION NO. 2001-4618 by Representatives Pearson, Berkey and Hankins

WHEREAS, The people of the state of Washington celebrate children as one of the most precious blessings our nation has ever been given; and

WHEREAS, Children are the future of the state of Washington and it is our duty and privilege to instill in them the faith, hope, charity, and integrity they need to continue the legacy of freedom, peace, and prosperity we have inherited from those who came before us; and

WHEREAS, The children of the state of Washington should be cherished and given a positive and secure environment that can help develop their talents, temperament, minds, and character; and

WHEREAS, The children of the state of Washington should know that their ideas and dreams are valued and respected because we take time to listen and encourage; and

WHEREAS, Children are the responsibility of their parents and all the citizens of the state of Washington should help them by setting an example of what it means to be a good neighbor, law-abiding citizen, productive worker, and helpful friend; and

WHEREAS, The children of the state of Washington should have access to quality education, wholesome recreation, and a safe community; and

WHEREAS, The state has designated the second Sunday in October to commemorate the children of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives encourage all the citizens of Washington to celebrate children on Children's Day and throughout the year by spending more quality time with children and emphasizing their special place in our lives.

Representative Pearson moved the adoption of the resolution.

Representatives Pearson and Berkey spoke in favor of the adoption of the resolution.

House Resolution No. 4618 was adopted.

### **POINT OF PERSONAL PRIVILEGE**

Representative Hatfield introduced his daughter Tarrah Lavender, who thanked the body for their prayers of support during her battle with cancer.

### **SPECIAL VISITORS**

The University of Washington Marching Band entertained the Chamber with music and acrobatics.

Speaker Ballard introduced Governor Locke and Miss Emily Locke. The Governor addressed the Chamber.

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

### **MOTION**

On motion of Representative DeBolt, the House adjourned until 10:00 a.m., February 20, 2001, the 44<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Tuesday, February 20, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kyle Pflug and Meredith Crawford. Prayer was offered by Pastor Michael Hanford, Christ Church, Monroe. Pastor Hanford was also a volunteer Police Chaplain with Monroe Police Department and former missionary in Kenya, Africa.

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

**MESSAGE FROM THE SENATE**

February 16, 2001

Mr. Speakers:

The Senate has passed:

SENATE BILL NO. 5038,  
SENATE BILL NO. 5048,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5052,  
SUBSTITUTE SENATE BILL NO. 5068,  
SENATE BILL NO. 5093,  
SUBSTITUTE SENATE BILL NO. 5123,  
SENATE BILL NO. 5315,  
SUBSTITUTE SENATE BILL NO. 5443,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler and Mastin

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2153 by Representatives Kessler, Buck, Doumit, Hurst, Edwards and Jackley; by request of Department of Fish and Wildlife

AN ACT Relating to law enforcement officers of the department of fish and wildlife; and amending RCW 10.93.020, 10.93.140, and 77.12.055.

Referred to Committee on Natural Resources.

HB 2154 by Representatives Fisher, Darneille, Kenney and Santos

AN ACT Relating to school building rehabilitation or restoration; amending RCW 28A.525.166; and creating a new section.

Referred to Committee on Capital Budget.

HB 2155 by Representatives Wood, Benson, Fisher, Edwards, Hunt, Alexander, Darneille, Kessler, Hankins, Kenney, Conway, Santos and Ogden

AN ACT Relating to the Program for Agency Coordinated Transportation; and amending RCW 47.06B.015.

Referred to Committee on Transportation.

HB 2156 by Representatives Cairnes and Morris

AN ACT Relating to the federal mobile telecommunications sourcing act; amending RCW 82.04.065, 82.08.0289, 82.14.020, 82.14B.030, 35.21.714, and 35A.82.060; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.82 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2157 by Representatives Pennington, Kessler, Schoesler, Mulliken, Schindler and Pflug

AN ACT Relating to health plans for small businesses; and amending RCW 48.21.045, 48.44.023, and 48.46.066.

Referred to Committee on Health Care.

HB 2158 by Representatives Edwards, Clements, Conway, Wood and Kenney

AN ACT Relating to changing enforcement provisions for licensed sellers of cigarettes, tobacco, and herbal cigarettes without changing monetary penalties on retailers.

Referred to Committee on Commerce & Labor.

HB 2159 by Representatives Mitchell, Fisher and Hankins

AN ACT Relating to maintaining and preserving transportation facilities and assets; amending RCW 47.06.050, 47.06.090, 47.05.010, 47.05.030, 47.05.051, 47.44.010, 47.44.020, 47.44.050, and 47.24.020; and creating new sections.

Referred to Committee on Transportation.

HB 2160 by Representative McIntire

AN ACT Relating to the separate reserve fund maintained by a charitable gift annuity business; and amending RCW 48.38.020.

Referred to Committee on Financial Institutions & Insurance.

HB 2161 by Representatives Clements, Conway and Lisk

AN ACT Relating to employer unemployment contribution rates; amending RCW 50.29.025 and 50.29.062; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 2162 by Representatives Murray and Ericksen

AN ACT Relating to studying methods for calculating water-dependent lease rates for marinas on state-owned aquatic lands; and creating a new section.

Referred to Committee on Natural Resources.

HB 2163 by Representatives O'Brien, Cairnes, Conway and Delvin

AN ACT Relating to inmate labor; and amending RCW 72.09.010, 72.09.100, and 72.09.111.

Referred to Committee on Criminal Justice & Corrections.

HB 2164 by Representatives Van Luven and Esser

AN ACT Relating to tax credits for employers that must comply with ergonomics rules; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2165 by Representatives Quall, Morris and McIntire

AN ACT Relating to local option real estate excise taxes for affordable housing purposes; and amending RCW 82.46.070.

Referred to Committee on Local Government & Housing.

HB 2166 by Representatives Armstrong, G. Chandler and Schoesler

AN ACT Relating to clarification of exemption from commercial driver's license requirements for certain trucks hauling Christmas trees and wood products from private tree farms; and amending RCW 46.25.050.

Referred to Committee on Transportation.

HB 2167 by Representatives Woods, Esser, Hankins and Rockefeller

AN ACT Relating to proof of financial responsibility as a requirement for vehicle registration; and amending RCW 46.16.040 and 46.16.210.

Referred to Committee on Transportation.

HB 2168 by Representatives Conway, Schoesler, O'Brien, Ballasiotes, Darneille, Kirby and Hunt

AN ACT Relating to essential state community justice facilities; amending RCW 72.65.220, 72.05.400, 71.09.020, 36.70A.030, and 36.70A.200; adding new sections to chapter 71.09 RCW; adding a new chapter to Title 72 RCW; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SB 5038 by Senators McCaslin and Kline

AN ACT Relating to reorganization of, and technical, clarifying, nonsubstantive amendments to, community supervision and sentencing provisions; amending RCW 9.94A.660 and 9.94A.715; reenacting and amending RCW 9.94A.145; reenacting RCW 9.94A.120; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SB 5048 by Senators Long, Hargrove, Winsley and Costa

AN ACT Relating to less restrictive alternative mental health commitments; and amending RCW 71.05.285.

Referred to Committee on Criminal Justice & Corrections.

ESSB 5052 by Senate Committee on Judiciary

AN ACT Relating to technical corrections to trust and estate dispute resolution; and amending RCW 11.96A.100, 11.96A.230, 11.96A.250, 11.96A.300, and 11.96A.310.

Referred to Committee on Judiciary.

SSB 5068 by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to credit unions; amending RCW 31.12.005, 31.12.065, 31.12.085, 31.12.105, 31.12.115, 31.12.225, 31.12.235, 31.12.255, 31.12.267, 31.12.326, 31.12.335, 31.12.365, 31.12.367, 31.12.402, 31.12.404, 31.12.426, 31.12.428, 31.12.436, 31.12.438, 31.12.461, 31.12.464, 31.12.467, 31.12.471, 31.12.474, 31.12.516, 31.12.545, 31.12.565, 31.12.567, 31.12.569, 31.12.571, 31.12.575, 31.12.585, 31.12.595, 31.12.625, 31.13.010, and 31.13.020; adding a new section to chapter 31.12 RCW; decodifying RCW 31.13.900; and repealing RCW 31.12.275, 31.12.407, 31.12.445, 31.12.448, 31.12.555, 31.12.605, 31.12.615, 31.12.627, 31.13.030, 31.13.040, and 31.13.050.

Referred to Committee on Financial Institutions & Insurance.

SB 5093 by Senators T. Sheldon, Oke and Rasmussen

AN ACT Relating to unlawful dumping of litter; amending RCW 70.95.240; and prescribing penalties.

Referred to Committee on Agriculture & Ecology.



SSB 5123 by Senate Committee on Human Services & Corrections

AN ACT Relating to the crime of escape when committed by persons committed to the department of social and health services; amending RCW 9A.76.120; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SB 5315 by Senators Fraser and Morton; by request of Department of Health

AN ACT Relating to naming drinking water assistance subaccounts to place them in interest-bearing accounts; amending RCW 43.84.092, 43.84.092, and 70.119A.170; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.

SSB 5443 by Senate Committee on Natural Resources, Parks & Shorelines; by request of Department of Fish and Wildlife

AN ACT Relating to commercial salmon licenses; and amending RCW 77.65.160.

Referred to Committee on Natural Resources.

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

**REPORTS OF STANDING COMMITTEES**

February 15, 2001

HB 1045 Prime Sponsor, Representative Conway: Reducing the law enforcement officers' and fire fighters' retirement system plan 2 disability actuarial reduction age from fifty-five to fifty-three. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.  
Excused: Representative Buck.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1046 Prime Sponsor, Representative Doumit: Modifying the Washington state patrol retirement system retirement and survivor benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.  
Excused: Representative Buck.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1068 Prime Sponsor, Representative Delvin: Creating an additional superior court position for the counties of Benton and Franklin jointly. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Referred to Committee on Appropriations.

February 16, 2001

HB 1138 Prime Sponsor, Representative Cairnes: Depositing wage fines in the public works administration account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.  
Excused Representative Clements.

Referred to Committee on Appropriations.

February 15, 2001

HB 1141 Prime Sponsor, Representative Lantz: Establishing juror compensation. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Referred to Committee on Appropriations.

February 16, 2001

HB 1160 Prime Sponsor, Representative Hunt: Providing for temporary real estate appraiser practice permits.  
Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.  
Excused: Representative Clements.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1179 Prime Sponsor, Representative Ericksen: Strengthening procedures for disqualification of drinking or drugged commercial drivers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; Edmonds; Haigh; Hatfield; Hurst; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Haigh, Hatfield, Hurst, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Rockefeller, Romero, Schindler, Simpson, Sump, Wood and Woods.

Excused: Representatives Cooper, Jackley, Reardon, and Skinner.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1199 Prime Sponsor, Representative Schindler: Altering the format of a fish and wildlife lands vehicle use permit. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Murray and Pennington.

Excused: Representative Jackley.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1203 Prime Sponsor, Representative Cairnes: Authorizing the department of revenue to modify sales tax exemption documentation and retention requirements for simplification purposes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic

Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1235 Prime Sponsor, Representative Keiser: Providing educational assistance for teachers. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Keiser, McDermott, Pearson, Rockefeller, Santos, Schindler, Schmidt and Schual-Berke.  
Excused: Representative Ericksen.

Referred to Committee on Appropriations.

February 15, 2001

HB 1256 Prime Sponsor, Representative Cox: Regarding educational service districts' superintendent review committees. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Keiser, McDermott, Pearson, Rockefeller, Santos, Schindler, Schmidt and Schual-Berke.  
Excused: Representative Ericksen.

Passed to Committee on Rules for second reading.

February 14, 2001

HB 1260 Prime Sponsor, Representative Lovick: Establishing a postsecondary education program for inmates. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 19, 2001

HB 1313 Prime Sponsor, Representative Cox: Changing liability and licensure provisions for private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Fromhold and Lantz.

Voting yea: Representatives Cox, Kenney, Gombosky, Jarrett, Fromhold, and Lantz.  
Excused: Representatives Dunn, and Skinner.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1329 Prime Sponsor, Representative Cairnes: Exempting food products sold through vending machines from sales and use taxation. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1342 Prime Sponsor, Representative Sommers: Modifying provisions concerning the general administration services account. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.  
Excused: Representative Buck.

Passed to Committee on Rules for second reading.

February 14, 2001

HB 1370 Prime Sponsor, Representative Jackley: Restricting the sale of ephedrine, pseudoephedrine, or phenylpropanolamine. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 14, 2001

HB 1398 Prime Sponsor, Representative Morris: Enhancing the penalties for retaliatory crimes against law enforcement officers. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 15, 2001

HB 1408 Prime Sponsor, Representative Reardon: Providing a property tax exemption to widows or widowers of honorably discharged veterans. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 14, 2001

HB 1412 Prime Sponsor, Representative Ahern: Increasing penalties for certain sexually motivated crimes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 15, 2001

HB 1450 Prime Sponsor, Representative Rockefeller: Providing property tax relief for certain land transfers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1489 Prime Sponsor, Representative Carrell: Requiring the department of revenue to develop an assessment improvement plan. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1500 Prime Sponsor, Representative Dickerson: Exempting certain assembly activities from the business and occupation tax on manufacturing. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1501 Prime Sponsor, Representative Conway: Authorizing the electronic filing of corporation and limited liability company annual reports. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.  
Excused: Representative Clements.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1528 Prime Sponsor, Representative Poulsen: Reducing regulatory requirements on competitive telecommunications services and companies. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic

Vice Chair; Anderson; Berkey; Bush; B. Chandler; Cooper; DeBolt; Delvin; Esser; Hunt; Linville; Mielke; Morris; Pflug; Reardon; Simpson and Wood.

Voting yea: Representatives Crouse, Poulsen, Ruderman, Anderson, Berkey, Bush, B. Chandler, Cooper, DeBolt, Delvin, Esser, Hunt, Linville, Mielke, Pflug, Reardon, Simpson and Wood.

Excused: Representatives Casada, and Morris.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1531 Prime Sponsor, Representative Morris: Modifying the taxation of lodging. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 14, 2001

HB 1558 Prime Sponsor, Representative O'Brien: Creating a certification process and oversight mechanism for police service dog teams. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 15, 2001

HB 1568 Prime Sponsor, Representative Lovick: Updating procedures for actions against driving school licensees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; Edmonds; Haigh; Hatfield; Hurst; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Haigh, Hatfield, Hurst, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Rockefeller, Romero, Schindler, Simpson, Sump, Wood and Woods.

Excused: Representatives Cooper, Jackley, Reardon, and Skinner.

Passed to Committee on Rules for second reading.



February 15, 2001

HB 1575 Prime Sponsor, Representative Quall: Modifying the taxation of physical fitness services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Pennington; Santos and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representatives Conway and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Pennington, Santos and Van Luven.

Voting nay: Representatives Conway, and Veloria.

Passed to Committee on Rules for second reading.

February 15, 2001

HB 1583 Prime Sponsor, Representative Hatfield: Waiving the motorcycle exam for trained operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; Edmonds; Haigh; Hatfield; Hurst; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Haigh, Hatfield, Hurst, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Sump, Wood and Woods.

Excused: Representatives Jackley and Skinner.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1598 Prime Sponsor, Representative Conway: Repealing hourly requirements for waterfront operations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Excused: Representative Clements.

Passed to Committee on Rules for second reading.

February 19, 2001

HB 1623 Prime Sponsor, Representative Kenney: Authorizing four-year public institutions of higher education to participate with the state in investing surplus funds. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Fromhold and Lantz.

Voting yea: Representatives Cox, Kenney, Gombosky, Jarrett, Fromhold and Lantz.  
Excused: Representatives Dunn, and Skinner.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1634 Prime Sponsor, Representative Santos: Prioritizing and ordering the distribution of claims of an insurer's estate. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Cairnes; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Cairnes, Keiser, Miloscia, Roach, Santos and Simpson.  
Excused: Representatives Barlean and DeBolt.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1661 Prime Sponsor, Representative Keiser: Regulating juvenile life insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Cairnes; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Cairnes, Keiser, Miloscia, Roach, Santos and Simpson.  
Excused: Representatives Barlean and DeBolt.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1727 Prime Sponsor, Representative Roach: Regulating the investment limits of insurers in noninsurance subsidiaries. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Cairnes; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Cairnes, Keiser, Miloscia, Roach, Santos and Simpson.  
Excused: Representatives Barlean and DeBolt.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1756 Prime Sponsor, Representative Buck: Restricting shrimp pot and commercial fishery licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

"NEW SECTION. Sec. 5. (1) A person, as defined in RCW 767.08.010, other than natural person, is entitled to a refund equal to the 1999 annual license fee for a resident emerging commercial fisher license and a Puget Sound shrimp pot experimental fishery permit if a person:

(a) Held an emerging commercial fisher license and a Puget Sound shrimp pot experimental fisher permit in 199; and

(b) Paid an additional license fee for a resident emerging commercial fisher license and a Puget Sound shrimp pot experimental fishery permit in 1999 for the purpose of obtaining a license as a natural person.

(2) The sum of three thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2002, from the general fund to the department of fish and wildlife for the purpose of providing a refund to persons who paid an additional license fee as described in subsection (1) of this section."

Correct the title and any internal references accordingly.

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Murray and Pennington.

Excused: Representative Jackley.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1765 Prime Sponsor, Representative Linville: Providing a tax rate for manufacturers of dairy products comparable to other processors of agricultural commodities. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Referred to Committee on Finance.

February 16, 2001

HB 1836 Prime Sponsor, Representative Edwards: Creating a legislative task force on local park and recreation maintenance and operations. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Murray and Pennington.  
Excused: Representative Jackley.

Passed to Committee on Rules for second reading.

February 16, 2001

HJR 4212 Prime Sponsor, Representative Buck: Amending the Constitution regarding initiatives and referenda on fish and wildlife issues. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Murray and Pennington.

MINORITY recommendation: Do not pass. Signed by Representative Rockefeller, Democratic Vice Chair.

Voting yea: Representatives Doumit, Sump, Pearson, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Murray and Pennington.  
Voting nay: Representative Rockefeller.  
Excused: Representative Jackley.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

## RESOLUTIONS

HOUSE RESOLUTION NO. 2001-4620 by Representatives Veloria, Pennington, Cairnes, Darneille, Dunn, Hatfield, Fromhold, Conway, Schual-Berke, Murray, Kenney, Haigh, Simpson, Hunt, Eickmeyer, Ruderman, McDermott, Wood, Quall, Sommers, Miloscia, Edmonds, Dickerson, Santos, Edwards, Kirby, Van Luven, Lovick, Boldt, Tokuda, Fisher, Berkey, Doumit, Schoesler, Schmidt, Schindler, Roach, Crouse and Anderson

WHEREAS, The first known Hawaiian to have visited the Pacific Northwest was a woman named Winee, a personal servant to the wife of Captain Charles Barkley, who in 1787 stopped at the Sandwich Islands before he sailed to the Northwest; and

WHEREAS, Other Hawaiians became curious with the Western visitors and their tales of distant lands, thus Captain John Meares took a chief named Ka i'ana with him on a trip to the Northwest; and

WHEREAS, By the early nineteenth century when the fur trade was firmly established along the Northwest Coast, the Hudson's Bay Company was founded in 1821. The Hudson's Bay Company recruited Hawaiians to work in this industry and this became common practice; and

WHEREAS, The Hawaiians were trained as servants, mill workers, craftsmen, and fur traders, but it was their excellent canoeing skills that were used by the Hudson's Bay Company to explore and navigate the Puget Sound waters; and

WHEREAS, John Kalama, who is a direct Hawaiian descendant to Queen Kalama, the wife of King Kamehameha III, left the Islands for the Northwest; and

WHEREAS, John Kalama was an employee of the Hudson's Bay Company in Vancouver, Washington, and married a Native woman named Mary Martin, a direct descendent of Chief Leschi; and

WHEREAS, Chief Leschi allegedly led an attack on Seattle on January 26, 1856, after his mark mysteriously showed up on the treaty that put his people on reservations; and

WHEREAS, The town of Kalama and the Kalama River are both named for John Kalama; and

WHEREAS, Generations of the John Kalama family still live on the Nisqually, Quinalt, and Warm Springs Reservations;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize the contributions of the Hawaiians to Washington state history, and celebrate the Kalama family who could very well be the only descendants of a Native American chief and the relatives of Hawaiian royalty who came to live in what was then known as the Oregon Territory; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington also recognize the research and documentation by Hale Halawai O Hawai'i for their work in bringing these stories forward, and bringing to our attention that the first documented Hawaiians lived and worked in King County in 1870 at a sawmill in Freeport, located on the Duwamish Head in West Seattle; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Kalama family and Hale Halawai O Hawai'i.

Representative Veloria moved the adoption of the resolution.

Representatives Veloria, Cairnes, Ogden, and Fromhold spoke in favor of the adoption of the resolution.

House Resolution No. 4620 was adopted.

HOUSE RESOLUTION NO. 2001-4622 by Representatives G. Chandler and Linville

WHEREAS, For centuries the French have recognized the invaluable culinary contributions potatoes provide and lovingly refer to them in their native language as "pomme de terre" or "Apples of the Earth"; and

WHEREAS, From the tasty red potatoes of Rhode Island to the mighty russets of the Columbia Basin, potatoes are cherished from coast to coast; and

WHEREAS, A recent Washington State University report revealed that the Washington potato industry generates three billion dollars in sales annually and adds some 28,000 jobs to the state's economy; and

WHEREAS, Washington state is the second largest producer of potatoes in the United States; and

WHEREAS, Potatoes are the second largest crop grown in Washington; and

WHEREAS, Washington state produces more potatoes per acre than anywhere else in the world; and

WHEREAS, There are over 300 proud potato growers in the state of Washington, harvesting nearly 152,000 acres of potatoes each year; and

WHEREAS, Eighty-seven percent of potatoes are sold to processors who carefully and lovingly transform them into golden fries, crunchy chips, and whipped and creamy mashed potatoes; and

WHEREAS, Due to the long, warm days and cool nights in the mineral-rich volcanic soil of the Columbia Basin, potatoes grow up to be the light, fluffy, high-solids potatoes known worldwide; and

WHEREAS, Nearly nine out of every ten potatoes is marketed out of Washington state, with a significant portion of these going to overseas markets;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge and honor the women and men who plant, grow, harvest, and process potatoes in Washington state and who have contributed so much to the strength and vitality of our state and its economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Washington State Potato Commission and to Washington pomme de terre lovers everywhere.

Representative G. Chandler moved the adoption of the resolution.

Representatives G. Chandler, Linville, Delvin, and Morris spoke in favor of the adoption of the resolution.

House Resolution No. 4622 was adopted.

**HOUSE RESOLUTION NO. 2001-4621** by Representatives Kenney, Cox, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods

WHEREAS, The students selected for special recognition as Washington Scholars in 2001 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's forty-nine legislative districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to each of the Washington Scholars selected in 2001.

There being no objection, House Resolution No. 4621 was adopted.

## SECOND READING

### MOTION

On motion of Representative Schoesler, Representative Skinner was excused.

**HOUSE BILL NO. 1000** by Representatives Murray, Alexander, Ogden, Schoesler, Armstrong, Linville and McIntire

**Managing capital facility projects by the public works board.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1000 was substituted for House Bill No. 1000 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1000 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1000.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1000 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Skinner - 1.

Substitute House Bill No. 1000, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1001 by Representatives Alexander, Murray, Armstrong, Hatfield, Dickerson, Linville, Kenney, Simpson, McIntire, Edmonds, Keiser, Schual-Berke, Ogden and Fromhold****Authorizing projects recommended by the public works board.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1001 was substituted for House Bill No. 1001 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1001 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Murray spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1001.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1001 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Skinner - 1.

Substitute House Bill No. 1001, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1036 by Representatives Benson and Hatfield****Investigating alien banks.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benson and Hatfield spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1036.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1036 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, and Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp, - 97.

Excused: Representative Skinner - 1.

House Bill No. 1036, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1039 and the bill held its place on the Second Reading calendar.



**HOUSE BILL NO. 1040 by Representatives Ballasiotes, O'Brien, Jarrett, Conway and Simpson**  
**Authorizing crime victims' compensation benefits in hit-and-run vehicular assault cases.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1040.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1040 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Skinner - 1.

House Bill No. 1040, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1055 by Representatives Haigh and Eickmeyer**

**Exempting certain leasehold interests from leasehold excise tax.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Cairnes, Eickmeyer and Pennington spoke in favor of passage of the bill.

Representative Van Luven spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1055.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1055 and the bill passed the House by the following vote: Yeas - 63, Nays - 34, Absent - 0, Excused - 1.

Voting yea: Representatives Ballasiotes, Barlean, Berkey, Buck, Cairnes, Carrell, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Pennington, Poulsen, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Tokuda, Voloria, Wood, and Speaker Chopp - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Boldt, Bush, Campbell, Casada, B. Chandler, G. Chandler, Clements, Crouse, DeBolt, Dunn, Esser, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Morell, Mulliken, Pearson, Pflug, Roach, Schindler, Sump, Talcott, Van Luven, Woods, and Speaker Ballard - 34.

Excused: Representative Skinner - 1.

House Bill No. 1055, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1069 by Representatives Campbell, Cody and Edwards**

#### **Modifying the health professions' appointment of pro tem members.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1069.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1069 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp, - 97.

Excused: Representative Skinner - 1.

House Bill No. 1069, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1071 by Representatives Doumit, Buck, Sump, Ogden and Dunn**

#### **Adjusting deadlines for salmon recovery grant applications.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Buck spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1071.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1071 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Skinner - 1.

House Bill No. 1071, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1095 by Representatives Mitchell, Fisher and Hankins**

#### **Updating oversize load permits.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell and Fisher spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1095.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1095 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp, - 97.

Excused: Representative Skinner - 1.

House Bill No. 1095, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1098 by Representatives Fisher, Woods, McIntire, Haigh, Edwards and Linville**  
**Improving the effectiveness of the commute trip reduction program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Woods spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1098.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1098 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Skinner - 1.

House Bill No. 1098, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1099 by Representatives Santos, Benson, Tokuda, Bush, DeBolt, Hatfield and McIntire**

**Outlining requirements for the operation of a PACE program in Washington state.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment, see Journal, 26th Day, February 2, 2001.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Benson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No. 1099.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1099 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Skinner - 1.

Engrossed House Bill No. 1099, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1125 by Representatives Cairnes, Morris and Esser**

#### **Limiting the combined sales tax rate on lodging.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1125 was substituted for House Bill No. 1125 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1125 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1125.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1125 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Voting nay: Representatives Armstrong, and McIntire - 2.

Excused: Representative Skinner - 1.

Substitute House Bill No. 1125, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1205 by Representatives Keiser, DeBolt, Barlean, Simpson and Santos**

**Licensing and regulation of consumer loan companies.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Keiser and DeBolt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1205.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1205 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Skinner - 1.

House Bill No. 1205, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1309 by Representatives Edwards, Van Luven, Cody, Skinner, Schual-Berke, O'Brien, Reardon, Mulliken, Dunshee, Pennington, Rockefeller, Eickmeyer, Ruderman, Darneille, Fromhold, Wood, Cooper, Hatfield, Linville, Grant, Keiser, Kenney, McIntire, Campbell, Edmonds and Kagi**

**Establishing training standards for hemodialysis technicians.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edwards and Van Luven spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1309.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1309 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Skinner - 1.

House Bill No. 1309, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT RESOLUTION NO. 4202 by Representatives Sommers, Sehlin, Benson, Hatfield and McIntire**

**Investing state investment board funds.**

The joint resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint resolution was placed on final passage.

Representatives Sommers and Sehlin spoke in favor of passage of the joint resolution.

Speaker Chopp stated the question before the House to be the final passage of House Joint Resolution No. 4202.

**ROLL CALL**

The Clerk called the roll on the final passage of House Joint Resolution No. 4202 and the resolution passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Voting nay: Representative Schoesler - 1.

Excused: Representative Skinner - 1.

House Joint Resolution No. 4202, having received the necessary two-thirds constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., February 21, 2001, the 45<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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MORNING SESSION

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House Chamber, Olympia, Wednesday, February 21, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ahern presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler and Mastin

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2169 by Representative Alexander

AN ACT Relating to fire districts' options for issuing warrants; and amending RCW 52.16.050.

Referred to Committee on Local Government & Housing.

HB 2170 by Representatives Alexander and Quall

AN ACT Relating to changing the voting requirements for creating a lake management district; and amending RCW 36.61.030, 36.61.090, 36.61.100, and 36.61.115.

Referred to Committee on Local Government & Housing.

HB 2171 by Representatives Mitchell, Cooper, Ericksen, Fisher and Haigh

AN ACT Relating to distribution of off-road vehicle and nonhighway road funds; and adding a new section to chapter 46.09 RCW.

Referred to Committee on Transportation.

HB 2172 by Representatives Grant and Mastin

AN ACT Relating to the repair and maintenance of backflow prevention assemblies; and amending RCW 18.106.010 and 18.106.040.

Referred to Committee on Commerce & Labor.

HB 2173by Representatives Clements, Conway, B. Chandler, Wood, Kenney and Alexander

AN ACT Relating to shared lottery games; amending RCW 28A.515.320; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Commerce & Labor.

HB 2174by Representatives G. Chandler, Cooper, Conway and Edwards

AN ACT Relating to the Northwest Maritime Safety Act of 2001; adding new sections to chapter 88.16 RCW; creating a new section; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2175by Representatives Pennington, Morris, Cairnes and Conway

AN ACT Relating to the tax treatment of boarding homes; amending RCW 82.04.050; and creating a new section.

Referred to Committee on Finance.

HB 2176by Representatives Ruderman and Lambert

AN ACT Relating to fees for locating unclaimed property; and amending RCW 63.29.350.

Referred to Committee on Finance.

HB 2177by Representatives Hurst, Delvin, Lovick and O'Brien

AN ACT Relating to occupational licensing of registered sex offenders; adding a new section to chapter 18.27 RCW; adding a new section to chapter 18.106 RCW; and adding new sections to chapter 19.28 RCW.

Referred to Committee on Commerce & Labor.

HB 2178by Representatives Ahern, Barlean, Veloria, Sump, Armstrong, Simpson, Dunn, Pearson, Hankins, Woods, Fromhold, Schindler, Hunt, Morell, Cooper, Mitchell, McMorris, Cox, Dickerson, Mielke, Mulliken, Boldt, O'Brien, Haigh, Cairnes, Talcott, Kenney and Conway

AN ACT Relating to honoring Washington's veterans of foreign wars; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 2179by Representatives Keiser, Ruderman, Conway, McIntire, Schual-Berke, Pflug and Edwards

AN ACT Relating to termination of tax preferences; adding a new section to chapter 43.131 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2180by Representatives Edwards, Dunshee, Edmonds, McIntire, Santos, Schual-Berke and Darneille

AN ACT Relating to preservation of federally assisted housing by nonprofit organizations; creating new sections; and providing an expiration date.

Referred to Committee on Local Government & Housing.

HB 2181 by Representatives Miloscia, Mulliken and Dunshee

AN ACT Relating to boundary review boards; and adding a new section to chapter 36.93 RCW.

Referred to Committee on Local Government & Housing.

HB 2182 by Representatives Schual-Berke, Lovick and Fisher

AN ACT Relating to child passenger restraint systems; amending RCW 46.61.687 and 46.61.688; and providing an effective date.

Referred to Committee on Judiciary.

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

### REPORTS OF STANDING COMMITTEES

February 19, 2001

HB 1002 Prime Sponsor, Representative Ruderman: Limiting the public inspection and copying of residential addresses or residential phone numbers of public employees or volunteers of public agencies.  
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert, McDermott and Schmidt.  
Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

February 19, 2001

HB 1019 Prime Sponsor, Representative Pennington: Modifying the composition of the fish and wildlife commission. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray and Pennington.  
Excused: Representative Buck.

Passed to Committee on Rules for second reading.

February 19, 2001

HB 1108 Prime Sponsor, Representative Bush: Authorizing the secretary of state to observe county election facilities. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert, McDermott and Schmidt.  
Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1161 Prime Sponsor, Representative Conway: Authorizing the department of licensing to establish engineer and land surveyors' certificate and licensing renewal intervals, renewal fees, and renewal dates. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.  
Excused: Representative Clements.

Passed to Committee on Rules for second reading.

February 19, 2001

HB 1173 Prime Sponsor, Representative Mulliken: Purchasing material, supplies, or equipment by fire districts. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert, McDermott and Schmidt.  
Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

February 19, 2001

HB 1228 Prime Sponsor, Representative Schmidt: Extending state payment of election costs. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert, McDermott and Schmidt.  
Excused: Representative Schindler.

Referred to Committee on Appropriations.

February 19, 2001

HB 1345 Prime Sponsor, Representative Dickerson: Giving the office of financial management oversight over state agency personal service contracting practices. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert, McDermott and Schmidt.  
Excused: Representative Schindler.

Referred to Committee on Appropriations.

February 19, 2001

HB 1391 Prime Sponsor, Representative Kessler: Overseeing statutory legislative committees. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert, McDermott and Schmidt.  
Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1403 Prime Sponsor, Representative DeBolt: Requiring new energy efficiency measures. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; Cooper; DeBolt; Delvin; Esser; Hunt; Linville; Mielke; Morris; Pflug; Reardon; Simpson and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler.

Voting yea: Representatives Crouse, Poulsen, Ruderman, Anderson, Berkey, Bush, Cooper, DeBolt, Delvin, Esser, Hunt, Linville, Mielke, Morris, Pflug, Reardon, Simpson and Wood.

Voting nay: Representative B. Chandler.

Excused: Representative Casada.

Referred to Committee on Capital Budget.

February 16, 2001

HB 1404 Prime Sponsor, Representative Casada: Establishing tax credits for new facilities that provide electricity for direct service industrial customers. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; DeBolt; Delvin; Esser; Hunt; Linville; Mielke; Morris; Pflug; Reardon; Simpson and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Cooper.

Voting yea: Representatives Crouse, Poulsen, Ruderman, Anderson, Berkey, Bush, B. Chandler, DeBolt, Delvin, Esser, Hunt, Linville, Mielke, Morris, Pflug, Reardon, Simpson and Wood.

Voting nay: Representative Cooper.

Excused: Representative Casada.

Referred to Committee on Finance.

February 20, 2001

HB 1422 Prime Sponsor, Representative Benson: Increasing the size of the state investment board. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

February 16, 2001

HB 1443 Prime Sponsor, Representative Wood: Authorizing public utility tax credits for home energy assistance programs for low-income households. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; Cooper; DeBolt; Delvin; Esser; Hunt; Linville; Mielke; Morris; Pflug; Reardon; Simpson and Wood.

Voting yea: Representatives Crouse, Poulsen, Ruderman, Anderson, Berkey, Bush, B. Chandler, Cooper, DeBolt, Delvin, Esser, Hunt, Linville, Mielke, Pflug, Reardon, Simpson and Wood.

Excused: Representatives Casada and Morris.

Referred to Committee on Finance.

February 19, 2001

HB 1546 Prime Sponsor, Representative Schual-Berke: Authorizing address confidentiality for victims of stalking. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert, McDermott and Schmidt.

Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

February 19, 2001

HB 1581 Prime Sponsor, Representative Cooper: Revising provisions for licensing of motor vehicle dealers and manufacturers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Haigh, Hatfield, Jackley, Jarrett, Marine, Mielke, Morell, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Sump, Wood and Woods.

Excused: Representatives Hurst, Murray, and Skinner.

Passed to Committee on Rules for second reading.

February 19, 2001

HB 1584 Prime Sponsor, Representative Haigh: Revising requirements for vehicle license renewal. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, Chandler G., Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Mielke, Morell, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Sump, Wood and Woods.

Excused: Representatives Murray, and Skinner.

Passed to Committee on Rules for second reading.

February 19, 2001

HB 1721 Prime Sponsor, Representative Romero: Directing a state voters' pamphlet for primaries. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert, McDermott and Schmidt.

Excused: Representative Schindler.

Referred to Committee on Appropriations.

February 20, 2001

HB 1729 Prime Sponsor, Representative Benson: Licensing surplus line brokers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

February 19, 2001

HB 1844 Prime Sponsor, Representative Doumit: Allowing the department of natural resources to exchange certain bedlands to obtain clear title to certain property on the Cowlitz river. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray and Pennington.  
Excused: Representative Buck.

Referred to Committee on Capital Budget.

February 19, 2001

HB 1846 Prime Sponsor, Representative Alexander: Allowing the department of natural resources to sell or exchange its light industrial property in Thurston county. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray and Pennington.  
Excused: Representative Buck.

Referred to Committee on Capital Budget.

February 19, 2001

HB 2104 Prime Sponsor, Representative Rockefeller: Providing for an increase in forest fire protection funds. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray and Pennington.  
Excused: Representative Buck.



Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Trade & Economic Development was relieved of further consideration on House Bill No. 2144, and the bill was referred to the Committee on Finance.

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

There being no objection, the House adjourned until 10:00 a.m., February 22, 2001, the 46<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

**FORTY SIXTH DAY**

MORNING SESSION

House Chamber, Olympia, Thursday, February 22, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages William Shephard and Sharon Okimoto.

**RESOLUTION**

HOUSE RESOLUTION NO. 2001-4623 by Representatives Morell, Casada, Kenney, Jarrett, Bush, Darneille, Woods, Marine, Dunn, Schindler, Ahern, Pennington, Sump, Cooper, Fisher, Rockefeller, Reardon, Sehlin, Fromhold, Lovick, O'Brien, Benson, Hunt, Pflug, Lambert, Schmidt, G. Chandler, Veloria, Hankins, Hatfield and Conway

WHEREAS, Since 1896 the modern Olympic games have recognized the best athletes in the world rewarding individuals who are the standard of excellence in their field of competition; and

WHEREAS, Megan Quann, representing the United States of America, won two Olympic gold medals at the 2000 Olympics in Sydney, Australia, one in the 100 meter breaststroke and one in the 400 medley relay; and

WHEREAS, Megan Quann has set the United States record in the 50 meter, 100 meter, and the 200 meter breaststroke competitions and has compiled too many victories to enumerate; and

WHEREAS, Megan Quann has achieved all of these things at the age of sixteen while maintaining a near perfect grade point average; and

WHEREAS, Megan Quann proudly represents the Puyallup Aquatic Club, including her Senior Coach Rick Benner, Head Coach Song Parent, Age Group Coach Pam Reid, and the Director of the club Terry VanZanten, as well as all of her teammates; and

WHEREAS, Megan Quann has brought great honor to the United States of America, to the State of Washington, to Pierce County, to the community of South Hill, and to Emerald Ridge High School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Megan Quann as the standard of hard work, perseverance, and excellence for an entire generation of young people who can learn by watching and emulating the example she has set through all of her achievements; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Megan Quann.

Representative Morell moved the adoption of the resolution.

Representatives Morell and Casada spoke in favor of the adoption of the resolution. The Speaker (Representative Ogden presiding) recognized Senator Jim Kastama in the back of the Chamber who was visiting the House to honor Megan Quann.

House Resolution No. 4623 was adopted.

Senior Coach Rick Benner, Puyallup Aquatic Club, and Ms. Megan Quann addressed the Chamber. The Chamber recognized them and the members of the Puyallup Aquatic Club.

The Prayer was offered by Pastor Paul A. Stoots, Greater Trinity Missionary Baptist Church, Everett.

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

Marcus Petitt sang "Lift Every Voice and Sing". Marcus was joined on the Rostrum by his parents, Gilbert and Leslie Petitt, and his younger brother, Brandon.

## RESOLUTION

HOUSE RESOLUTION NO. 2001-4616 by Representatives Lovick, Cox, Haigh, Lambert, Santos, Schmidt, Romero, Casada, Fromhold, Esser, O'Brien, Skinner, Schual-Berke, Jarrett, Gombosky, Sump, McDermott, Ahern, Murray, Delvin, Reardon, Armstrong, Jackley, Ruderman, Dickerson, Hurst, Pearson, Miloscia, Fisher, Marine, G. Chandler, Darneille, Veloria, Edmonds, Hankins, Pflug, Hatfield, Conway and Woods

WHEREAS, Black History Month was established in February 1926 by Carter G. Woodson as Negro History Week and was later expanded to Afro-American History Month in 1976 in honor of the nation's bicentennial; and

WHEREAS, It was Carter G. Woodson's hope that through this special observance, all Americans would be reminded of their ethnic roots and develop a mutual respect for the contributions of all racial groups in America; and

WHEREAS, For more than 300 years as part of an established system of slavery and human bondage, Black Americans toiled and survived and then overcame the degradation and shame of this system to become contributors at every level of our public and private endeavors; and

WHEREAS, The desire to succeed and contribute to America caused Black Americans to defy racial hostility, Jim Crow Laws, and economic and social injustices; and

WHEREAS, This willingness to succeed and the love for their country have left a positive impact on American culture and society in areas of education, medicine, industry, the military, religion, social sciences, philosophy, agriculture, engineering, and the arts; and

WHEREAS, Black Americans continue to contribute widely to the attainment of peace, equality, and justice, and all Americans deserve to know of the great moments and accomplishments of Black Americans; and

WHEREAS, George Washington Bush was the first Black American to serve in the Washington Territorial Legislature; Representatives Charles Stokes and Marjorie Pitter King were the first Black American

man and woman to serve in the legislature following the proclamation of Washington statehood; and Charles Z. Smith was the first Black American to serve on the Washington State Supreme Court; and

WHEREAS, The Washington State Legislature is honored to have among its former members the following elected Black American Representatives and Senators: Sam Smith, Michael Ross, Peggie Joan Maxie, George Fleming, Bill Smitherman, Jesse Wineberry, Vivian Caver, and Dawn Mason; and

WHEREAS, There have been major contributions made to Washington State history by Black American citizens including: Civil rights leader Edwin T. Pratt; poet Mona Lake Jones; artists Jacob Lawrence and James Washington; historian Esther Mumford; and musicians Quincy Jones, Ernestine Anderson, and Jimi Hendrix; and

WHEREAS, Washington is a beautiful state and America is a proud nation due to our recognition of the contributions made by many diverse ethnic populations and because of our ability to work together as a state dependent upon international peace, harmony, and cooperation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize February 2001, as Black History Month, in recognition of Americans of African descent who have contributed to America, a nation in which we take great pride; and

BE IT FURTHER RESOLVED, That the members of the Washington State House of Representatives do hereby recognize and appreciate the many benefits of Black History Month to our citizenry and to our culture in general and that we urge all citizens of the State of Washington to join with us in taking the opportunity this month to explore this rich history and expand our world view; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Chair of the Washington State Commission on African-American Affairs, to Judge Charles Stokes, the first African-American member of the Washington State House of Representatives, and to Justice Charles Z. Smith of the Washington State Supreme Court.

Representative Lovick moved the adoption of the resolution.

Representatives Lovick, Cox, Kenney, Santos, Conway, Jarrett, Haigh, Tokuda, and Skinner spoke in favor of the adoption of the resolution.

House Resolution No. 4616 was adopted.

### INTRODUCTIONS AND FIRST READING

HB 1928 Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler and Mastin

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2183 Representatives Rockefeller, Eickmeyer, Lantz, Haigh, Dunshee, Pennington, Jackley, Woods, Doumit, Edwards and Murray

AN ACT Relating to derelict fishing gear; adding a new section to chapter 77.12 RCW; creating a new section; and making appropriations.

Referred to Committee on Natural Resources.

HB 2184 Representatives Berkey, DeBolt, Morris, Dunshee and Edwards

AN ACT Relating to revising the excise tax treatment of park model trailers to provide the same tax treatment as that given to mobile homes; amending RCW 82.45.032; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2185 Representatives Cooper, Delvin, Romero, Hunt, Reardon, Schmidt, Rockefeller, Linville and Edwards

AN ACT Relating to creating the state pension board; amending RCW 41.45.020, 41.45.030, 41.45.090, 41.40.650, and 41.26.450; reenacting and amending RCW 41.45.020 and 41.45.060; adding new sections to chapter 41.45 RCW; adding new sections to chapter 41.50 RCW; repealing RCW 41.45.100, 41.45.110, and 41.45.120; decodifying RCW 41.45.0602; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2186 Representatives Woods, Mitchell, Hankins, Ericksen and Esser

AN ACT Relating to sale of ferry tickets and medium; amending RCW 47.64.120; and creating a new section.

Referred to Committee on Transportation.

HB 2187 Representatives Dunshee, Boldt, O'Brien, Edwards, Simpson and McIntire

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

Referred to Committee on Local Government & Housing.

HB 2188 Representatives Dunn, Reardon, Pennington, Gombosky and Linville

AN ACT Relating to public facilities districts; amending RCW 35.57.010, 35.57.020, and 82.14.390; and adding a new section to chapter 36.100 RCW.

Referred to Committee on Trade & Economic Development.

HB 2189 Representatives Poulsen, Morris, Ruderman, O'Brien, Schual-Berke and McIntire

AN ACT Relating to developing geothermal energy; amending RCW 43.140.900; and creating new sections.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2190 Representatives McDermott, Anderson, Santos, Schmidt, Quall, Ericksen, Kenney, Pearson, Schindler, Keiser, Schual-Berke, Rockefeller, Talcott, Haigh, Bush, O'Brien, Jarrett, Lambert, Kessler, Grant, Mielke and Simpson

AN ACT Relating to permitting children of certificated and classified school employees to enroll at the school where the employee is assigned; and amending RCW 28A.225.225 and 28A.225.270.

Referred to Committee on Education.

HCR 4409 Representatives Alexander, Murray, Kenney, Cox, O'Brien, Schmidt, Hankins, McIntire, Edwards and Esser

Creating a joint select committee to review future facilities needs for higher education.

Referred to Committee on Capital Budget.

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

### REPORTS OF STANDING COMMITTEES

February 20, 2001

HB 1062 Prime Sponsor, Representative O'Brien: Modifying provisions pertaining to the certification of peace officers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Boldt and Lambert.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Boldt and Lambert.

Excused: Representative Buck.

Passed to Committee on Rules for second reading.

February 20, 2001

HB 1114 Prime Sponsor, Representative Cairnes: Providing a tax exemption for thoroughbred horses. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1121 Prime Sponsor, Representative Ballasiotes: Encouraging safe storage of firearms. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; Kagi; Kirby and Morell.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern, Republican Vice Chair; Cairnes.

Voting yea: Representatives Ballasiotes, O'Brien, Lovick, Kagi, Kirby and Morell.

Voting nay: Representatives Ahern, and Cairnes.

Referred to Committee on Judiciary.

February 20, 2001

HB 1211 Prime Sponsor, Representative Benson: Creating the financial services regulation fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Excused: Representative Buck.

Passed to Committee on Rules for second reading.

February 20, 2001

HB 1339 Prime Sponsor, Representative Linville: Providing equity in the taxation of farmers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 20, 2001

HB 1350 Prime Sponsor, Representative G. Chandler: Changing water right appeals procedures for rights subject to a general stream adjudication. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Passed to Committee on Rules for second reading.

February 20, 2001

HB 1371 Prime Sponsor, Representative Morell: Allowing participation in health care authority insurance plans and contracts by surviving spouses and dependent children of emergency service personnel killed in the line of duty. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.  
Excused: Representative Buck.

Passed to Committee on Rules for second reading.

February 20, 2001

HB 1390 Prime Sponsor, Representative Cody: Continuing health care benefits for individuals with disabilities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, Pennington, and Ruderman.  
Excused: Representatives McMorris, and Skinner.

Referred to Committee on Appropriations.

February 20, 2001

HB 1502 Prime Sponsor, Representative G. Chandler: Revising provisions relating to conservation districts. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Passed to Committee on Rules for second reading.

February 20, 2001

HB 1533 Prime Sponsor, Representative Linville: Regarding food service regulation. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Referred to Committee on Appropriations.

February 20, 2001

HB 1590 Prime Sponsor, Representative Cody: Supporting the practice of breastfeeding. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Excused: Representative Skinner.

Referred to Committee on Appropriations.

February 20, 2001

HB 1637 Prime Sponsor, Representative Edmonds: Enhancing the wages and benefits of long-term care paraprofessional workers providing care to the elderly and disabled. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representative Alexander.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Voting nay: Representative Alexander.

Excused: Representative Skinner.

Referred to Committee on Appropriations.

February 20, 2001

HB 1650 Prime Sponsor, Representative Cody: Requiring monitoring of the performance of the community mental health service delivery system. Reported by Committee on Health Care



MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.  
Excused: Representative Skinner.

Referred to Committee on Appropriations.

February 20, 2001

HB 1753 Prime Sponsor, Representative Ballasiotes: Establishing a medication outreach program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.  
Excused: Representative Skinner.

Referred to Committee on Appropriations.

February 20, 2001

HB 1774 Prime Sponsor, Representative Pennington: Creating the senior pharmacy assistance program. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.  
Excused: Representative Skinner.

Referred to Committee on Appropriations.

February 20, 2001

HB 1780 Prime Sponsor, Representative Armstrong: Concerning moneys in the fruit and vegetable district fund. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Passed to Committee on Rules for second reading.

February 20, 2001

HJM 4003 Prime Sponsor, Representative Marine: Requesting the addition of a prescription drug benefit to Medicare. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Excused: Representative Skinner.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1121 which was referred to the Committee on Judiciary.

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

## SECOND READING

**HOUSE BILL NO. 1039 by Representatives Ballasiotes, O'Brien, Ahern, Morell and Woods**

**Clarifying which prior offenses are considered strikes.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1039 was substituted for House Bill No. 1039 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1039 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1039.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1039 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine,

Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1039, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1018 by Representatives Pennington, Mielke, Pearson and Alexander**

**Providing tax relief for disasters.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pennington spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1018.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1018 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1018, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1024 by Representatives Doumit, G. Chandler, Linville, Sump, Quall, Clements, Schoesler, Hatfield and Grant**

**Increasing the growing cycle for short-rotation hardwoods for tax purposes.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1024 was substituted for House Bill No. 1024 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1024 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1024.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1024 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1024, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1028 by Representatives Haigh, Schmidt, Romero, Conway, Kenney and Talcott**

#### **Revising the provision for military leave for public employees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1028.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1028 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1028, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1035 by Representative Pennington**

**Extending a program of steelhead recovery in certain counties.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington and Doumit spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1035.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1035 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1035, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1042 by Representatives Campbell, Schual-Berke, Skinner, Haigh and Lantz**

**Establishing sterilization requirements for the commercial practices of electrology and tattooing.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1042 was substituted for House Bill No. 1042 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1042 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1042.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1042 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1042, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1052 by Representatives O'Brien and Ballasiotes**

#### **Incorporating amendments into the reorganized chapter 9.94A RCW.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1052.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1052 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1052, having received the necessary constitutional majority, was declared passed.

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

### **MOTION**

On motion of Representative Kessler, the House adjourned until 9:55 a.m., February 23, 2001, the 47<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FORTY SEVENTH DAY

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MORNING SESSION

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House Chamber, Olympia, Friday, February 23, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Armstrong presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler and Mastin

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2191 by Representatives Morris, Sehlin, Lisk and Fromhold

AN ACT Relating to property tax exemptions for property leased by public entities; amending RCW 84.36.040, 84.36.050, and 84.36.815; and creating a new section.

Referred to Committee on Finance.

HB 2192 by Representative Wood

AN ACT Relating to street vacations; and amending RCW 35.79.010 and 35.79.030.

Referred to Committee on Transportation.

HB 2193 by Representatives DeBolt, Morris, Ruderman, Mielke, Crouse, Poulsen, Kessler, Mastin, Casada, Delvin, Pflug, Wood, Esser, B. Chandler, Linville and Berkey

AN ACT Relating to utility relocation costs caused by regional transit authority activities; and amending RCW 81.112.100.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2194 by Representatives Poulsen, Cody, Hankins, Ballasiotes, McIntire, Lantz, Mitchell, Ruderman, Dickerson, Kagi, Delvin, Jackley, Kenney, Hunt, Eickmeyer, Darneille, Quall, O'Brien, Edmonds, Kirby, Conway, Kessler, Voloria, Cooper, Ogden, Schual-Berke, Simpson, Chopp, Romero, Fisher, Sommers, Hatfield, Jarrett, Skinner, Rockefeller, Santos, Tokuda, Dunshee, Morris, Berkey, Keiser, Edwards, Reardon, McDermott, Fromhold, Lovick, Haigh, Linville, Armstrong, Clements, Alexander, Murray, Wood, Grant, Doumit, Hurst and Gombosky



AN ACT Relating to contraceptive health services; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.41 RCW; adding a new section to chapter 48.36A RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 70.47 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 2195 by Representatives Lantz, Jackley, Rockefeller, Van Luven, Chopp and Murray

AN ACT Relating to public financing for construction and operation of facilities developed under the Public-Private Initiatives Program; amending RCW 47.56.040, 47.56.240, 47.56.245, 47.46.050, and 47.46.060; adding new sections to chapter 47.56 RCW; adding a new section to chapter 47.46 RCW; repealing RCW 47.56.271; and declaring an emergency.

Referred to Committee on Transportation.

HB 2196 by Representatives Barlean, Linville, Ericksen, Morris, Pearson, Quall and Dunshee

AN ACT Relating to school district revenues; and amending RCW 28A.150.250 and 76.12.120.

Referred to Committee on Appropriations.

HB 2197 by Representative Bush

AN ACT Relating to eliminating criminal penalties for trapping the common mouse, rat, or mole; and amending RCW 77.15.190.

Referred to Committee on Criminal Justice & Corrections.

HJM 4012 by Representatives Quall, Talcott, Kenney, Ogden and Santos ; by request of Superintendent of Public Instruction

Requesting that the federal government expand incentives to encourage people to become teachers in geographic areas and subjects with teacher shortages.

Referred to Committee on Education.

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

### **REPORTS OF STANDING COMMITTEES**

February 21, 2001

HB 1004 Prime Sponsor, Representative Morris: Adjusting disability payments. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Kagi; Keiser; Kenney; Kessler; Lambert;

Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cox, Dunshee, Fromhold, Gombosky, Kagi, Keiser, Kenney, Kessler, Lambert, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Cody, Grant, and Linville.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1066 Prime Sponsor, Representative O'Brien: Revising the authority of the criminal justice training commission to own and operate training facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; O'Brien; Ogden; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada, Hankins, Hunt, O'Brien, Ogden, Reardon, Schoesler, Veloria and Woods.

Excused: Representatives Lantz, and Poulsen.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1133 Prime Sponsor, Representative Carrell: Limiting liability for donated labor on community projects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, and Lisk.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1265 Prime Sponsor, Representative Eickmeyer: Clarifying that the community economic revitalization board may make loans and grants to federally recognized Indian tribes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Fromhold, Democratic Vice Chair; Ahern; Gombosky; Jackley; Mulliken; O'Brien; Pflug and Woods.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Fromhold, Ahern, Gombosky, Jackley, Mulliken, O'Brien, Pflug and Woods.

Referred to Committee on Capital Budget.

February 20, 2001

HB 1301 Prime Sponsor, Representative Cody: Requiring uniform prescription drug information cards. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, Pennington, and Ruderman.

Excused: Representatives McMorris, and Skinner.

Referred to Committee on Appropriations.

February 21, 2001

HB 1349 Prime Sponsor, Representative Kessler: Authorizing a funding mechanism for removal and disposal of derelict vessels. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Excused: Representative Grant.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1361 Prime Sponsor, Representative Jackley: Simplifying excise tax application and administration. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 20, 2001

HB 1364 Prime Sponsor, Representative Pflug: Mandating general anesthesia services. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.  
Excused: Representative Skinner.

Referred to Committee on Appropriations.

February 22, 2001

HB 1418 Prime Sponsor, Representative Gombosky: Promoting community revitalization. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended.

On page 2, line 23, after "town," strike "or"

On page 2, line 23, after "county" insert ", or port district"

Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Fromhold, Democratic Vice Chair; Ahern; Gombosky; Jackley; Mulliken; O'Brien and Woods.

MINORITY recommendation: Without recommendation. Signed by Representative Pflug.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Fromhold, Ahern, Gombosky, Jackley, Mulliken, O'Brien and Woods.  
Voting nay: Representative Pflug.

Referred to Committee on Finance.

February 20, 2001

HB 1469 Prime Sponsor, Representative Campbell: Dispensing controlled substance orders and prescriptions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.  
Excused: Representative Skinner.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1474 Prime Sponsor, Representative Van Luven: Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department

of trade and economic development. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended.

On page 216, after line 9, insert the following:

"NEW SECTION. Sec. 901. No new state general fund moneys may be used to pay for splitting the department of community, trade, and economic development into the department of community development and the department of trade and economic development under this act."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title of the bill.

Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Fromhold, Democratic Vice Chair; Ahern; Gombosky; Jackley; Mulliken; O'Brien; Pflug and Woods.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Fromhold, Ahern, Gombosky, Jackley, Mulliken, O'Brien, Pflug, and Woods.

Referred to Committee on Appropriations.

February 21, 2001

HB 1479 Prime Sponsor, Representative Alexander: Providing a death benefit for certain state employees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.  
Excused: Representative Grant.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1556 Prime Sponsor, Representative Marine: Increasing penalties for taking a motor vehicle without permission. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 21, 2001

HB 1567 Prime Sponsor, Representative Fisher: Increasing the penalty for the misuse of abstracts of driving records. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1571 Prime Sponsor, Representative Wood: Changing provisions on simulcast horse racing. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, and Lisk.  
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1582 Prime Sponsor, Representative Hatfield: Exempting certain motorcycles used for training from the use tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1611 Prime Sponsor, Representative Schindler: Modifying missing persons record retention policies. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1613 Prime Sponsor, Representative Romero: Providing a time limit for the transmittal of unidentified persons information. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 20, 2001

HB 1652 Prime Sponsor, Representative Cody: Developing a therapeutic and cost-effective drug education and utilization system. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Ballasiotes; Conway; Darneille; Edmonds; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Schual-Berke, Democratic Vice Chair; Alexander; Marine; McMorris and Pennington.

Voting yea: Representatives Cody, Campbell, Ballasiotes, Conway, Darneille, Edmonds, Edwards and Ruderman.

Voting nay: Representatives Alexander, Marine, McMorris, Pennington, and Schual-Berke.

Excused: Representative Skinner.

Referred to Committee on Appropriations.

February 21, 2001

HB 1706 Prime Sponsor, Representative Morris: Authorizing the department of revenue to issue direct pay permits. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1781 Prime Sponsor, Representative Sommers: Making payment of agency commissions for agency liquor vendor stores. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Kagi; Keiser; Kenney; Kessler; Lambert;

Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Excused: Representative Grant.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1951 Prime Sponsor, Representative Clements: Allowing restaurants and private clubs to sell wine for off-premises consumption. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 26, 2001, the 50<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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MORNING SESSION

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House Chamber, Olympia, February 26, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler, Mastin and Roach

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2198 by Representatives Schual-Berke, Morris, Santos, Kagi, Doumit, Ogden, McIntire and Darneille

AN ACT Relating to studying Washington's tax structure; and creating a new section.

Referred to Committee on Finance.

HB 2199 by Representatives Clements, Boldt, Lambert and Esser

AN ACT Relating to graduate student employees employed by institutions of higher education; and amending RCW 41.06.070.

Referred to Committee on State Government.

HB 2200 by Representatives Simpson, Crouse, Poulsen, DeBolt, Gombosky, Mielke, Anderson, Cooper, Reardon, Delvin, Grant, Pennington, Wood, Schoesler, Buck, Morris, Esser, Linville, Rockefeller, Schindler, Conway, Keiser, Ogden, McIntire and Darneille

AN ACT Relating to sales and use tax exemptions for alternative energy sources; amending RCW 82.63.010 and 82.08.02565; and providing an effective date.

Referred to Committee on Finance.

HB 2201 by Representative Miloscia

AN ACT Relating to housing allowances for eligible community and technical college employees; amending RCW 28B.52.020, 41.32.010, 41.40.010, and 41.40.010; reenacting and amending RCW 41.56.030;

adding a new section to chapter 28B.50 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2202 by Representatives Kagi, Ballasiotes, O'Brien, Schual-Berke, Ruderman, Keiser, Hunt, McIntire, Jarrett and Darneille

AN ACT Relating to the sale of firearms at gun shows and events; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2203 by Representatives Linville, Quall, G. Chandler and B. Chandler

AN ACT Relating to well construction; and amending RCW 18.104.020 and 18.104.055.

Referred to Committee on Agriculture & Ecology.

HB 2204 by Representatives Grant and Mastin

AN ACT Relating to research regarding agricultural burning and alternatives to such burning; and amending RCW 70.94.650.

Referred to Committee on Agriculture & Ecology.

HB 2205 by Representative Armstrong

AN ACT Relating to access to a limited access facility for abutting property owners engaged in the retail sale of agricultural products; and amending RCW 47.52.040.

Referred to Committee on Transportation.

HB 2210 by Representatives Talcott, Santos, Schmidt, Armstrong, G. Chandler, Anderson, Rockefeller, Keiser, Haigh and Quall

AN ACT Relating to student achievement.

Referred to Committee on Education.

HCR 4410 by Representatives Sump, Doumit, Sehlin, Sommers, Mulliken, Linville, Armstrong, Murray, Alexander and Hatfield

Creating a joint select legislative task force to evaluate the state's authority under the forest resources conservation and shortage relief act.

Referred to Committee on Natural Resources.

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

February 22, 2001

HB 1011 Prime Sponsor, Representative Campbell: Providing a property tax exemption to veterans with severe disabilities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Carrell, Cairnes, Morris, Berkey, Roach, Conway, Pennington, Santos, Van Luven, and Veloria.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1060 Prime Sponsor, Representative Rockefeller: Allowing for the conveyance of certain forest board transfer lands to protect municipal drinking water supplies. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, Eickmeyer, Ericksen, Jackley, Murray, and Pennington.

Excused: Representatives G. Chandler, and Edwards.

Referred to Committee on Appropriations.

February 22, 2001

HB 1116 Prime Sponsor, Representative Campbell: Clarifying tax exemptions for sale or use of orthotic devices. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by: Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven, and Veloria.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1117 Prime Sponsor, Representative Carrell: Providing procedures for enforcement of court-ordered restitution obligations in courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1131 Prime Sponsor, Representative Mulliken: Modifying the powers of public hospital districts. Reported by Committee on Local Government & Housing

MAJORITY Report: Do pass. Signed by: Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Dunshee, Mulliken, Mielke, Berkey, Crouse, DeBolt, Dunn, Edmonds, Hatfield, and Kirby.

Excused: Representatives Edwards and Jarrett.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1135 Prime Sponsor, Representative Lantz: Modifying power of attorney provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1216 Prime Sponsor, Representative Lambert: Investigating sudden unexplained deaths of children. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1240 Prime Sponsor, Representative Schindler: Changing provisions relating to the Washington assessment of student learning. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute do pass. Signed by Representative Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice-Chair; Haigh, Democratic Vice-Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Pearson, Rockefeller, Santos, Schindler, Schmidt and Schual-Berke.

Excused: Representatives Ericksen, Keiser and McDermott.

Referred to Committee on Appropriations.

February 22, 2001

HB 1252 Prime Sponsor, Representative Boldt: Exempting faith-based chemical dependency treatment programs from state regulation. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1264 Prime Sponsor, Representative Lantz: Changing provisions relating to termination of municipal courts and service contracts. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Dickerson; Esser; Lovick and McDermott.

MINORITY recommendation: Do not pass. Signed by Representatives Casada.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Dickerson, Esser, Lovick and McDermott.

Voting nay: Representative Casada.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1292 Prime Sponsor, Representative Tokuda: Changing provisions relating to persons incapacitated by a chemical dependency. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1298 Prime Sponsor, Representative Lantz: Authorizing recovery of additional small claims collection costs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, line 8, strike "shall" and insert "~~((shall))~~ may"

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick; and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Referred to Committee on Appropriations.

February 22, 2001

HB 1305 Prime Sponsor, Representative Buck: Extending liability for damage to land held or acquired under RCW 64.04.130. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Dickerson; Lovick and McDermott.

MINORITY recommendation: Do not pass. Signed by Representatives Lambert, Republican Vice Chair; Boldt; Casada and Esser.

Voting yea: Representatives Carrell, Lantz, Hurst, Dickerson, Lovick, and McDermott.

Voting nay: Representatives Lambert, Boldt, Casada, and Esser.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1344 Prime Sponsor, Representative Dickerson: Defining negligent treatment or maltreatment. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Referred to Committee on Appropriations.

February 22, 2001

HB 1346 Prime Sponsor, Representative Dickerson: Exempting from child care regulations persons who place or care for children entering the United States for medical care. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1362 Prime Sponsor, Representative Edmonds: Changing competitive grant requirements for community mobilization programs. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1364 Prime Sponsor, Representative Pflug: Mandating general anesthesia services. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Campbell, Cody, Schual-Berke, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Excused: Representative Skinner.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1365 Prime Sponsor, Representative Doumit: Requiring the department of health to publicize a list of recalled infant and child products. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia; and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1367 Prime Sponsor, Representative Esser: Correcting outdated references and double amendments.  
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1368 Prime Sponsor, Representative Esser: Recodifying RCW 77.16.220. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1369 Prime Sponsor, Representative Esser: Making technical corrections to chapter 19.28 RCW, electricians and electrical installations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1419 Prime Sponsor, Representative Hurst: Requiring a notation in the driving record when a driver is required to use an ignition interlock or other biological or technical device. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.



Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1424 Prime Sponsor, Representative Quall: Permitting school district employees to file medical letters of refusal. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Ericksen; McDermott; Pearson; Rockefeller; Santos; Schindler and Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representative Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Ericksen, Keiser, McDermott, Pearson, Rockefeller, Santos, Schindler and Schmidt

Voting nay: Representatives Cox and Schual-Berke.

Referred to Committee on Appropriations.

February 22, 2001

HB 1484 Prime Sponsor, Representative Carrell: Modifying provisions relating to juveniles and firearms. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1498 Prime Sponsor, Representative Jackley: Requiring holders of fish and wildlife licenses purchased over the internet or telephone to provide enforcement officers with photo identification. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, Eickmeyer, Ericksen, Jackley, Murray, and Pennington.

Excused: Representatives G. Chandler and Edwards.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1499 Prime Sponsor, Representative Jackley: Regulating marine fin fish aquaculture. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by: Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; Eickmeyer; Ericksen; Jackley; Murray and Pennington..

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Excused: Representatives G. Chandler and Edwards.

Referred to Committee on Appropriations.

February 22, 2001

HB 1518 Prime Sponsor, Representative Fromhold: Using state sales and use tax revenues as a funding source for investing in community development infrastructure improvements. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by: Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic 1<sup>st</sup> Vice Chair; Fromhold, Democratic 2<sup>nd</sup> Vice Chair; Ahern; Gombosky; Jackley; O'Brien and Woods.

MINORITY recommendation: Do not pass. Signed by: Representatives Mulliken and Pflug.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Fromhold, Ahern, Gombosky, Jackley, O'Brien and Woods.

Voting nay: Representatives Mulliken and Pflug.

Referred to the Committee on Finance.

February 22, 2001

HB 1525 Prime Sponsor, Representative Tokuda: Establishing a foster parent retention pilot program. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Referred to Committee on Appropriations.

February 22, 2001

HB 1530 Prime Sponsor, Representative Lantz: Providing for the appointment of individuals to receive claims against local governmental entities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, line 8, strike "at least two individuals" and insert "an agent"

On page 2, line 9, strike "each such individual" and insert "the agent"

On page 2, line 10, after "during" insert "the"

On page 2, line 10, after "hours" insert "of the local governmental entity"

On page 2, line 14, strike "such an appointed individual" and insert "the agent"

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1540 Prime Sponsor, Representative Kessler: Creating a pilot project to provide health services to certain needy persons. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting Aye: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington and Ruderman.

Referred to Committee on Appropriations.

February 22, 2001

HB 1545 Prime Sponsor, Representative Lantz: Regulating nonprofit organizations. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Lambert, Republican Vice Chair; Casada; Esser; Lovick and McDermott.

MINORITY recommendation: Do not pass. Signed by Representative Hurst.

Voting Aye: Representatives Carrell, Lantz, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Voting Nay: Representative Hurst.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1591 Prime Sponsor, Representative Esser: Revising requirements for service of orders in harassment matters. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 1619 Prime Sponsor, Representative Hunt: Modifying distributions to the recreation resource account.  
Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, Eickmeyer, Ericksen, Jackley, Murray, and Pennington.

Excused: Representatives G. Chandler, and Edwards.

Referred to Committee on Transportation.

February 22, 2001

HB 1628 Prime Sponsor, Representative Barlean: Defining rural counties for purposes of sales and use tax for public facilities. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by: Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic 1<sup>st</sup> Vice Chair; Fromhold, Democratic 2<sup>nd</sup> Vice Chair; Ahern; Gombosky; Jackley; Mulliken; O'Brien; Pflug and Woods.

Voting yea: Van Luven, Veloria, Dunn, Eickmeyer, Fromhold, Ahern, Gombosky, Jackley, Mulliken, O'Brien, Pflug and Woods.

Referred to Committee on Finance.

February 21, 2001

HB 1646 Prime Sponsor, Representative Schmidt: Including the Washington national guard youth challenge program as an alternative educational service provider. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Keiser, McDermott, Pearson, Rockefeller, Schindler, Schmidt and Schual-Berke.

Excused: Representatives Ericksen and Santos.

Referred to the Committee on Appropriations.

February 21, 2001

HB 1658 Prime Sponsor, Representative Buck: Establishing a pilot project culturing shellfish on nonproductive oyster reserve land. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Excused: Representatives G. Chandler and Edwards.

Referred to Committee on Appropriations.

February 22, 2001

HB 1659 Prime Sponsor, Representative Talcott: Establishing a pilot project to provide community-based services through a public-private based partnership for persons with developmental disabilities. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Referred to Committee on Appropriations.

February 22, 2001

HB 1678 Prime Sponsor, Representative Fisher: Funding advance right-of-way acquisitions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Haigh; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Hatfield and Reardon.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Armstrong, G. Chandler, Edmonds, Hurst, Jackley, Jarrett, Marine, Mielke, Morell, Romero, Schindler, Simpson, Skinner, Sump, and Wood.

Voting nay: Representatives Hatfield, and Reardon.

Excused: Representatives Anderson, Haigh, Murray, Ogden, Rockefeller, and Woods.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1695 Prime Sponsor, Representative Boldt: Reorganizing state agencies involved in social services policy. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell and Pflug.

MINORITY recommendation: Do not pass. Signed by Representatives Kagi, Democratic Vice Chair; Darneille; Dickerson and Miloscia.

Voting yea: Representatives Tokuda, Boldt, Morell, Ballasiotes, Campbell, and Pflug.

Voting nay: Representatives Darneille, Dickerson, Kagi and Miloscia.

Referred to Committee on Appropriations.

February 22, 2001

HB 1716 Prime Sponsor, Representative Veloria: Providing income assistance benefits to qualified World War II veterans living in the Republic of the Philippines. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1745 Prime Sponsor, Representative Lambert: Making child support technical amendments regarding medical support. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 5, after line 8, insert:

"NEW SECTION. **Sec. 2.** (1) The Legislature's delegation of authority to an agency under this act is strictly limited to:

- (a) The minimum delegation necessary to administer the act's clear and unambiguous directives; and
- (b) The administration of circumstances and behaviors foreseeable at the time of enactment.
- (2) Agency actions or rules authorized by this act are subject to the following additional standards of judicial review, which supercede RCW 34.05.570(1) and (2) to the extent of any conflict:
  - (a) Agencies bear the burden of demonstrating that the agency action:
    - (i) Was authorized by law; and
    - (ii) Was valid, when the interest of a party asserting invalidity arises from agency actions imposing a penalty on the asserting party;
  - (b) The validity of a rule may be determined upon petition for declaratory judgment addressed to any superior court in this state; and
  - (c) In determining whether, under RCW 34.05.570(2)(c), a rule exceeds the agency's statutory authority, the court must also consider whether the rule exceeds the limited delegation under subsection (1) of this section."

Correct the title.

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1776 Prime Sponsor, Representative Miloscia: Regarding background checks. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1783 Prime Sponsor, Representative Carrell: Making communications between fire fighters and trained peer supporters privileged. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 3, line 15, after "moral support" strike "~~((and counseling))~~" and insert "and counseling"

On page 4, after line 8, insert:

**"NEW SECTION. Sec. 2.** A privilege review task force is established to study and make recommendations concerning the privilege between a law enforcement officer or a fire fighter and a trained peer supporter. The purpose of the task force is to examine how the privilege is working. The task force shall make recommendations to appropriate committees of the Legislature by November 30, 2003. The task force shall consist of the following members: two members of the house of representatives from each political caucus and two members of the senate from each political caucus."

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Dickerson; Esser; Lovick and McDermott.

MINORITY recommendation: Do not pass. Signed by Representatives Lambert, Republican Vice Chair; Boldt and Casada.

Voting yea: Representatives Carrell, Lantz, Hurst, Dickerson, Esser, Lovick, and McDermott.  
Voting nay: Representatives Lambert, Boldt, and Casada.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1795 Prime Sponsor, Representative Veloria: Modifying relocation assistance provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Referred to Committee on Transportation.

February 21, 2001

HB 1849 Prime Sponsor, Representative Pearson: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; Eickmeyer; Jackley; Murray and Pennington.

MINORITY recommendation: Without recommendation. Signed by Representative Ericksen.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, Eickmeyer, Jackley, Murray, and Pennington.

Voting nay: Representative Ericksen.

Excused: Representatives G. Chandler and Edwards.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1851 Prime Sponsor, Representative McMorris: Modifying the definition of small employer to include school districts. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington and Ruderman.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1852 Prime Sponsor, Representative Morris: Increasing international marketing of Washington's goods and services. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Fromhold, Democratic Vice Chair; Ahern; Gombosky; Jackley; Mulliken; O'Brien; Pflug and Woods.



Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Fromhold, Ahern, Gombosky, Jackley, Mulliken, O'Brien, Pflug, and Woods.

Referred to Committee on Appropriations.

February 21, 2001

HB 1856 Prime Sponsor, Representative Morell: Excusing student absences for state-recognized search and rescue activities. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Pearson; Rockefeller; Santos; Schmidt and Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Ericksen, Keiser, McDermott, Pearson, Rockefeller, Santos, Schindler, Schmidt, and Schual-Berke.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1884 Prime Sponsor, Representative Ogden: Changing provisions relating to telecommunications services for hearing or speech impaired. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1891 Prime Sponsor, Representative Mulliken: Increasing the international trade of Washington state agricultural products. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic 1<sup>st</sup> Vice Chair; Fromhold, Democratic 2<sup>nd</sup> Vice Chair; Ahern; Gombosky; Jackley; Mulliken; O'Brien; Pflug and Woods.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Fromhold, Ahern, Gombosky, Jackley, Mulliken, O'Brien, Pflug, and Woods.

Referred to Committee on Appropriations.

February 22, 2001

HB 1898 Prime Sponsor, Representative Hankins: Licensing crisis nurseries. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1911 Prime Sponsor, Representative Reardon: Requiring coverage for neurodevelopmental therapies.  
Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington and Ruderman.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1920 Prime Sponsor, Representative Carrell: Allowing medical reports in guardianship proceedings by advanced registered nurse practitioners. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1956 Prime Sponsor, Representative Lovick: Expanding venue for local courts during emergencies and when the defendant appears electronically from a location outside the district. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1971 Prime Sponsor, Representative Quall: Allowing certified real estate appraisers to appraise school district property. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Ericksen, Keiser, McDermott, Pearson, Rockefeller, Santos, Schindler, Schmidt, and Schual-Berke.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 2011 Prime Sponsor, Representative Campbell: Clarifying licensing for public psychiatric facilities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Campbell, Cody, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 2082 Prime Sponsor, Representative Darneille: Presuming that it is negligent treatment to expose a child to a methamphetamine manufacturing site. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

February 21, 2001

HB 2106 Prime Sponsor, Representative Sump: Extending the time for the forest practices board to complete rule making required to implement the forests and fish report. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, Eickmeyer, Ericksen, Jackley, Murray, and Pennington.

Excused: Representatives G. Chandler, and Edwards.

Passed to Committee on Rules for second reading.

February 22, 2001

HCR 4406 Prime Sponsor, Representative Schual-Berke: Establishing a blue ribbon commission on medical care cost and access. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Campbell, Cody, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Referred to Committee on Appropriations.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., February 27, 2001, the 51<sup>st</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Tuesday, February 27, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alexander Wang and Allison Dellwo. Speaker Ballard led the Chamber in the Pledge of Allegiance. Prayer was offered by Father Scott Connolly, St. Rose Catholic Church, Longview and St. Catherine's, Cathlamet.

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

**INTRODUCTIONS AND FIRST READING**

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler, Mastin and Roach

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2206 by Representatives Murray, Hankins, Delvin, Ogden, Fromhold, Lovick and Edmonds; by request of Governor Locke, Department of Community, Trade, and Economic Development and Public Works Board

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060, 43.84.092, and 43.84.092; adding a new chapter to Title 43 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 2207 by Representatives Grant, Buck, G. Chandler, Mulliken and Mielke

AN ACT Relating to elimination of the salmon recovery office; amending RCW 77.85.005; creating a new section; and repealing RCW 77.85.030 and 77.85.150.

Referred to Committee on Natural Resources.

HB 2208 by Representative Ericksen

AN ACT Relating to certification of escort vehicle drivers; and adding a new section to chapter 46.44 RCW.

Referred to Committee on Transportation.

HB 2209 by Representatives Conway, Wood, McIntire, Darneille and Santos

AN ACT Relating to family and medical leave; amending RCW 49.78.010 and 49.78.020; adding new sections to chapter 49.78 RCW; creating a new section; repealing RCW 49.78.005, 49.78.030, 49.78.040, 49.78.050, 49.78.060, 49.78.070, 49.78.080, 49.78.100, 49.78.110, 49.78.120, 49.78.130, 49.78.140, 49.78.150, 49.78.160, 49.78.170, 49.78.180, 49.78.190, and 49.78.200; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2211 by Representatives Lisk, Kessler, Ogden, McIntire, Kenney, Lovick, Darneille, Santos and Edmonds

AN ACT Relating to the domestic violence and stalking victims' compensation benefit using the public safety and education account; amending RCW 7.68.015, 7.68.020, 7.68.030, 7.68.060, 7.68.070, 7.68.140, and 7.68.145; adding new sections to chapter 7.68 RCW; and creating a new section.

Referred to Committee on Appropriations.

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

### REPORTS OF STANDING COMMITTEES

February 26, 2001

HB 1012 Prime Sponsor, Representative Mitchell: Allowing Washington state ferry fares to be increased in excess of the fiscal growth factor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Hatfield; Hurst; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Romero; Schindler; Sump and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Lovick, Democratic Vice Chair; Haigh; Jackley; Reardon; Rockefeller; Simpson and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Ericksen, Hankins, Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Hatfield, Hurst, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Romero, Schindler and Wood.

Voting nay: Representatives Lovick, Haigh, Jackley, Reardon, Rockefeller, Simpson, Sump, and Woods.  
Excused: Representative Skinner.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1017 Prime Sponsor, Representative Pennington: Concerning lands vehicle use permits. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican

Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1027 Prime Sponsor, Representative Cairnes: Establishing the live horse racing compact. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk, and McMorris.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1034 Prime Sponsor, Representative Pennington: Changing outdoor burning provisions. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

MINORITY recommendation: Without recommendation. Signed by Representative Cooper, Democratic Vice Chair.

Voting yea: Representatives G. Chandler, Linville, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Voting nay: Representative Cooper.

Excused: Representative Mielke.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1070 Prime Sponsor, Representative Delvin: Revising provisions relating to the juvenile offender basic training camp program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Barlean, Linville, and Mastin.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1081 Prime Sponsor, Representative Carrell: Restricting the length of the term of jury service. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 28, strike everything through "assigned" on line 31 and insert "extend beyond the end of the jury term, and may not exceed two weeks, except to complete a trial to which the juror was assigned during the two week period. However, once a juror has completed a trial or has served at least two days of jury service, the court may for good cause excuse that juror from any remaining period of the jury term"

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Esser and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Esser, Lovick and McDermott.

Voting nay: Representative Dickerson.

Referred to Committee on Appropriations.

February 26, 2001

HB 1084 Prime Sponsor, Representative Ogden: Authorizing independent salary commissions for cities, towns, and counties. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mielke, Republican Vice Chair; Berkey; Crouse; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

MINORITY recommendation: Do not pass. Signed by Representatives Mulliken, Republican Co-Chair; DeBolt.

Voting yea: Representatives Dunshee, Berkey, Crouse, Dunn, Edmonds, Hatfield, Jarrett and Kirby.

Voting nay: Representatives DeBolt and Mulliken.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1100 Prime Sponsor, Representative Fisher: Modifying notice requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins,



Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Ahern, Armstrong, G. Chandler, Cooper, Edmonds, Ericksen, Fisher, Hankins, Hatfield, Hurst, Jackley, Lovick, Marine, Mielke, Mitchell, Morell, Reardon, Romero, Schindler, Simpson, Skinner, Sump and Wood.

Excused: Representatives Anderson, Haigh, Jarrett, Murray, Ogden, Rockefeller and Woods.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1146 Prime Sponsor, Representative Haigh: Creating a commission on school funding review. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schmidt and Schual-Berke.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Republican Vice Chair; Schindler.

Voting yea: Representatives Quall, Talcott, Haigh, Cox, Ericksen, Keiser, McDermott, Pearson, Rockefeller, Santos, Schmidt and Schual-Berke.

Voting nay: Representatives Anderson, and Schindler.

Referred to Committee on Appropriations.

February 26, 2001

HB 1166 Prime Sponsor, Representative Rockefeller: Allowing state agencies to sponsor salmon recovery projects. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; Eickmeyer; Jackley; Murray and Pennington.

MINORITY recommendation: Without recommendation. Signed by Representatives G. Chandler and Ericksen.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, Edwards, Eickmeyer, Jackley, Murray and Pennington.

Voting nay: Representatives G. Chandler and Ericksen.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1172 Prime Sponsor, Representative Dunshee: Authorizing additional fire protection district levies. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Dunshee, Mulliken, Edwards, Berkey, Crouse, DeBolt, Dunn, Edmonds, Hatfield, Jarrett and Kirby.

Referred to Committee on Finance.

February 27, 2001

HB 1174 Prime Sponsor, Representative Hurst: Authorizing vacation of records of conviction for misdemeanor and gross misdemeanor offenses. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1177 Prime Sponsor, Representative Kenney: Ensuring that reasonable assurance continues to apply to employees of educational institutions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives B. Chandler, Clements, Conway, Hunt, Kenney, Lisk, McMorris, and Wood.

Referred to Committee on Appropriations.

February 23, 2001

HB 1184 Prime Sponsor, Representative Conway: Clarifying hours and wages for educational employee compensation claims. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives B. Chandler, Clements, Conway, Hunt, Kenney, Lisk, McMorris, and Wood.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1187 Prime Sponsor, Representative Haigh: Exempting certain information on criminal acts from public disclosure. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Schindler, Haigh, Lambert, McDermott and Schmidt.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1189 Prime Sponsor, Representative Lantz: Enforcing protection of archaeological sites. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Dickerson; Esser; Lovick and McDermott.

MINORITY recommendation: Do not pass. Signed by Representatives Lambert, Republican Vice Chair; Boldt and Casada.

Voting yea: Representatives Carrell, Dickerson, Esser, Hurst, Lantz, Lovick, and McDermott.

Voting nay: Representatives Boldt, Casada, and Lambert.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1207 Prime Sponsor, Representative Morris: Modifying energy provisions. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Casada, Republican Vice Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; Cooper; DeBolt; Delvin; Esser; Hunt; Linville; Mielke; Morris; Pflug; Reardon; Simpson and Wood.

Voting yea: Representatives Crouse, Poulsen, Casada, Ruderman, Anderson, Berkey, Bush, B. Chandler, Cooper, DeBolt, Delvin, Esser, Hunt, Linville, Mielke, Morris, Pflug, Reardon, Simpson and Wood.

Referred to Committee on Finance.

February 26, 2001

HB 1230 Prime Sponsor, Representative Schmidt: Changing primary dates and associated election procedures. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1234 Prime Sponsor, Representative Clements: Revising apprenticeship law to respond to a 1999 United States department of labor audit. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives B. Chandler, Clements, Conway, Hunt, Kenney, Lisk, McMorris, and Wood.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1239 Prime Sponsor, Representative DeBolt: Encouraging the development of advanced telecommunications services in rural areas. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Casada, Republican Vice Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; DeBolt; Delvin; Esser; Hunt; Linville; Mielke; Pflug; Reardon; Simpson and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper and Morris.

Voting yea: Representatives Anderson, Berkey, Bush, Casada, B. Chandler, Crouse, DeBolt, Delvin, Esser, Hunt, Linville, Mielke, Pflug, Poulsen, Reardon, Ruderman, Simpson, and Wood.

Voting nay: Representatives Cooper, and Morris.

Referred to Committee on Finance.

February 27, 2001

HB 1243 Prime Sponsor, Representative Hurst: Changing provisions relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1257 Prime Sponsor, Representative Cox: Modifying educational service districts' borrowing authority. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schindler, Schmidt, Schual-Berke, and Talcott.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1269 Prime Sponsor, Representative Bush: Authorizing additional hardship waivers for vehicle owners in cases of suspended license vehicle impounds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Armstrong; G. Chandler; Edmonds; Haigh; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sump and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Hankins, Republican Vice Chair; Anderson; Hatfield and Wood.

Voting yea: Representatives Ahern, Armstrong, G. Chandler, Cooper, Edmonds, Ericksen, Fisher, Haigh, Hurst, Jackley, Jarrett, Lovick, Marine, Mielke, Mitchell, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Sump, Wood, and Woods.

Voting nay: Representatives Anderson, Hankins, and Hatfield.

Excused: Representative Skinner.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1274 Prime Sponsor, Representative Lantz: Changing provisions relating to emancipation of minors. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Casada; Dickerson; Esser; Lovick and McDermott.

MINORITY recommendation: Without recommendation. Signed by Representatives Boldt.

Voting yea: Representatives Carrell, Casada, Dickerson, Esser, Hurst, Lambert, Lantz, Lovick, and McDermott.

Voting nay: Representative Boldt.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1275 Prime Sponsor, Representative Lantz: Changing provisions relating to the administrator for the courts. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Referred to Committee on Appropriations.

February 26, 2001

HB 1276 Prime Sponsor, Representative Miloscia: Establishing the citizens' alliance for government accountability. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Referred to Committee on Appropriations.

February 26, 2001

HB 1277 Prime Sponsor, Representative Bush: Regarding residential landlord-tenant relationships. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt.

Voting yea: Representatives Dunshee, Mulliken, Edwards, Mielke, Berkey, Crouse, Dunn, Edmonds, Hatfield, Jarrett and Kirby.

Voting nay: Representative DeBolt.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1282 Prime Sponsor, Representative Schmidt: Adding the code reviser to the uniform legislation commission. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1286 Prime Sponsor, Representative Lisk: Providing hatchery origin salmon eggs in order to replenish fish runs. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Edwards, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1289 Prime Sponsor, Representative Sump: Calculating the repurchase price of a nonconforming motor vehicle. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Hunt; Kenney; Lisk and McMorris.

MINORITY recommendation: Do not pass. Signed by Representative Wood, Democratic Vice Chair;

Voting yea: Representatives Clements, Conway, B. Chandler, Hunt, Kenney, Lisk and McMorris.  
Voting nay: Representative Wood.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1304 Prime Sponsor, Representative Doumit: Allowing for the issuance of pamphlets in lieu of hydraulic approval permits for certain projects. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Edwards, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington and Sump.  
Voting nay: Representative Rockefeller.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1308 Prime Sponsor, Representative Benson: Increasing penalties for vehicular homicide while intoxicated. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Esser; Lovick and McDermott.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson.

Voting yea: Representatives Boldt, Carrell, Casada, Esser, Hurst, Lambert, Lantz, Lovick, and McDermott.

Voting nay: Representative Dickerson

Referred to Committee on Appropriations.

February 27, 2001

HB 1320 Prime Sponsor, Representative Edmonds: Modifying provisions concerning adult family homes.  
Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1325 Prime Sponsor, Representative Schmidt: Creating a joint committee on veterans' and military affairs.  
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1327 Prime Sponsor, Representative Miloscia: Revising procedures for approval of water-sewer district general comprehensive plans. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Edwards, Hatfield, Jarrett, Kirby, Mielke, and Mulliken.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1328 Prime Sponsor, Representative Cody: Requiring the registration of certain school health personnel.  
Reported by Committee on Health Care



MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Referred to Committee on Appropriations.

February 23, 2001

HB 1337 Prime Sponsor, Representative Kagi: Revising the chemical dependency disposition alternative. Reported by Committee on Juvenile Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Carrell and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representative Darneille.

Voting yea: Representatives Armstrong, Carrell, Delvin, Dickerson, Eickmeyer, Marine, and Tokuda.  
Voting nay: Representative Darneille.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1341 Prime Sponsor, Representative Campbell: Developing a home and community-based waiver for persons in community residential settings. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Referred to Committee on Appropriations.

February 26, 2001

HB 1352 Prime Sponsor, Representative McMorris: Correcting inaccurate or procedurally obsolete provisions of the public disclosure commission law. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 20, 2001

HB 1364 Prime Sponsor, Representative Pflug: Mandating general anesthesia services. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, and Schual-Berke.

Excused: Representative Skinner.

Referred to Committee on Appropriations.

February 26, 2001

HB 1375 Prime Sponsor, Representative Miloscia: Reauthorizing the expedited rule adoption process. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1376 Prime Sponsor, Representative Armstrong: Exempting certain veterans affairs personnel from the state civil service law. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1378 Prime Sponsor, Representative Santos: Creating the parental and community involvement grant pilot program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schmidt and Schual-Berke.

MINORITY recommendation: Without recommendation. Signed by Representative Schindler.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schmidt, Schual-Berke, and Talcott.

Voting nay: Representative Schindler.

Referred to Committee on Appropriations.

February 26, 2001

HB 1381 Prime Sponsor, Representative Mulliken: Requiring institutions of higher education to use personal identifiers that are not social security numbers. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Kenney, Gombosky, Jarrett, Dunn, Fromhold, Lantz and Skinner.

Referred to Committee on Appropriations.

February 23, 2001

HB 1384 Prime Sponsor, Representative Romero: Clarifying the circumstances under which the governing body of a public agency may hold an executive session to discuss litigation. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1389 Prime Sponsor, Representative Talcott: Providing monetary recognition awards for teachers who obtain certification from the national board for professional teaching standards. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Schindler and Schmidt.

MINORITY recommendation: Do not pass. Signed by Representatives Rockefeller; Santos and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Schindler, Schmidt, and Talcott.

Voting nay: Representatives Rockefeller, Santos, and Schual-Berke.

Referred to Committee on Appropriations.

February 26, 2001

HB 1405 Prime Sponsor, Representative Anderson: Extending the public utility tax deduction for cogeneration.  
Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Casada, Republican Vice Chair; Anderson; Berkey; Bush; B. Chandler; DeBolt; Delvin; Esser; Linville; Mielke; Morris; Pflug; Reardon and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Ruderman, Democratic Vice Chair; Cooper and Simpson.

Voting yea: Representatives Anderson, Berkey, Bush, Casada, B. Chandler, Crouse, DeBolt, Delvin, Esser, Linville, Mielke, Morris, Pflug, Poulsen, Reardon, and Wood.

Voting nay: Representatives Cooper, Hunt, Ruderman, and Simpson.

Referred to Committee on Finance.

February 23, 2001

HB 1414 Prime Sponsor, Representative Schindler: Establishing a data base for voter registration purposes.  
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Referred to Committee on Appropriations.

February 23, 2001

HB 1420 Prime Sponsor, Representative Hurst: Prohibiting discrimination against volunteer fire fighters.  
Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives B. Chandler, Clements, Conway, Hunt, Kenney, Lisk, McMorris, and Wood.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1426 Prime Sponsor, Representative Edmonds: Establishing a quality improvement program for boarding homes. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1445 Prime Sponsor, Representative Kessler: Managing short-term treasury surplus funds. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Referred to Committee on Finance.

February 27, 2001

HB 1446 Prime Sponsor, Representative Wood: Authorizing bona fide charitable and nonprofit organizations to conduct electronic bingo. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney and Lisk.

MINORITY recommendation: Without recommendation. Signed by Representative McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney and Lisk.  
Voting nay: Representative McMorris.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1451 Prime Sponsor, Representative Cooper: Regulating pesticide use in schools. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach and Sump.

MINORITY recommendation: Without recommendation. Signed by Representative Schoesler.

Voting yea: Representatives G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, and Sump.  
Voting nay: Representatives B. Chandler, and Schoesler.

Referred to Committee on Appropriations.

February 26, 2001

HB 1452 Prime Sponsor, Representative Linville: Ensuring a sustainable, comprehensive pipeline safety program in the state. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Referred to Committee on Appropriations.

February 26, 2001

HB 1458 Prime Sponsor, Representative Edwards: Establishing a timeline for final decisions on land use project permit applications. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield and Jarrett.

MINORITY recommendation: Do not pass. Signed by Representative Kirby.

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Hatfield, Jarrett, Mielke, and Mulliken.

Voting nay: Representative Kirby.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1477 Prime Sponsor, Representative Dunshee: Allowing counties to impose taxes for emergency communication systems. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

MINORITY recommendation: Do not pass. Signed by Representative DeBolt.

Voting yea: Representatives Berkey, Crouse, Dunn, Dunshee, Edmonds, Edwards, Hatfield, Jarrett, Kirby, Mielke, and Mulliken.

Voting nay: Representative DeBolt.

Referred to Committee on Finance.

February 26, 2001

HB 1478 Prime Sponsor, Representative Ruderman: Creating tax incentives for telework. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Casada, Republican Vice Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; Cooper; DeBolt; Delvin; Esser; Hunt; Linville; Mielke; Morris; Reardon; Simpson and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler and Pflug.

Voting yea: Representatives Anderson, Berkey, Bush, Casada, Cooper, Crouse, DeBolt, Delvin, Esser, Hunt, Linville, Mielke, Morris, Poulsen, Reardon, Ruderman, Simpson, and Wood.

Voting nay: Representatives B. Chandler, and Pflug.

Referred to Committee on Finance.

February 26, 2001

HB 1504 Prime Sponsor, Representative G. Chandler: Describing the agricultural use of water. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

MINORITY recommendation: Without recommendation. Signed by Representative Dunshee.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Voting nay: Representative Dunshee.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1515 Prime Sponsor, Representative Armstrong: Changing public works provisions for institutions of higher education. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1517 Prime Sponsor, Representative Miloscia: Establishing quality management programs. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Referred to Committee on Appropriations.

February 26, 2001

HB 1522 Prime Sponsor, Representative Dunshee: Revising provisions relating to medical plans for elected city officials. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Hatfield, Jarrett, Kirby, Mielke, and Mulliken.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1523 Prime Sponsor, Representative Mielke: Reconciling conflicting provisions in laws pertaining to cities and towns. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Edwards, Hatfield, Jarrett, Kirby, Mielke, and Mulliken.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1541 Prime Sponsor, Representative Carrell: Addressing defenses in civil actions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Hurst, Democratic Vice Chair; McDermott.

Voting yea: Representatives Carrell, Lantz, Lambert, Boldt, Casada, Dickerson, Esser and Lovick.  
Voting nay: Representatives Hurst and McDermott.

Passed to Committee on Rules for second reading.



February 26, 2001

HB 1542 Prime Sponsor, Representative Van Luven: Exempting certain financial or proprietary information provided to the department of community, trade, and economic development from public disclosure. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1548 Prime Sponsor, Representative Kirby: Expanding the small works roster process to include metropolitan park districts. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1559 Prime Sponsor, Representative McDermott: Requiring more official information about initiatives. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Referred to Committee on Appropriations.

February 26, 2001

HB 1560 Prime Sponsor, Representative Lambert: Restricting the use of the terms sheriff and sheriff's posse. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Kagi; Kirby and Morell.

MINORITY recommendation: Do not pass. Signed by Representative Cairnes.

Voting yea: Representatives Ahern, Ballasiotes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Voting nay: Representative Cairnes.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1562 Prime Sponsor, Representative Talcott: Adopting recommendations of the academic achievement and accountability commission. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; McDermott; Pearson; Rockefeller and Schmidt.

MINORITY recommendation: Do not pass. Signed by Representatives Keiser; Santos; Schindler and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, McDermott, Pearson, Quall, Rockefeller, Schmidt, and Talcott.

Voting nay: Representatives Keiser, Santos, Schindler and Schual-Berke.

Referred to Committee on Appropriations.

February 23, 2001

HB 1563 Prime Sponsor, Representative G. Chandler: Providing adjustments to motor vehicle emission inspection fees. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; B. Chandler; Dunshee; Grant; Hunt; Quall and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representatives Delvin; Kirby; Roach and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Dunshee, Grant, Hunt, Linville, Quall, and Schoesler.

Voting nay: Representatives Delvin, Kirby, Roach, and Sump.

Excused: Representative Mielke.

Referred to Committee on Appropriations.

February 23, 2001

HB 1577 Prime Sponsor, Representative Schmidt: Clarifying standards for candidates using party designations. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1594 Prime Sponsor, Representative Linville: Changing the standard for agricultural transfers of water.  
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1596 Prime Sponsor, Representative G. Chandler: Authorizing transportation for persons with special needs.  
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sump; Wood and Woods.

Voting yea: Representatives Ahern, Anderson, Armstrong, G. Chandler, Cooper, Edmonds, Ericksen, Fisher, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Lovick, Marine, Mielke, Mitchell, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Sump, Wood, and Woods.

Excused: Representative Skinner.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1597 Prime Sponsor, Representative Conway: Changing the public accountancy act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives B. Chandler, Clements, Conway, Hunt, Kenney, Lisk, McMorris, and Wood.

Referred to Committee on Appropriations.

February 26, 2001

HB 1604 Prime Sponsor, Representative Schual-Berke: Restricting weapons in hospitals. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; Kagi and Kirby.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern, Republican Vice Chair; Cairnes and Morell.

Voting yea: Representatives Ballasiotes, Kagi, Kirby, Lovick, and O'Brien.

Voting nay: Representatives Ahern, Cairnes, and Morell.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1606 Prime Sponsor, Representative Clements: Crediting certain charges for irrigation pumping installations. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Casada, Republican Vice Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; Cooper; DeBolt; Delvin; Esser; Hunt; Linville; Mielke; Morris; Pflug; Reardon and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Simpson.

Voting yea: Representatives Anderson, Berkey, Bush, Casada, B. Chandler, Cooper, Crouse, DeBolt, Delvin, Esser, Hunt, Linville, Mielke, Morris, Pflug, Poulsen, Reardon, Ruderman, and Wood.

Voting nay: Representative Simpson.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1607 Prime Sponsor, Representative Anderson: Creating alternative routes to teacher certification. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schindler, Schmidt, Schual-Berke, and Talcott.

Referred to Committee on Appropriations.

February 26, 2001

HB 1626 Prime Sponsor, Representative Fromhold: Establishing a pilot program authorizing designation of industrial land banks outside urban growth areas under certain circumstances. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Hatfield, Jarrett, Kirby, Mielke, and Mulliken.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1629 Prime Sponsor, Representative Conway: Creating an office of mental health ombudsman. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Skinner, Republican Vice Chair; Alexander.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Voting nay: Representatives Skinner and Alexander.

Excused: Representative Ballasiotes.

Referred to Committee on Appropriations.

February 26, 2001

HB 1632 Prime Sponsor, Representative Ruderman: Prescribing criminal penalties for fraudulently obtaining or using digital signatures and digital certificates. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Casada, Republican Vice Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; DeBolt; Delvin; Esser; Hunt; Linville; Mielke; Morris; Pflug; Reardon; Simpson and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Cooper.

Voting yea: Representatives Anderson, Berkey, Bush, Casada, B. Chandler, Crouse, DeBolt, Delvin, Esser, Hunt, Linville, Mielke, Morris, Pflug, Poulsen, Reardon, Ruderman, Simpson, and Wood.

Voting nay: Representative Cooper.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1633 Prime Sponsor, Representative Campbell: Making technical corrections to provisions concerning the individual health insurance market. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke,

Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Excused: Representative Ballasiotes.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1635 Prime Sponsor, Representative Ogden: Protecting consumers in contractor transactions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hunt and Kenney.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hunt and Kenney.

Voting nay: Representatives B. Chandler, Lisk and McMorris.

Referred to Committee on Appropriations.

February 22, 2001

HB 1643 Prime Sponsor, Representative Lantz: Limiting liability of volunteers. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Dickerson; Esser; Lovick and McDermott.

MINORITY recommendation: Without recommendation. Signed by Representative Casada.

Voting yea: Representatives Boldt, Carrell, Dickerson, Esser, Hurst, Lambert, Lantz, Lovick, and McDermott.

Voting nay: Representative Casada.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1644 Prime Sponsor, Representative McMorris: Clarifying recount procedures. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1649 Prime Sponsor, Representative Kessler: Including injury to the body of a deceased person within hit and run. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Casada; Esser; Lovick and McDermott.

Voting yea: Representatives Boldt, Carrell, Casada, Dickerson, Esser, Hurst, Lambert, Lantz, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1699 Prime Sponsor, Representative Alexander: Suspending the driving privileges of juveniles who have committed the offense of threatening to bomb a school building. Reported by Committee on Juvenile Justice

MAJORITY recommendation: Do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell; Darneille and Tokuda.

Voting yea: Representatives Armstrong, Delvin, Dickerson, Eickmeyer, and Marine.

Voting nay: Representatives Carrell, Darneille, and Tokuda.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1717 Prime Sponsor, Representative Morell: Exempting from public inspection specified information held by law enforcement and correctional agencies. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ahern, Ballasiotes, Cairnes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1728 Prime Sponsor, Representative Campbell: Regulating the activities of insurance third-party administrators. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke,

Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Referred to Committee on Appropriations.

February 22, 2001

HB 1730 Prime Sponsor, Representative Schual-Berke: Requiring certain health care providers to report gunshot or knife wounds to the authorities. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1739 Prime Sponsor, Representative Bush: Protecting the integrity of elections. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Referred to Committee on Appropriations.

February 22, 2001

HB 1741 Prime Sponsor, Representative Hunt: Providing a plan of health insurance for blind vendors. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Referred to Committee on Appropriations.

February 27, 2001



HB 1742 Prime Sponsor, Representative Gombosky: Authorizing regional health care access demonstration projects. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.  
Excused: Representative Ballasiotes.

Referred to Committee on Appropriations.

February 26, 2001

HB 1743 Prime Sponsor, Representative Kenney: Changing higher education tuition provisions. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Jarrett, Republican Vice Chair; Fromhold; Lantz and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Gombosky, Democratic Vice Chair; Dunn.

Voting yea: Representatives Cox, Fromhold, Jarrett, Kenney, Lantz, and Skinner.  
Voting nay: Representatives Dunn, and Gombosky.

Referred to Committee on Appropriations.

February 23, 2001

HB 1752 Prime Sponsor, Representative Clements: Allowing for claims for wildlife damage on rangeland suitable for grazing or browsing of domestic livestock. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

MINORITY recommendation: Do not pass. Signed by Representative Dunshee.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Grant, Hunt, Kirby, Linville, Quall, Roach, Schoesler, and Sump.  
Voting nay: Representative Dunshee.  
Excused: Representative Mielke.

Referred to Committee on Appropriations.

February 27, 2001

HB 1757 Prime Sponsor, Representative Carrell: Permitting law library services through online electronic research tools. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Referred to Committee on Appropriations.

February 27, 2001

HB 1759 Prime Sponsor, Representative Darneille: Allowing for the sale of hypodermic syringes and needles to reduce the transmission of bloodborne diseases. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1763 Prime Sponsor, Representative McIntire: Protecting the confidentiality of information relating to insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, Keiser, Miloscia, Roach, Santos and Simpson.

Excused: Representative DeBolt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1769 Prime Sponsor, Representative G. Chandler: Changing the time period for relinquishment of a water right. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

MINORITY recommendation: Do not pass. Signed by Representative Dunshee.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.  
Voting nay: Representative Dunshee.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1770 Prime Sponsor, Representative McDermott: Allowing contributions to primary losers. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1792 Prime Sponsor, Representative Benson: Creating the holding company act for health care service contractors and health maintenance organizations. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1793 Prime Sponsor, Representative Hatfield: Revising court filing fees for tax warrants and recovery of state agency overpayments. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Referred to Committee on Appropriations.

February 26, 2001

HB 1798 Prime Sponsor, Representative Kagi: Providing equitable adjustment of indebtedness for fire district mergers and annexations. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Edwards, Hatfield, Jarrett, Kirby, Mielke, and Mulliken.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1799 Prime Sponsor, Representative Cody: Permitting retired and disabled employees to obtain health insurance. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Referred to Committee on Appropriations.

February 26, 2001

HB 1812 Prime Sponsor, Representative Schindler: Clarifying authority for counties, cities, and towns to create independent salary commissions. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Mielke, Republican Vice Chair; Crouse; DeBolt; Dunn and Jarrett.

MINORITY recommendation: Do not pass. Signed by Representatives Berkey; Edmonds; Hatfield and Kirby.

Voting yea: Representatives Crouse, DeBolt, Dunn, Dunshee, Jarrett, Mielke, and Mulliken.

Voting nay: Representatives Berkey, Edmonds, Hatfield, and Kirby.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1818 Prime Sponsor, Representative Rockefeller: Improving student safety. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schmidt and Schual-Berke.

MINORITY recommendation: Without recommendation. Signed by Representative Schindler.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schmidt, Schual-Berke, and Talcott.

Voting nay: Representative Schindler.

Referred to Committee on Appropriations.

February 26, 2001

HB 1820 Prime Sponsor, Representative Van Luven: Clarifying that certain technology transactions by institutions of higher education are exempt from state ethics requirements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1821 Prime Sponsor, Representative Buck: Concerning coastal Dungeness crab resource plan provisions. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Excused: Representative Edwards

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1822 Prime Sponsor, Representative Ballasiotes: Increasing the penalty for custodial interference 1. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 23, 2001

HB 1832 Prime Sponsor, Representative Linville: Modifying provisions concerning water management. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; B. Chandler; Grant; Hunt; Kirby; Quall; Schoesler and Sump.

MINORITY recommendation: Without recommendation. Signed by Representatives Delvin; Dunshee and Roach.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Grant, Hunt, Kirby, Linville, Quall, Schoesler, and Sump.

Voting nay: Representatives Delvin, Dunshee, and Roach.

Excused: Representative Mielke.

Referred to Committee on Appropriations.

February 26, 2001

HB 1835 Prime Sponsor, Representative Doumit: Creating a forest products commission. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Excused: Representative Edwards.

Referred to Committee on Finance.

February 26, 2001

HB 1838 Prime Sponsor, Representative Lovick: Providing for a study and recommendations on school mapping. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ahern, Ballasiotes, Cairnes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Referred to Committee on Appropriations.

February 26, 2001

HB 1839 Prime Sponsor, Representative Rockefeller: Changing local effort assistance provisions. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Haigh, Keiser, McDermott, Pearson, Quall, Santos, Schindler, Schual-Berke, and Talcott.

Excused: Representatives Ericksen, Rockefeller, and Schmidt.

Referred to Committee on Appropriations.

February 23, 2001

HB 1848 Prime Sponsor, Representative McIntire: Establishing an earned income training credit program.  
Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Dunn, Fromhold, Gombosky, Jarrett, Kenney, Lantz, and Skinner.

Referred to Committee on Appropriations.

February 26, 2001

HB 1855 Prime Sponsor, Representative Hunt: Allowing private clubs to serve liquor at special events. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives B. Chandler, Clements, Conway, Hunt, Kenney, Lisk, McMorris, and Wood.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1863 Prime Sponsor, Representative Kagi: Revising penalties for drug offenses. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; Kagi; Kirby and Morell.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern, Republican Vice Chair; Cairnes.

Voting yea: Representatives Ballasiotes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Voting nay: Representatives Ahern, and Cairnes.

Referred to Committee on Appropriations.

February 27, 2001

HB 1864 Prime Sponsor, Representative Dickerson: Revising information requirements in family law court files.  
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 8, line 10, after "lieu of" insert "or in addition to"

On page 8, line 11, strike "court" and insert "clerk"

On page 8, line 12, strike "combine the confidential information form with any other form, or may"

On page 8, line 15, after "order of child support" insert "or paternity order"

On page 8, line 16, after "data" insert "and any related findings, decrees, parenting plans, orders, or other documents"

On page 11, after line 12, insert:

"NEW SECTION. Sec. 6. This act shall take effect October 1, 2001.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

On page 11, after line 12, insert the following:

"NEW SECTION. Sec. 6. (1) The Legislature's delegation of authority to an agency under this act is strictly limited to:

- (a) The minimum delegation necessary to administer the act's clear and unambiguous directives; and
- (b) The administration of circumstances and behaviors foreseeable at the time of enactment.

(2) Agency actions or rules authorized by this act are subject to the following additional standards of judicial review, which supercede RCW 34.05.570(1) and (2) to the extent of any conflict:

- (a) Agencies bear the burden of demonstrating that the agency action:

- (i) Was authorized by law; and

- (ii) Was valid, when the interest of a party asserting invalidity arises from agency actions imposing a penalty on the asserting party;

- (b) The validity of a rule may be determined upon petition for declaratory judgment addressed to any superior court in this state; and

- (c) In determining whether, under RCW 34.05.570(2)(c), a rule exceeds the agency's statutory authority, the court must also consider whether the rule exceeds the limited delegation under subsection (1) of this section."

Correct the title.

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1865 Prime Sponsor, Representative G. Chandler: Changing watershed planning provisions. Reported by Committee on Agriculture & Ecology



MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1866 Prime Sponsor, Representative B. Chandler: Allowing certain employees to handle beer or wine. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1867 Prime Sponsor, Representative Linville: Providing salary bonuses for educational staff associates receiving board or association certification. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Schindler and Schmidt.

MINORITY recommendation: Do not pass. Signed by Representatives Santos and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Schindler, Schmidt, and Talcott.

Voting nay: Representatives Rockefeller, Santos, and Schual-Berke.

Referred to Committee on Appropriations.

February 27, 2001

HB 1881 Prime Sponsor, Representative Carrell: Limiting liability for information provided by former or current employers to prospective employers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, line 14, after "information" insert "in writing via fax, mail, or e-mail"

On page 2, line 5, after "misleading" insert "or made with reckless disregard as to the falsity of the statement. Nothing in this section affects any state or federal statutory or constitutional right"

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Esser and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Esser, Lovick and McDermott.

Voting nay: Representative Dickerson.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1889 Prime Sponsor, Representative Lovick: Providing for DNA testing of evidence. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ahern, Ballasiotes, Cairnes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Referred to Committee on Appropriations.

February 23, 2001

HB 1892 Prime Sponsor, Representative Linville: Regulating agricultural commodity boards and commissions. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Quall, Roach, Schoesler, and Sump.

Excused: Representative Mielke.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1895 Prime Sponsor, Representative Esser: Creating the crime of theft of motor vehicle fuel. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ahern, Ballasiotes, Cairnes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1897 Prime Sponsor, Representative Delvin: Modifying requirements to receive state allocations for an agricultural fair. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Alexander, Barlean, Benson, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Sehlin, Sommers, Talcott, and Tokuda.

Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1899 Prime Sponsor, Representative Bush: Prohibiting the use of social security numbers and drivers' license numbers in professional licenses. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1907 Prime Sponsor, Representative Linville: Encouraging recycling and waste reduction. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Referred to Committee on Appropriations.

February 26, 2001

HB 1908 Prime Sponsor, Representative Schoesler: Restricting mailings and public service broadcasts by state officials. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert and Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representative McDermott.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1910 Prime Sponsor, Representative Kenney: Authorizing doctorate level degrees in physical therapy at Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Dunn, Fromhold, Gombosky, Jarrett, Kenney, Lantz, and Skinner.

Referred to Committee on Appropriations.

February 27, 2001

HB 1913 Prime Sponsor, Representative Boldt: Creating a demonstration project to provide services to disturbed youth. Reported by Committee on Juvenile Justice

MAJORITY recommendation: Do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Marine, Republican Vice Chair; Armstrong; Carrell and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Eickmeyer, Democratic Vice Chair; Darneille.

Voting yea: Representatives Delvin, Dickerson, Marine, Armstrong, Carrell and Tokuda.

Voting nay: Representatives Eickmeyer and Darneille.

Referred to Committee on Appropriations.

February 26, 2001

HB 1921 Prime Sponsor, Representative Linville: Establishing the Washington climate center. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1936 Prime Sponsor, Representative Quall: Allowing the residential owner of land that abuts state-owned shoreland to anchor their boats to adjacent buoys. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 1937 Prime Sponsor, Representative Linville: Reusing waste water derived from food processing. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Quall, Roach, Schoesler, and Sump.

Excused: Representative Mielke.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1938 Prime Sponsor, Representative Pearson: Prescribing penalties for sabotage resulting in damage to land, facilities, and property. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ahern, Ballasiotes, Cairnes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1943 Prime Sponsor, Representative Mulliken: Expanding purposes of county rail districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

MINORITY recommendation: Do not pass. Signed by Representative Mielke, Republican Vice Chair;

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Edwards, Hatfield, Jarrett, Kirby, and Mulliken.

Voting nay: Representative Mielke.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1950 Prime Sponsor, Representative Conway: Describing worker rights under industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney and McMorris.

MINORITY recommendation: Do not pass. Signed by Representative Lisk.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney and McMorris.

Voting nay: Representative Lisk.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1952 Prime Sponsor, Representative Ballasiotes: Revising registration requirements for transient sex offenders and kidnapping offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1953 Prime Sponsor, Representative Kessler: Describing what is not an alteration of a mobile home. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Lisk and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives Wood, Democratic Vice Chair; Hunt and Kenney.

Voting yea: Representatives Clements, Conway, B. Chandler, Lisk and McMorris.

Voting nay: Representatives Wood, Hunt and Kenney.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1958 Prime Sponsor, Representative Delvin: Revising provisions for children in need of services, at-risk youth, and truancy petitions. Reported by Committee on Juvenile Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Carrell; Darneille and Tokuda.

Voting yea: Representatives Delvin, Dickerson, Eickmeyer, Marine, Armstrong, Carrell, Darneille and Tokuda.

Referred to Committee on Appropriations.

February 26, 2001

HB 1974 Prime Sponsor, Representative Haigh: Changing the state special education funding formula. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schindler, Schmidt, Schual-Berke, and Talcott.

Referred to Committee on Appropriations.

February 27, 2001

HB 1983 Prime Sponsor, Representative Benson: Modifying "debt collector" so the term excludes affiliates of creditors that service creditor's accounts. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1984 Prime Sponsor, Representative Quall: Creating the small farm direct marketing assistance program. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 1985 Prime Sponsor, Representative Kenney: Regulating cosmetology, barbering, manicuring, and esthetics.  
Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Referred to Committee on Appropriations.

February 26, 2001

HB 1987 Prime Sponsor, Representative Mitchell: Procuring new auto ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sump; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representative Mielke.

Voting yea: Representatives Ahern, Anderson, Armstrong, G. Chandler, Cooper, Edmonds, Ericksen, Fisher, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Lovick, Marine, Mitchell, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Sump, Wood, and Woods.

Voting nay: Representative Mielke.

Excused: Representative Skinner.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1989 Prime Sponsor, Representative Anderson: Reviewing school district financial management practices.  
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schindler, Schmidt, Schual-Berke, and Talcott.

Referred to Committee on Appropriations.

February 27, 2001

HB 1992 Prime Sponsor, Representative Lantz: Providing for communications to schools from juvenile justice and care agencies. Reported by Committee on Juvenile Justice



MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Marine, Republican Vice Chair; Armstrong; Darneille and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Eickmeyer, Democratic Vice Chair; Carrell.

Voting yea: Representatives Delvin, Dickerson, Eickmeyer, Marine, Armstrong, Carrell, Darneille and Tokuda.

Voting nay: Representatives Eickmeyer and Carrell.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 1993 Prime Sponsor, Representative Hankins: Adjusting vehicle license fees. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Anderson; G. Chandler; Haigh; Hatfield; Hurst; Jarrett; Mielke; Murray; Reardon; Rockefeller; Romero; Skinner; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Armstrong; Jackley; Marine; Morell; Schindler; Simpson and Sump.

Voting yea: Representatives G. Chandler, Cooper, Edmonds, Fisher, Hankins, Hatfield, Hurst, Jackley, Jarrett, Lovick, Mielke, Mitchell, Reardon, Romero, Schindler, Simpson, Skinner, Sump, and Wood.

Voting nay: Representatives Ahern, Armstrong, Ericksen, Marine, and Morell.

Excused: Representatives Anderson, Haigh, Murray, Ogden, Rockefeller, and Woods.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1996 Prime Sponsor, Representative Lambert: Protecting certain data obtained by the department of fish and wildlife. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 1997 Prime Sponsor, Representative Alexander: Revising provisions relating to industrial land banks. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Hatfield, Jarrett, Kirby, Mielke, and Mulliken.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

February 23, 2001

HB 2002 Prime Sponsor, Representative Kessler: Allowing state financial aid to be used at Washington branch campuses of accredited out-of-state institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Fromhold.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn; Lantz and Skinner.

Voting yea: Representatives Cox, Fromhold, Gombosky, Jarrett, and Kenney.

Voting nay: Representatives Dunn, Lantz, and Skinner.

Referred to Committee on Appropriations.

February 27, 2001

HB 2009 Prime Sponsor, Representative Cairnes: Creating an identity theft bureau. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Referred to Committee on Appropriations.

February 27, 2001

HB 2014 Prime Sponsor, Representative Simpson: Creating an office of privacy protection. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representative Bush, Republican Vice Chair.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Voting nay: Representative Bush.

Referred to Committee on Appropriations.

February 26, 2001

HB 2018 Prime Sponsor, Representative O'Brien: Reporting on issues pertaining to racial profiling. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ahern, Ballasiotes, Cairnes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Referred to Committee on Appropriations.

February 26, 2001

HB 2025 Prime Sponsor, Representative Santos: Changing transitional bilingual instruction program provisions. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schindler, Schmidt, Schual-Berke, and Talcott.

Excused: Representative Ericksen.

Referred to Committee on Appropriations.

February 22, 2001

HB 2034 Prime Sponsor, Representative Campbell: Authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Alexander; Conway; Edmonds; Marine; McMorris; Pennington and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Ballasiotes; Darneille and Edwards.

Voting yea: Representatives Alexander, Campbell, Cody, Conway, Edmonds, Marine, McMorris, Pennington, and Ruderman.

Voting nay: Representatives Ballasiotes, Darneille, Edwards, Schual-Berke, and Skinner.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2037 Prime Sponsor, Representative G. Chandler: Changing provisions relating to the administration of irrigation districts. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2038 Prime Sponsor, Representative Linville: Clarifying "voluntarily fails" for water rights relinquishment purposes. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 2040 Prime Sponsor, Representative Cody: Changing from five years to fifteen years the time that certain amounts are awarded to owners and breeders. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 2041 Prime Sponsor, Representative Edmonds: Providing for resident protection standards in boarding homes and adult family homes. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 2042 Prime Sponsor, Representative Dunshee: Creating youth courts. Reported by Committee on Juvenile Justice

MAJORITY recommendation: Do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Darneille and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representative Carrell.

Voting yea: Representatives Delvin, Dickerson, Eickmeyer, Marine, Armstrong, Darneille and Tokuda.  
Voting nay: Representative Carrell.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 2046 Prime Sponsor, Representative Haigh: Validating trusts created for the benefit of nonhuman animals. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Dickerson; Esser; Lovick and McDermott.

MINORITY recommendation: Do not pass. Signed by Representatives Lambert, Republican Vice Chair; Boldt and Casada.

Voting yea: Representatives Carrell, Lantz, Hurst, Dickerson, Esser, Lovick and McDermott.  
Voting nay: Representatives Lambert, Boldt and Casada.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2049 Prime Sponsor, Representative Pearson: Establishing technical assistance programs. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2051 Prime Sponsor, Representative Roach: Revising rule-making procedures. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 27, 2001

HB 2057 Prime Sponsor, Representative Sommers: Establishing compensation levels for certain employees of the state investment board. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hatfield, Democratic Co-Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; Keiser; Miloscia; Roach; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Bush, Republican Vice Chair; DeBolt.

Voting yea: Representatives Benson, Hatfield, McIntire, Barlean, Cairnes, Keiser, Miloscia, Roach, Santos and Simpson.

Voting nay: Representatives Bush and DeBolt.

Referred to Committee on Appropriations.

February 27, 2001

HB 2063 Prime Sponsor, Representative Carrell: Providing methods of funding county law libraries other than through civil filing fees. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Casada; Dickerson; Esser; Lovick and McDermott.

MINORITY recommendation: Do not pass. Signed by Representative Boldt.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Casada, Dickerson, Esser, Lovick and McDermott.

Voting nay: Representative Boldt.

Referred to Committee on Appropriations.

February 27, 2001

HB 2064 Prime Sponsor, Representative Carrell: Providing for the availability of online legal research capability on a cost-efficient basis to all residents of the state. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2066 Prime Sponsor, Representative Keiser: Enhancing educator preparation and mentoring. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schindler, Schmidt, Schual-Berke, and Talcott.

Referred to Committee on Appropriations.

February 26, 2001

HB 2073 Prime Sponsor, Representative Dunn: Establishing a process for the sale of a mobile home, manufactured home, park model, or personal property after eviction of the owner from mobile home lot. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Mielke, Republican Vice Chair; Berkey; Crouse; Dunn; Edmonds; Jarrett and Kirby.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt and Hatfield.

Voting yea: Representatives Dunshee, Mulliken, Berkey, Crouse, Dunn, Edmonds, Jarrett and Kirby.  
Voting nay: Representatives DeBolt and Hatfield.  
Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

February 22, 2001

HB 2079 Prime Sponsor, Representative Schual-Berke: Creating a program to certify refracting opticians. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Conway; Darneille; Edmonds; Edwards; McMorris and Pennington.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes; Marine and Ruderman.

Voting yea: Representatives Alexander, Campbell, Cody, Conway, Darneille, Edmonds, Edwards, McMorris, Pennington, Schual-Berke, and Skinner.  
Voting nay: Representatives Ballasiotes, Marine, and Ruderman.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2086 Prime Sponsor, Representative O'Brien: Bringing state law into compliance with federal standards for lifetime registration for certain sex offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ahern, Ballasiotes, Cairnes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2087 Prime Sponsor, Representative Santos: Authorizing advisory committees to evaluate the developmental appropriateness of the various WASL tests. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schmidt and Schual-Berke.

MINORITY recommendation: Without recommendation. Signed by Representative Schindler.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schmidt, Schual-Berke, and Talcott.

Voting nay: Representative Schindler.

Referred to Committee on Appropriations.

February 26, 2001

HB 2088 Prime Sponsor, Representative Kenney: Providing conditional scholarships. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Dunn, Fromhold, Gombosky, Jarrett, Kenney, Lantz, and Skinner.

Referred to Committee on Appropriations.

February 23, 2001

HB 2089 Prime Sponsor, Representative Kenney: Implementing provisions for part-time faculty at community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Dunn, Fromhold, Gombosky, Jarrett, Kenney, Lantz, and Skinner.



Referred to Committee on Appropriations.

February 27, 2001

HB 2090 Prime Sponsor, Representative Carrell: Authorizing causes of action against the department of social and health services for the use or release of false or inaccurate information in department records. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada and Esser.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada and Esser.

Voting nay: Representative Dickerson, Lovick and McDermott.

Referred to Committee on Appropriations.

February 26, 2001

HB 2095 Prime Sponsor, Representative Dunshee: Changing reporting requirements for architectural and engineering firms. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2096 Prime Sponsor, Representative Dunshee: Authorizing water-sewer districts to engage in general fund-raising for programs for low-income customers. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Hatfield, Jarrett, Kirby, Mielke, and Mulliken.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2100 Prime Sponsor, Representative Dunshee: Increasing bid limits for PUDs using the alternative bid procedure under RCW 39.04.190. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2102 Prime Sponsor, Representative Poulsen: Creating the diversification of electricity supply and demand management act. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic Vice Chair; Berkey; Hunt; Linville; Mielke; Morris; Reardon; Simpson and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Casada, Republican Vice Chair; Anderson; Bush; B. Chandler; Cooper; Delvin; Esser and Pflug.

Voting yea: Representatives Berkey, Crouse, DeBolt, Hunt, Linville, Morris, Poulsen, Reardon, Ruderman, Simpson, and Wood.

Voting nay: Representatives Anderson, Bush, Casada, B. Chandler, Cooper, Delvin, Esser, Mielke, and Pflug.

Referred to Committee on Appropriations.

February 26, 2001

HB 2105 Prime Sponsor, Representative Sump: Modifying provisions related to small forest landowners. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Excused: Representative Edwards.

Referred to Committee on Capital Budget.

February 23, 2001

HB 2126 Prime Sponsor, Representative Kenney: Authorizing a college savings plan. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Dunn, Fromhold, Gombosky, Jarrett, Kenney, Lantz, and Skinner.

Referred to Committee on Appropriations.

February 26, 2001

HB 2131 Prime Sponsor, Representative Crouse: Regarding applications submitted to the energy facility site evaluation council. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Casada, Republican Vice Chair; Anderson; Bush; B. Chandler; DeBolt; Delvin; Esser; Mielke and Pflug.

MINORITY recommendation: Do not pass. Signed by Representatives Ruderman, Democratic Vice Chair; Berkey; Cooper; Hunt; Linville; Morris; Reardon; Simpson and Wood.

Voting yea: Representatives Anderson, Bush, Casada, B. Chandler, Crouse, DeBolt, Delvin, Esser, Mielke, Pflug, and Poulsen.

Voting nay: Representatives Berkey, Cooper, Hunt, Linville, Morris, Reardon, Ruderman, Simpson, and Wood.

Referred to Committee on Appropriations.

February 26, 2001

HB 2137 Prime Sponsor, Representative Hunt: Prohibiting explosives on school premises. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schindler, Schmidt, Schual-Berke, and Talcott.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2148 Prime Sponsor, Representative McMorris: Increasing the accountability and review of state agencies. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Schindler, Republican Vice Chair; Haigh; Lambert and Schmidt.

MINORITY recommendation: Do not pass. Signed by Representatives Miloscia, Democratic Vice Chair; McDermott.

Voting yea: Representatives Haigh, Lambert, McMorris, Romero, Schindler and Schmidt.

Voting nay: Representatives McDermott, and Miloscia.

Referred to Committee on Appropriations.

February 27, 2001

HB 2151 Prime Sponsor, Representative Carrell: Allowing certain out-of-court statements to be admitted as evidence. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Dickerson; Esser; Lovick and McDermott.

MINORITY recommendation: Do not pass. Signed by Representatives Lambert, Republican Vice Chair; Boldt and Casada.

Voting yea: Representatives Carrell, Lantz, Hurst, Dickerson, Esser, Lovick and McDermott.

Voting nay: Representatives Lambert, Boldt and Casada.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2153 Prime Sponsor, Representative Kessler: Modifying the powers and duties of fish and wildlife law enforcement officers. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Rockefeller, Democratic Vice Chair; Buck; Eickmeyer; Ericksen; Jackley and Murray.

MINORITY recommendation: Without recommendation. Signed by Representatives Sump, Republican Co-Chair; Pearson, Republican Vice Chair; G. Chandler and Pennington.

Voting yea: Representatives Buck, Doumit, Eickmeyer, Ericksen, Jackley, Murray, and Rockefeller.

Voting nay: Representatives G. Chandler, Pearson, Pennington, and Sump.

Excused: Representative Edwards

Referred to Committee on Appropriations.

February 27, 2001

HB 2158 Prime Sponsor, Representative Edwards: Relating to changing enforcement provisions for licensed sellers of cigarettes, tobacco, and herbal cigarettes without changing monetary penalties on retailers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Referred to Committee on Finance.

February 26, 2001

HB 2162 Prime Sponsor, Representative Murray: Requiring a report to the legislature addressing alternative methods for the determination of water-dependent rent for marina lessees. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican

Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Excused: Representative Edwards.

Referred to Committee on Appropriations.

February 26, 2001

HB 2168 Prime Sponsor, Representative Conway: Regulating siting of essential state community justice facilities. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ahern, Ballasiotes, Cairnes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Referred to Committee on Capital Budget.

February 27, 2001

HB 2172 Prime Sponsor, Representative Grant: Modifying provisions on the repair and maintenance of backflow prevention assemblies. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2173 Prime Sponsor, Representative Clements: Authorizing the state lottery to participate in shared games. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hunt and Kenney.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, Hunt, Kenney, and Wood.

Voting nay: Representatives B. Chandler, Lisk, and McMorris.

Referred to Committee on Capital Budget.

February 27, 2001

HB 2188 Prime Sponsor, Representative Dunn: Revising public facility district provisions. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Fromhold, Democratic Vice Chair; Ahern; Gombosky; Jackley; Mulliken; O'Brien and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Van Luven, Republican Co-Chair; Pflug.

Voting yea: Representatives Veloria, Dunn, Eickmeyer, Fromhold, Ahern, Gombosky, Jackley, Mulliken, O'Brien and Woods.

Voting nay: Representatives Van Luven and Pflug.

Referred to Committee on Finance.

February 26, 2001

HB 2190 Prime Sponsor, Representative McDermott: Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler and Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Ericksen, Keiser, McDermott, Pearson, Rockefeller, Santos, Schindler, Schmidt and Schual-Berke.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2193 Prime Sponsor, Representative DeBolt: Clarifying the cost burden for utility relocation. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Casada, Republican Vice Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; DeBolt; Delvin; Esser; Linville; Mielke; Morris; Pflug; Reardon; Simpson and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper.

Voting yea: Representatives Anderson, Berkey, Bush, Casada, B. Chandler, Crouse, DeBolt, Delvin, Esser, Linville, Mielke, Morris, Pflug, Poulsen, Reardon, Ruderman, and Simpson.

Voting nay: Representatives Cooper, Hunt, and Wood.

Passed to Committee on Rules for second reading.

February 26, 2001

HB 2210 Prime Sponsor, Representative Talcott: Relating to student achievement. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Ericksen, Keiser, McDermott, Pearson, Rockefeller, Santos, Schindler, Schmidt and Schual-Berke.

Referred to Committee on Appropriations.

February 27, 2001

HCR 4408 Prime Sponsor, Representative G. Chandler: Creating a Joint Select Committee to review the need for the central filing of farm product liens. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Voting nay: Representatives Mielke.

Passed to Committee on Rules for second reading.

February 26, 2001

HCR 4410 Prime Sponsor, Representative Sump: Creating a joint select legislative task force to evaluate the state's authority under the forest resources conservation and shortage relief act. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolutions listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

## SECOND READING

### MOTIONS

On motion of Representative Schoesler, Representative G. Chandler was excused. On motion of Representative Santos, Representatives Edwards, Murray, Poulsen, Ruderman and Veloria were excused.

**HOUSE BILL NO. 1067 by Representatives O'Brien, Ballasiotes, Delvin, Lovick and Haigh**

**Revising provisions relating to the commissioning and training of railroad police.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1067.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1067 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives G. Chandler, Edwards, Murray, Poulsen, Ruderman, and Veloria - 6.

House Bill No. 1067, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1076 by Representatives Schual-Berke, Campbell, Cody, Skinner, Pennington, Ruderman, Kagi, Darneille, Edmonds, Marine, Edwards, McDermott, Haigh and Kenney**

**Removing the two-year limited license renewal limit on teaching-research medical professionals.**

The bill was read the second time.

Representative Schual-Berke moved the adoption of the following amendment (002):

On page 3, after line 26, insert the following:

**"NEW SECTION. Sec. 1.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Schual-Berke and Campbell spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 1076.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1076 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Poulsen, Ruderman, and Veloria - 3.

Engrossed House Bill No. 1076, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1094 by Representatives Skinner, Schual-Berke, Cody, Campbell, Conway, Ruderman, Dunshee, Alexander, Edmonds, Kenney, Edwards and Kagi**

### **Allowing a health care professional to surrender his or her license to practice.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1094 was substituted for House Bill No. 1094 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1094 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Skinner and Schual-Berke spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1094.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1094 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt,

Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Poulsen, Ruderman, and Veloria - 3.

Substitute House Bill No. 1094, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1102 by Representatives Boldt, Woods and Clements**

#### **Regarding rights of foster parents.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boldt, Tokuda and Woods spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1102.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1102 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Absent: Representative Delvin - 1.

House Bill No. 1102, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on House Bill No. 1102.

JEROME DELVIN, 8th DISTRICT

### **HOUSE BILL NO. 1103 by Representatives Lambert, Ruderman, Esser, Miloscia, Buck, Pflug, McDermott, Simpson, Schmidt and Armstrong**

#### **Regulating mail to constituents.**

The bill was read the second time.

Speaker Ballard announced that House Bill No. 1103 was co-prime sponsored by Representatives Lambert and Ruderman.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Ruderman spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1103.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1103 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Voting nay: Representatives Cooper, Poulsen, and Reardon - 3.

House Bill No. 1103, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1126 by Representatives O'Brien, Benson, Hatfield, Ogden, Esser, Murray, McIntire, Miloscia, Barlean and Roach**

**Modifying collection of business to business debts by collection agencies.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Benson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1126.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1126 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine,

Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1126, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1136 by Representatives Schoesler, Wood, Ahern, Gombosky, Cox, Grant, Doumit, G. Chandler, Rockefeller, Linville, Schindler, Mulliken, Buck, Mastin, McMorris, Benson and Eickmeyer**

**Regarding product standards.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1136 was substituted for House Bill No. 1136 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1136 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Linville spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1136.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1136 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1136, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1140 by Representatives Schoesler, Grant, Sump, G. Chandler, Cox, McMorris, Doumit, Mielke, Armstrong, Mastin, B. Chandler, Linville, Hatfield, Alexander, Benson and Haigh**

**Modifying the taxation of grain warehouses.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1140 was substituted for House Bill No. 1140 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1140 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Linville spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1140.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1140 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1140, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1163 by Representatives Eickmeyer, Doumit, Rockefeller, Jackley and Haigh**

#### **Changing provisions relating to disposal of garbage and junk vehicles.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1163 was substituted for House Bill No. 1163 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1163 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eickmeyer and G. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1163.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1163 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp, - 98.

Substitute House Bill No. 1163, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1201 , and the bill was held on the Second Reading calendar.

### **HOUSE BILL NO. 1212 by Representative Bush**

#### **Sealing certain juvenile records.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1212 was substituted for House Bill No. 1212 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1212 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bush and Dickerson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1212.

There being no objection, the House deferred action on Substitute House Bill No. 1212 and the bill held its place the Third Reading calendar.

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

There being no objection, the House adjourned until 9:55 a.m., February 28, 2001, the 52<sup>nd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

**FIFTY TWO DAY**

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**MORNING SESSION**

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House Chamber, Olympia, February 28, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler, Mastin and Roach

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2212 by Representatives Mitchell and Mastin

AN ACT Relating to contracting out functions performed by transportation department personnel; amending RCW 41.06.380; and creating new sections.

Referred to Committee on Transportation.

HB 2213 by Representatives Mitchell and Mastin

AN ACT Relating to prevailing wages in public contracts; amending RCW 39.12.010; adding a new section to chapter 47.28 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.75 RCW; adding a new section to chapter 39.12 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2214 by Representatives Mitchell, Fisher and Hankins

AN ACT Relating to distribution of vehicle license fees; amending RCW 46.68.030; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2215 by Representatives Quall, Talcott, Keiser, Conway and Schual-Berke

AN ACT Relating to creating the comprehensive career guidance program to support parents' rights in the development of their child's educational plan; adding a new section to chapter 28A.300 RCW; and making an appropriation.

Referred to Committee on Education.

HB 2216 by Representatives Hankins and Fisher

AN ACT Relating to vehicle license fees; amending RCW 46.16.0621 and 46.68.030; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2217 by Representatives Sump, Haigh, Ahern, G. Chandler, Armstrong, Clements, DeBolt, Mulliken, Morell, Boldt, McMorris, Conway, Eickmeyer, Cox, Talcott, Mielke, Dunn, Mitchell, Woods and Doumit

AN ACT Relating to requiring a life term for the crime of rape in the first degree; amending RCW 9.94A.590; reenacting and amending RCW 9.94A.320; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

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

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

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1852, and the bill was referred to the Rules Committee for Second Reading.

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

There being no objection, the House adjourned until 10:00 a.m., March 1, 2001, the 53<sup>rd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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MORNING SESSION

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House Chamber, Olympia, March 1, 2001

Due to the earthquake which occurred at 10:50 a.m. on February 28, 2001, the House was called to order at 11:55 a.m. by the Speaker (Representative Conway presiding).

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

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

There being no objection, the House adjourned until 9:55 a.m., March 2, 2001, the 54<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FIFTY FOURTH DAY

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MORNING SESSION

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House Chamber, Olympia, Friday, March 2, 2001

The House was called to order at 9:55 a.m. by Speaker Ballard.

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

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

There being no objection, the House adjourned until 9:55 a.m., March 5, 2001, the 57<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Monday, March 5, 2001

The House was called to order at 9:55 a.m. by Speaker Chopp.

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

**MESSAGE FROM THE SENATE**

March 5, 2001

Mr. Speakers:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5015,  
SENATE BILL NO. 5065,  
SUBSTITUTE SENATE BILL NO. 5335,  
SENATE CONCURRENT RESOLUTION NO. 8411,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

There being no objection, the House adjourned until 9:55 a.m., March 6, 2001, the 58<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
**FIFTY EIGHTH DAY**

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MORNING SESSION

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House Chamber, Olympia, Tuesday, March 06, 2001

The House was called to order at 9:55 a.m. by Speaker Ballard.

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

**INTRODUCTIONS AND FIRST READING**

HB 1928, by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler, Mastin and Roach

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

SCR 8411, by Senators Snyder and West

Amending committee cutoff dates.

There being no objection, Senate Concurrent Resolution No. 8411 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

**SECOND READING**

**SENATE CONCURRENT RESOLUTION NO. 8411 by Representatives Snyder and West**

**Amending committee cutoff dates.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Speaker Ballard stated the question before the House to be the final adoption of Senate Concurrent Resolution No. 8411.

Senate Concurrent Resolution No. 8411 was adopted.

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

There being no objection, the House adjourned until 9:55 a.m., March 7, 2001, the 59<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FIFTY NINTH DAY

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MORNING SESSION

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House Chamber, Olympia, Wednesday, March 7, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler, Mastin and Roach

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

HB 2218 by Representatives Campbell, Van Luven and Esser

AN ACT Relating to the cancer coordination and control advisory committee; adding a new section to chapter 43.70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 2219 by Representatives Clements, Hankins, Woods, Skinner, B. Chandler, Pflug and Delvin

AN ACT Relating to appeal of industrial safety and health citations; and amending RCW 49.17.140.

Referred to Committee on Commerce & Labor.

HJM 4013, by Representatives Lambert, Ruderman, Barlean, Grant, Campbell, Linville, Sump, Benson, Ericksen, Pearson, Bush, Pennington, Schindler, Hunt, Cox, Jarrett, Dunn, Keiser, Carrell, Marine, Talcott, Miloscia, Boldt, Casada, Kessler, Fromhold, Lovick and Schmidt

Requesting the end to social security number collection requirements.

Referred to Committee on State Government.

HCR 4411 by Representatives Murray and Alexander

Creating the joint select committee on school construction funding.

Referred to Committee on Capital Budget.

HCR 4412 by Representatives Alexander and Murray

Establishing a joint select committee on local jail facilities.

Referred to Committee on Capital Budget.

SSB 5015 by Senate Committee on Judiciary

AN ACT Relating to the definition of border area; and amending RCW 66.08.195 and 66.08.196.

Referred to Committee on Appropriations.

SB 5065 by Senators McCaslin, Carlson, Patterson and Johnson

AN ACT Relating to independent commissions to set salaries for city and town elected officials, and county commissioners and council members; amending RCW 35.22.200 and 36.17.020; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.17 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

SSB 5335 by Senate Committee on Economic Development & Telecommunications

AN ACT Relating to the authority of the statewide enhanced 911 program to support the statewide enhanced 911 system; amending RCW 38.52.540; adding a new section to chapter 38.52 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

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

### REPORTS OF STANDING COMMITTEES

February 28, 2001

HB 1188 Prime Sponsor, Representative Haigh: Authorizing the military department to dispose at public bid of the state armory known as the Pier 91 property and acquire replacement property and improvements. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; Lantz; O'Brien; Poulsen; Reardon; Schoesler; Voloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada, Hunt, Lantz, O'Brien, Poulsen, Reardon, Schoesler, Voloria, and Woods.

Excused: Representatives Hankins, and Ogden.

Passed to Committee on Rules for second reading.

February 28, 2001

HB 1844 Prime Sponsor, Representative Doumit: Allowing the department of natural resources to exchange certain bedlands to obtain clear title to certain property on the Cowlitz river. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; Lantz; O'Brien; Poulsen; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada, Hunt, Lantz, O'Brien, Poulsen, Reardon, Schoesler, Veloria, and Woods.

Excused: Representatives Hankins, and Ogden.

Passed to Committee on Rules for second reading.

February 28, 2001

HB 1846 Prime Sponsor, Representative Alexander: Allowing the department of natural resources to sell or exchange its light industrial property in Thurston county. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; O'Brien; Poulsen; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada, Hankins, Hunt, Lantz, O'Brien, Poulsen, Reardon, Schoesler, Veloria, and Woods.

Excused: Representative Ogden.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., March 8, 2001, the 60<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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MORNING SESSION

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House Chamber, Olympia, Thursday, March 8, 2001

The House was called to order at 9:55 a.m. by Speaker Ballard.

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

**MESSAGES FROM THE SENATE**

Thursday, March 7, 2001

Mr. Speakers:

The Senate has passed the following bills:

SENATE BILL NO. 5035,  
ENGROSSED SENATE BILL NO. 5051,  
ENGROSSED SENATE BILL NO. 5053,  
SENATE BILL NO. 5057,  
SUBSTITUTE SENATE BILL NO. 5070,  
SENATE BILL NO. 5138,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5179,  
SENATE BILL NO. 5459,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5528,  
SUBSTITUTE SENATE BILL NO. 5702,  
SENATE BILL NO. 5870,  
SENATE CONCURRENT RESOLUTION NO. 8406,

and the same are herewith transmitted.

Tony M. Cook, Secretary

Thursday, March 7, 2001

Mr. Speakers:

The Senate has passed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5013,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5017,  
SENATE BILL NO. 5047,  
SUBSTITUTE SENATE BILL NO. 5049,  
SENATE BILL NO. 5054,  
SUBSTITUTE SENATE BILL NO. 5077,  
SENATE BILL NO. 5108,  
SUBSTITUTE SENATE BILL NO. 5114,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,  
SUBSTITUTE SENATE BILL NO. 5126,  
ENGROSSED SENATE BILL NO. 5156,  
SENATE BILL NO. 5206,  
SENATE BILL NO. 5246,  
SENATE BILL NO. 5256,

SENATE BILL NO. 5270,  
SENATE BILL NO. 5393,  
SUBSTITUTE SENATE BILL NO. 5416,  
SENATE BILL NO. 5426,  
SUBSTITUTE SENATE BILL NO. 5552,  
SENATE BILL NO. 5591,  
ENGROSSED SENATE JOINT RESOLUTION NO. 8209,

and the same are herewith transmitted.

Tony M. Cook, Secretary

Thursday, March 7, 2001

Mr. Speakers:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8411,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 8, 2001

Mr. Speakers:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5014,  
SENATE BILL NO. 5189,  
SENATE BILL NO. 5220,  
ENGROSSED SENATE BILL NO. 5299,  
SUBSTITUTE SENATE BILL NO. 5400,  
SUBSTITUTE SENATE BILL NO. 5510,  
SENATE BILL NO. 5594,  
SUBSTITUTE SENATE BILL NO. 5919,  
SENATE BILL NO. 5921,  
SUBSTITUTE SENATE BILL NO. 5997,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SENATE CONCURRENT RESOLUTION NO. 8411,

**INTRODUCTIONS AND FIRST READING**

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler, Mastin and Roach

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on 1st Reading.

HB 2220 by Representatives Barlean, Grant, Romero, Schmidt, Hunt, Jarrett, Miloscia, Cox, Conway, Linville, Delvin, Keiser, Kessler, Kenney, Edmonds, Cairnes, Dunshee, G. Chandler, Hurst, Armstrong, Jackley, Benson, Lovick, Kirby, Simpson, O'Brien, McMorris, Fromhold, Reardon, Haigh, Veloria, Poulsen, Dickerson, Quall and Santos; by request of Lieutenant Governor, Attorney General, State Treasurer, State Auditor, Superintendent of Public Instruction, Secretary of State, Commissioner of Public Lands and Insurance Commissioner

AN ACT Relating to an annual cost-of-living increase for state employees; adding a new section to chapter 41.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2221 by Representatives Mielke, Rockefeller and Jackley

AN ACT Relating to maintenance and preservation of ferries; and amending RCW 47.56.030.

Referred to Committee on Transportation.

SB 5054 by Senators Johnson and Constantine

AN ACT Relating to the rule against perpetuities; amending RCW 11.98.130, 11.98.140, and 11.98.150; and creating a new section.

Referred to Committee on Judiciary.

SSB 5077 by Senate Committee on State & Local Government

AN ACT Relating to the provisional employment of sheriff's employees; and amending RCW 41.14.060.

Referred to Committee on Local Government & Housing.

SB 5108 by Senators T. Sheldon, Benton, Snyder, Hargrove, Sheahan, Gardner, Rasmussen and Stevens

AN ACT Relating to the growing of short-rotation hardwood trees on agricultural land; and amending RCW 84.33.035, 76.09.020, and 82.04.213.

Referred to Committee on Natural Resources.

SSB 5114 by Senate Committee on Transportation

AN ACT Relating to motorcycles; amending RCW 46.68.065; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Transportation.

ESSB 5122 by Senate Committee on Human Services & Corrections

AN ACT Relating to civil commitment and related proceedings for sexually violent predators under chapter 71.09 RCW; amending RCW 5.60.060, 71.09.010, 71.09.020, 71.09.025, 71.09.040, 71.09.060,

71.09.070, 71.09.090, 71.09.092, 71.09.094, 71.09.096, and 71.09.098; adding a new section to chapter 71.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SSB 5126by Senate Committee on Environment, Energy & Water

AN ACT Relating to technical and clarifying amendments to the pipeline safety act of 2000; amending RCW 81.88.010, 81.88.060, 81.88.070, 81.88.090, 19.122.055, and 80.01.080; repealing RCW 81.88.050 and 81.88.130; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

ESB 5156by Senators Hale and Hewitt; by request of Administrator of the Courts

AN ACT Relating to superior court judges; amending RCW 2.08.064; and creating a new section.

Referred to Committee on Judiciary.

SB 5206by Senators Gardner, Prentice, Winsley and Fraser; by request of Department of Licensing

AN ACT Relating to the practice of geology; amending RCW 18.220.901; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 5256by Senators Kastama and Regala

AN ACT Relating to enacting the emergency management assistance compact; and adding a new chapter to Title 38 RCW.

Referred to Committee on State Government.

SB 5393by Senators Long, Kline and Kohl-Welles; by request of Administrator for the Courts

AN ACT Relating to truancy records; and amending RCW 28A.225.035 and 13.50.100.

Referred to Committee on Juvenile Justice.

SSB 5416by Senate Committee on Human Services & Corrections

AN ACT Relating to drug-affected infants; amending RCW 13.34.030, 13.34.070, 13.34.132, 74.09.310, 18.71.950, 18.57.920, and 18.79.903; adding new sections to chapter 13.34 RCW; creating new sections; and repealing RCW 18.57.930, 18.71.960, 18.79.904, 70.96A.330, and 70.96A.340.

Referred to Committee on Children & Family Services.

SB 5426by Senators Patterson, Costa, McCaslin, Constantine and Kline

AN ACT Relating to county law library funding; and amending RCW 27.24.070.

Referred to Committee on Judiciary.

SB 5591 by Senators Zarelli, Kline, Costa, McCaslin and Kohl-Welles

AN ACT Relating to a jury duty exemption for sole caregivers; and amending RCW 2.36.100.

Referred to Committee on Judiciary.

ESSB 5013 by Senate Committee on Judiciary

AN ACT Relating to sentencing persistent sex offenders; amending RCW 9.94A.030; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

ESSB 5017 by Senate Committee on Judiciary

AN ACT Relating to precursor drugs; amending RCW 69.43.010, 69.43.020, 69.43.040, and 69.43.090; adding new sections to chapter 69.43 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SB 5047 by Senators Long, Costa, Hargrove and Carlson; by request of Department of Corrections

AN ACT Relating to the authority of the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds; adding a new section to chapter 72.09 RCW; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SSB 5049 by Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Stevens, Zarelli, Costa and Long

AN ACT Relating to conflicts of interest in the placement of children in out-of-home care; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

SB 5246 by Senators Jacobsen, Oke, Spanel, Swecker, Gardner, Regala and Parlette; by request of Salmon Recovery Funding Board

AN ACT Relating to salmon recovery funding board grant application deadlines; and amending RCW 77.85.140.

Referred to Committee on Natural Resources.

SB 5270 by Senators Costa, Long, Gardner, Carlson and Kohl-Welles

AN ACT Relating to modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation; and amending RCW 7.68.060.

Referred to Committee on Criminal Justice & Corrections.

SSB 5552 by Senate Committee on Higher Education

AN ACT Relating to border county higher education opportunities; amending RCW 28B.80.805, 28B.80.806, and 28B.15.0139; repealing 1999 c 320 s 6 (uncodified); and repealing 2000 c 160 s 4 (uncodified).

Referred to Committee on Higher Education.

ESJR 8209 by Senators Snyder, West, Prentice, Winsley and Rossi; by request of State Investment Board

Investing state investment board funds.

Referred to Committee on Financial Institutions & Insurance.

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

**REPORTS OF STANDING COMMITTEES**

March 8, 2001

HB 1041 Prime Sponsor, Representative Ballasiotes: Allowing protection orders for unlawful harassment to restrain persons under the age of eighteen. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Juvenile Justice. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1044 Prime Sponsor, Representative Conway: Converting the number of months into hours that teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees may work without a reduction in their retirement allowance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1048 Prime Sponsor, Representative Lambert: Increasing the number of hours that teachers' retirement system plan retirees may work in an eligible position to eight hundred forty without a reduction in their retirement benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1092 Prime Sponsor, Representative Lambert: Changing the property tax exemption for church and church camp property. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1096 Prime Sponsor, Representative Mitchell: Redeveloping King Street railroad station. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jarrett; Marine; Murray; Ogden; Reardon; Rockefeller; Schindler; Simpson; Skinner; Sump; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Armstrong, Chandler G., Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Voting nay: Representative Anderson.

Excused: Representative Mielke.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1097 Prime Sponsor, Representative Fisher: Funding safety audits of rail fixed guideway systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, Chandler G., Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Excused: Representative Romero.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1101 Prime Sponsor, Representative Doumit: Providing funding for local government criminal justice. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1118 Prime Sponsor, Representative Lovick: Regulating traffic safety cameras. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Anderson; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Republican Vice Chair; Ahern; Armstrong; G. Chandler; Schindler; Skinner; Sump and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Hankins, Anderson, Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson and Wood.



Voting nay: Representatives Ericksen, Ahern, Armstrong, G. Chandler, Schindler, Skinner, Sump, and Woods.

Excused: Representative Mielke.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1119 Prime Sponsor, Representative Schoesler: Modifying the taxation of new and used motor vehicle sales. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1138 Prime Sponsor, Representative Cairnes: Depositing wage fines in the public works administration account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1157 Prime Sponsor, Representative Murray: Identifying rebuilt vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Anderson; Armstrong; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Morell; Murray; Ogden; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Republican Vice Chair; Ahern and Reardon.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Armstrong, Chandler G., Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Morell, Murray, Ogden, Rockefeller, Romero,

Schindler, Simpson, Skinner, Sump, Wood and Woods.  
 Voting nay: Representatives Ahern, and Reardon.  
 Excused: Representatives Anderson, and Mielke.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1162 Prime Sponsor, Representative McMorris: Providing medical assistance reimbursements for small, rural hospitals. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1180 Prime Sponsor, Representative Cody: Obtaining and expending funds for the public health system. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1198 Prime Sponsor, Representative G. Chandler: Including drinking water accounts in interest-bearing accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville,

Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1219 Prime Sponsor, Representative Marine: Exempting community public radio stations from property taxation. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Conway; Pennington; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Republican Vice Chair; Carrell and Van Luven.

Voting yea: Representatives Cairnes, Morris, Berkey, Conway, Pennington, Santos and Veloria.  
Voting nay: Representatives Roach, Carrell and Van Luven.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1240 Prime Sponsor, Representative Schindler: Changing provisions relating to the Washington assessment of student learning. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1249 Prime Sponsor, Representative Kagi: Regarding the quality of foster care services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1259 Prime Sponsor, Representative Tokuda: Providing services for persons twenty years of age who are or who have been in foster care. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1265 Prime Sponsor, Representative Eickmeyer: Clarifying that the community economic revitalization board may make loans and grants to federally recognized Indian tribes. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Hankins; Hunt; Lantz; O'Brien; Ogden; Poulsen; Reardon; Veloria and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Republican Vice Chair; Bush; Casada and Schoesler.

Voting yea: Representatives Alexander, Murray, Esser, McIntire, Barlean, Hankins, Hunt, Lantz, O'Brien, Ogden, Poulsen, Reardon, Veloria and Woods.

Voting nay: Representatives Armstrong, Bush, Casada and Schoesler.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1298 Prime Sponsor, Representative Lantz: Authorizing recovery of additional small claims collection costs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1301 Prime Sponsor, Representative Cody: Requiring uniform prescription drug information cards. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representative Boldt.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1341 Prime Sponsor, Representative Campbell: Developing a home and community-based waiver for persons in community residential settings. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1365 Prime Sponsor, Representative Doumit: Requiring the department of health to publicize a list of recalled infant and child products. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Children and Family Services be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville,

Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1385 Prime Sponsor, Representative Reardon: Clarifying the taxable situs and nature of linen and uniform supply services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1394 Prime Sponsor, Representative Eickmeyer: Clarifying the use of county road funds in salmon recovery projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, Chandler G., Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Excused: Representative Romero.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1404 Prime Sponsor, Representative Casada: Establishing tax credits for new facilities that provide electricity for direct service industrial customers. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Telecommunications & Energy. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1405 Prime Sponsor, Representative Anderson: Extending the public utility tax deduction for cogeneration.

Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Telecommunications & Energy. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1406 Prime Sponsor, Representative Esser: Providing sales and use tax exemptions for air pollution control facilities acquired or installed by a light and power business at thermal electric peaking plants. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1418 Prime Sponsor, Representative Gombosky: Promoting community revitalization. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1429 Prime Sponsor, Representative Fisher: Assisting toll collection for the Tacoma Narrows bridge. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Hatfield; Hurst; Jarrett; Marine; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Skinner; Sump; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Jackley; Mielke; Schindler and Simpson.

Voting yea: Representatives Fisher, Mitchell, Cooper, Ericksen, Hankins, Ahern, Anderson, Armstrong, Chandler G., Edmonds, Hatfield, Jarrett, Marine, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Skinner, Sump, Wood and Woods.

Voting nay: Representatives Jackley, Mielke, Schindler and Simpson.

Excused: Representatives Lovick, Haigh and Hurst.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1438 Prime Sponsor, Representative Skinner: Modifying the property tax exemption for senior citizens.

Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1441 Prime Sponsor, Representative Ruderman: Providing sales and use tax exemptions for energy efficient lights and household appliances. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Conway; Santos and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Roach, Republican Vice Chair; Carrell; Pennington and Van Luven.

Voting yea: Representatives Cairnes, Morris, Berkey, Conway, Santos and Veloria.

Voting nay: Representatives Roach, Carrell, Pennington and Van Luven.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1443 Prime Sponsor, Representative Wood: Authorizing public utility tax credits for home energy assistance programs for low-income households. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Telecommunications & Energy. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.



Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1452 Prime Sponsor, Representative Linville: Ensuring a sustainable, comprehensive pipeline safety program in the state. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Benson; Boldt; Buck; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Lisk, Republican Vice Chair; Clements; Mastin and Mulliken.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Lisk and Mulliken.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1460 Prime Sponsor, Representative Lovick: Enforcing seat belt laws as a primary action. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Armstrong; Edmonds; Haigh; Hurst; Jackley; Jarrett; Marine; Morell; Murray; Ogden; Reardon; Rockefeller; Simpson and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Republican Vice Chair; Anderson; G. Chandler; Hatfield; Romero; Schindler; Skinner; Sump and Wood.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Hankins, Ahern, Armstrong, Edmonds, Haigh, Hurst, Jackley, Jarrett, Marine, Morell, Murray, Ogden, Reardon, Rockefeller, Simpson and Woods.

Voting nay: Representatives Ericksen, Anderson, G. Chandler, Hatfield, Romero, Schindler, Skinner, Sump, and Wood.

Excused: Representative Mielke.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1499 Prime Sponsor, Representative Jackley: Regulating marine fin fish aquaculture. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1518 Prime Sponsor, Representative Fromhold: Using state sales and use tax revenues as a funding source for investing in community development infrastructure improvements. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Trade & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1559 Prime Sponsor, Representative McDermott: Requiring more official information about initiatives. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Buck; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson; Boldt and Clements.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1562 Prime Sponsor, Representative Talcott: Adopting recommendations of the academic achievement and accountability commission. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Cody; Keiser and Schual-Berke.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Cody and Keiser.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1590 Prime Sponsor, Representative Cody: Supporting the practice of breastfeeding. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Lisk, Republican Vice Chair; Cox and Mulliken.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Alexander, Benson, Boldt, Buck, Clements, Cody, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Lisk, Cox and Mulliken.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1597 Prime Sponsor, Representative Conway: Changing the public accountancy act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Doumit, Democratic Vice

Chair; Boldt; Kessler and Lambert.

Voting yea: Representatives Sehlin, Sommers, Barlean, Lisk, Alexander, Benson, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Doumit, Boldt, Kessler and Lambert.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1607 Prime Sponsor, Representative Anderson: Creating alternative routes to teacher certification. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1624 Prime Sponsor, Representative Morris: Clarifying the taxation of amounts received by public entities for health or welfare services. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1628 Prime Sponsor, Representative Barlean: Defining rural counties for purposes of sales and use tax for public facilities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1642 Prime Sponsor, Representative Santos: Modifying senior citizen property taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1646 Prime Sponsor, Representative Schmidt: Including the Washington national guard youth challenge program as an alternative educational service provider. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1650 Prime Sponsor, Representative Cody: Requiring monitoring of the performance of the community mental health service delivery system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1658 Prime Sponsor, Representative Buck: Establishing a pilot project culturing shellfish on nonproductive oyster reserve land. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1708 Prime Sponsor, Representative Veloria: Modifying the multiple-unit property tax exemption. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Conway; Pennington; Santos; Van Luven and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Roach, Republican Vice Chair; Carrell.

Voting yea: Representatives Cairnes, Morris, Berkey, Conway, Pennington, Santos, Van Luven and Veloria.

Voting nay: Representatives Carrell and Roach.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1728 Prime Sponsor, Representative Campbell: Regulating the activities of insurance third-party administrators. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Buck; Cody; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Ruderman; Schmidt; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Benson; Boldt; Clements; Cox; Mulliken; Pearson and Pflug.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Boldt, Buck, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Alexander, Benson, Clements, Cox, Mulliken, Pearson and Pflug.  
Excused: Representative Cody.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1736 Prime Sponsor, Representative Hatfield: Requiring specific motor vehicle dealers to meet education and bonding requirements in order to receive a motor vehicle dealer's license. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Skinner and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Republican Vice Chair; G. Chandler; Schindler; Sump and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Hankins, Ahern, Anderson, Armstrong, Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Skinner and Wood.

Voting nay: Representatives Ericksen, G. Chandler, Schindler, Sump and Woods.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1749 Prime Sponsor, Representative Morris: Authorizing tax compacts with tribes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1750 Prime Sponsor, Representative Fisher: Authorizing cities and towns to require full compensation from abutting property owners for street vacations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Anderson; Armstrong; G. Chandler; Hatfield; Hurst; Jackley; Jarrett; Marine; Morell; Murray; Reardon; Rockefeller; Schindler; Simpson; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson,

Armstrong, Chandler G., Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Excused: Representative Mielke.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1752 Prime Sponsor, Representative Clements: Allowing for claims for wildlife damage on rangeland suitable for grazing or browsing of domestic livestock. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee and McIntire.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Dunshee and McIntire.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1762 Prime Sponsor, Representative Kessler: Providing a tax credit for syrup sales. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Pennington and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representatives Conway; Santos and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Pennington and Van Luven.

Voting nay: Representatives Conway, Santos and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1765 Prime Sponsor, Representative Linville: Providing a tax rate for manufacturers of dairy products comparable to other processors of agricultural commodities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.



Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1774 Prime Sponsor, Representative Pennington: Creating the senior pharmacy assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1785 Prime Sponsor, Representative Murray: Implementing the recommendations of the joint legislative audit and review committee report regarding capital budget programs investing in the environment. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Eickmeyer; Jackley; Murray and Pennington.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada, Hankins, Hunt, O'Brien, Ogden, Reardon, Schoesler, Veloria and Woods.

Voting nay: Representative Lantz.

Excused: Representative Poulsen.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1835 Prime Sponsor, Representative Doumit: Creating a forest products commission. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1845 Prime Sponsor, Representative Sehlin: Increasing the fee for a surface mining reclamation permit.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Buck; Clements; Cody; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Lisk, Republican Vice Chair; Boldt; Cox and Mulliken.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Alexander, Benson, Buck, Clements, Cody, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Lisk, Boldt, Cox and Mulliken.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1850 Prime Sponsor, Representative Morris: Creating the community health center capital trust fund account.  
Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Hankins; Hunt; Lantz; O'Brien; Ogden; Poulsen; Reardon and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Bush; Casada; Schoesler and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Hankins, Hunt, Lantz, O'Brien, Ogden, Poulsen, Reardon and Veloria.

Voting nay: Representatives Bush, Casada, Schoesler and Woods.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1859 Prime Sponsor, Representative Poulsen: Exempting electric generating facilities using wind, solar energy, landfill gas, or fuel cells from sales and use taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1886 Prime Sponsor, Representative Linville: Reducing the tax on health products for animals. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1887 Prime Sponsor, Representative Linville: Providing farmers with sales and use tax exemptions for certain propane and wood shavings. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1888 Prime Sponsor, Representative Linville: Providing tax exemptions and credits to dairy farmers. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1891 Prime Sponsor, Representative Mulliken: Increasing the international trade of Washington state agricultural products. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck,

Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1906 Prime Sponsor, Representative Linville: Exempting farming machinery and equipment from the state property tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1910 Prime Sponsor, Representative Kenney: Authorizing doctorate level degrees in physical therapy at Eastern Washington University. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 1913 Prime Sponsor, Representative Boldt: Creating a demonstration project to provide services to disturbed youth. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1915 Prime Sponsor, Representative Cairnes: Modifying wine and cider provisions. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 2001

HB 1925 Prime Sponsor, Representative Sommers: Funding local records management. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Boldt and Gombosky.

Passed to Rules Committee for second reading.

March 7, 2001

HB 1958 Prime Sponsor, Representative Delvin: Revising provisions for children in need of services, at-risk youth, and truancy petitions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Juvenile Justice. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2005 Prime Sponsor, Representative Morris: Changing the taxation of property previously owned by the federal government. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2012 Prime Sponsor, Representative Schoesler: Creating tax incentives to encourage the use of grass or straw-based materials in construction. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2025 Prime Sponsor, Representative Santos: Changing transitional bilingual instruction program provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 7, 2001

HB 2029 Prime Sponsor, Representative Hurst: Authorizing changes to the VIN inspection program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, Chandler G., Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Passed to Rules Committee for second reading.

March 6, 2001

HB 2031 Prime Sponsor, Representative Cairnes: Limiting the taxation of pay phone services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Van Luven and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Santos.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Van Luven and Veloria.

Voting nay: Representative Santos.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2057 Prime Sponsor, Representative Sommers: Establishing compensation levels for certain employees of the state investment board. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Financial Institutions and Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2066 Prime Sponsor, Representative Keiser: Enhancing educator preparation and mentoring. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2070 Prime Sponsor, Representative B. Chandler: Modifying tax relief provisions for the reduction of agricultural burning. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 7, 2001

HB 2126 Prime Sponsor, Representative Kenney: Authorizing a college savings plan. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2138 Prime Sponsor, Representative G. Chandler: Promoting rural economic development. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2144 Prime Sponsor, Representative Kirby: Providing tax deferrals for theme parks. Reported by Committee



on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2156 Prime Sponsor, Representative Cairnes: Providing uniform mobile telecommunications laws. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 2001

HB 2159 Prime Sponsor, Representative Mitchell: Maintaining and preserving transportation facilities and assets. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, Chandler G., Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Excused: Representative Mielke.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2162 Prime Sponsor, Representative Murray: Requiring a report to the legislature addressing alternative methods for the determination of water-dependent rent for marina lessees. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit,

Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2168 Prime Sponsor, Representative Conway: Regulating siting of essential state community justice facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

On page 2, line 4, after "county" insert "and among all economic segments of the county"

On page 15, after line 34, insert "NEW SECTION. Sec. 20. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; Lantz; O'Brien; Ogden; Poulsen; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada, Hankins, Hunt, Lantz, O'Brien, Ogden, Poulsen, Reardon, Schoesler, Veloria and Woods.

Passed to Rules Committee for second reading.

March 7, 2001

HB 2171 Prime Sponsor, Representative Mitchell: Studying distribution of ORV funds. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Hatfield.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, Chandler G., Edmonds, Haigh, Hurst, Jackley, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Voting nay: Representative Hatfield.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2184 Prime Sponsor, Representative Berkey: Revising the tax treatment of park model trailers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 7, 2001

HB 2188 Prime Sponsor, Representative Dunn: Revising public facility district provisions. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee Trade & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2191 Prime Sponsor, Representative Morris: Providing property tax exemptions for certain property leased by public entities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representative Van Luven.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos and Veloria.

Voting nay: Representative Van Luven.

Passed to Rules Committee for second reading.

March 8, 2001

HB 2221 Prime Sponsor, Representative Mielke: Adjusting procedures for ferry maintenance and preservation. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed

by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Ericksen, Hankins, Ahern, Anderson, Armstrong, Chandler G., Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Excused: Representatives Lovick, Haigh, Hurst and Ogden.

Passed to Rules Committee for second reading.

March 7, 2001

HJM 4010 Prime Sponsor, Representative Dunn: Requesting fair tax treatment of Washington residents working in Oregon. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, Conway, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 2001

HCR 4409 Prime Sponsor, Representative Alexander: Creating a joint select committee to review future facilities needs for higher education. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; Lantz; O'Brien; Ogden; Poulsen; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada, Hankins, Hunt, Lantz, O'Brien, Ogden, Poulsen, Reardon, Schoesler, Veloria and Woods.

Passed to Rules Committee for second reading.

March 8, 2001

HCR 4411 Prime Sponsor, Representative Murray: Creating the joint select committee on school construction funding. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; Lantz; O'Brien; Ogden; Poulsen; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada,

Hankins, Hunt, Lantz, O'Brien, Ogden, Poulsen, Reardon, Schoesler, Veloria and Woods.

Passed to Rules Committee for second reading.

March 8, 2001

HCR 4412 Prime Sponsor, Representative Alexander: Establishing a joint select committee on local jail facilities.

Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; Lantz; O'Brien; Ogden; Poulsen; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada, Hankins, Hunt, Lantz, O'Brien, Ogden, Poulsen, Reardon, Schoesler, Veloria and Woods.

Passed to Rules Committee for second reading.

There being no objection, the bills, memorial and resolutions listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., March 9, 2001, the 61<sup>st</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Friday, March 9, 2001

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

Speaker Chopp led the Chamber in the Pledge of Allegiance. Prayer was offered by Speaker Clyde Ballard.

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2001-4628 by Representatives Kessler, Mastin, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods

WHEREAS, The magnitude 6.8 earthquake Wednesday morning, February 28, severely rocked western Washington, particularly the Puget Sound region, and the buildings that comprise the Capitol Campus in Olympia; and

WHEREAS, Most importantly, this severest earthquake in over 50 years has claimed only one precious life and caused relatively few serious injuries across the region, including only a handful here on the Capitol Campus; and

WHEREAS, Day in and day out, the financial toll of public and private property loss and destruction continues to rise as damage estimates soar well above the one billion dollar mark, and a return to normal life and activity for thousands of families and businesses remains a difficult challenge; and

WHEREAS, Through our legislative community's shared response to the disaster's violent, ear-splitting introductory boom; through our frightened but orderly evacuation of our buildings; then through our present, anxious hours and days since the Ash Wednesday Earthquake of 2001 — the work, dedication, and professionalism of the Washington State Patrol, the Washington State Legislative Security staff, and the Washington State Department of General Administration personnel reflect a mettle, dauntlessness, and commitment that is truly extraordinary; and

WHEREAS, Many hundreds of House of Representatives, Senate, and other state government elected officials and staff — as well as visitors to, guests of, and participants in our legislative proceedings that fateful day — were escorted in a safe, secure, and in every way orderly manner from the Legislative Building, the John L. O'Brien Building, the John A. Cherberg Building, the Irv Newhouse Building, and the other buildings located around the Capitol Campus; and

WHEREAS, The first few days following the earthquake were filled with confusion, impatience, misinformation, and even fear; and

WHEREAS, The men and women of the State Patrol, the Legislative Security Office, and the General

Administration Department worked around the clock from almost the moment of the earthquake to inspect and secure our buildings; keep legislators, staff, and the public informed of the condition of their Capitol; and maintain order all around the campus; and

WHEREAS, They put their own safety and welfare on the line in order to assure that the rest of us were kept from danger, often incurring the wrath of those they sought to protect; and

WHEREAS, They responded to the crisis in precisely the swift, efficient, and forthright manner that is absolutely fundamental to the maintenance of order, confidence, and trustworthiness;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington salute, commend, and, most of all, thank the tireless and indefatigable men and women of the State Patrol, the Legislative Security Office, and the General Administration Department; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Washington State Patrol Chief Robert M. Leichner, Washington State House of Representatives Sergeant at Arms Ron Finley, and Washington State Department of General Administration Director Marsha Tadano Long.

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and Mastin spoke in favor of the adoption of the resolution.

House Resolution No. 4628 was adopted.

Speaker Chopp brought to the members' attention the death of Des Moines Patrolman Steven J. Underwood who was killed in the line of duty March 7, 2001. The House of Representatives held a moment of silence in his memory.

### INTRODUCTIONS AND FIRST READING

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler, Mastin and Roach

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Held on First Reading.

SSB 5014 by Senate Committee on Human Services & Corrections

AN ACT Relating to harmonizing the definitions of sex and kidnapping offenders under the criminal and registration statutes; amending RCW 9.94A.030 and 9A.44.130; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SB 5035 by Senators Prentice, Winsley, Deccio and Fairley; by request of Department of Financial Institutions

AN ACT Relating to creating the financial services regulation fund; amending RCW 43.320.080, 43.320.110, 18.44.121, 19.146.205, 19.146.228, 19.146.280, 31.35.050, 31.35.080, 31.40.070, 31.40.110, 31.45.030, 31.45.050, and 31.45.077; creating a new section; repealing RCW 43.320.120 and 43.320.130; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

ESB 5051 by Senators Long, Hargrove, Winsley, Haugen, Stevens, Patterson, McAuliffe, Fairley and Carlson

AN ACT Relating to chemical dependency; amending RCW 70.96A.020, 70.96A.050, and 70.96A.140; and adding a new section to chapter 70.96A RCW.

Referred to Committee on Children & Family Services.

ESB 5053 by Senators Constantine and Johnson

AN ACT Relating to technical amendments and corrections to Article 9A of the Uniform Commercial Code and related statutes; amending RCW 19.40.081, 43.163.130, 60.10.010, 60.11.030, 60.11.904, 60.56.015, 62A.1-105, 62A.1-201, 62A.2A-303, 62A.2A-306, 62A.3-102, 62A.4-210, 62A.8-110, 62A.8-510, 62A.9A-102, 62A.9A-104, 62A.9A-105, 62A.9A-107, 62A.9A-201, 62A.9A-208, 62A.9A-301, 62A.9A-305, 62A.9A-306, 62A.9A-311, 62A.9A-313, 62A.9A-317, 62A.9A-322, 62A.9A-328, 62A.9A-331, 62A.9A-333, 62A.9A-334, 62A.9A-336, 62A.9A-406, 62A.9A-407, 62A.9A-509, 62A.9A.513, 62A.9A-516, 62A.9A-520, 62A.9A-523, 62A.9A-608, 62A.9A-613, 62A.9A-615, 62A.9A-625, 62A.9A-628, 62A.9A-702, 62A.9A-703, 62A.9A-704, 62A.9A-705, 62A.9A-706, 62A.9A-707, and 62A.9A-708; reenacting and amending RCW 60.13.040; adding a new section to Article 62A.9A RCW; repealing RCW 60.11.9001; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5057 by Senators Gardner, Hale, Haugen, Horn, Spanel, Patterson, Costa, Kline and McCaslin

AN ACT Relating to cities and towns changing plans of government; amending RCW 35A.06.030, 35A.06.060, and 35A.08.030; and reenacting and amending RCW 35A.01.070.

Referred to Committee on Local Government & Housing.

SSB 5070 by Senate Committee on Judiciary

AN ACT Relating to jury service; and amending RCW 2.36.010.

Referred to Committee on Judiciary.

SB 5138 by Senators Morton, Hochstatter, Benton, Oke, Stevens, McCaslin, Honeyford, Swecker, Sheahan, Johnson, Zarelli, Hale and Rossi

AN ACT Relating to vehicles exempt from stopping at weighing stations; and amending RCW 46.44.105.

Referred to Committee on Transportation.

ESSB 5179 by Senate Committee on Judiciary

AN ACT Relating to adding a victim notification system to the state jail booking and reporting system; amending RCW 36.28A.040; and adding a new section to chapter 36.28A RCW.



Referred to Committee on Criminal Justice & Corrections.

SB 5189 by Senators B. Sheldon, Fairley, Patterson, Prentice, Kohl-Welles, Thibaudeau, Costa, Eide, Spanel, Shin, Regala, Kline, Gardner, Haugen, Jacobsen, Brown, Fraser, Franklin and McAuliffe

AN ACT Relating to allowing victims of domestic violence or stalking to receive unemployment insurance benefits; and amending RCW 50.20.050, 50.20.100, 50.20.240, and 50.29.020.

Referred to Committee on Commerce & Labor.

SB 5220 by Senators Eide, Brown, West, Parlette, Thibaudeau, Patterson, Fairley and Kohl-Welles

AN ACT Relating to administration of a multiple sclerosis survey; creating new sections; and making an appropriation.

Referred to Committee on Health Care.

ESB 5299 by Senator Jacobsen

AN ACT Relating to nonconsumptive wildlife activities; and amending RCW 79.01.244 and 79.68.050.

Referred to Committee on Natural Resources.

SSB 5400 by Senate Committee on Economic Development & Telecommunications; by request of Governor Locke

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

Referred to Committee on Trade & Economic Development.

SB 5459 by Senators Roach, Kline, Rasmussen and Winsley

AN ACT Relating to crimes related to mail; amending RCW 13.40.0357; reenacting and amending RCW 9.94A.320; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SSB 5510 by Senate Committee on Economic Development & Telecommunications

AN ACT Relating to extending the prohibition on mandatory local measured telecommunications service; and amending RCW 80.04.130.

Referred to Committee on Technology, Telecommunications & Energy.

ESSB 5528 by Senate Committee on Education; by request of Governor Locke, Attorney General and Superintendent of Public Instruction

AN ACT Relating to preventing harassment, intimidation, or bullying in schools; adding new sections to chapter 28A.635 RCW; and creating a new section.

Referred to Committee on Education.

SB 5594 by Senators Gardner, Winsley, Prentice and Honeyford

AN ACT Relating to the consolidation of housing authorities; and amending RCW 35.82.300.

Referred to Committee on Local Government & Housing.

SSB 5702 by Senate Committee on Ways & Means

AN ACT Relating to simplifying and harmonizing the taxation of lands valued at current use; amending RCW 84.33.035, 84.33.130, 84.33.140, 84.33.145, 84.33.170, 84.33.210, 84.33.220, 84.33.230, 84.33.250, 84.33.260, 84.33.270, 84.34.020, and 84.34.065; reenacting and amending RCW 84.34.108; decodifying RCW 84.33.112, 84.33.113, 84.33.114, 84.33.115, 84.33.116, and 84.33.118; and repealing RCW 84.33.020, 84.33.073, 84.33.100, 84.33.110, and 84.33.120.

Referred to Committee on Natural Resources.

SB 5870 by Senators Spanel, Horn, McCaslin, Snyder, Patterson and Kohl-Welles

AN ACT Relating to clarifying the deadline for primary contributions to candidates who do not advance to the general election; and amending RCW 42.17.640.

Referred to Committee on State Government.

SSB 5919 by Senate Committee on Environment, Energy & Water

AN ACT Relating to the assessment of potential site locations for water storage projects; amending RCW 90.82.070; and creating a new section.

Referred to Committee on Agriculture & Ecology.

SB 5921 by Senators Kohl-Welles, Horn, Sheahan, McAuliffe, West, McCaslin, Carlson, Morton, Jacobsen, B. Sheldon, Shin and Parlette

AN ACT Relating to graduate education in physical therapy; and adding a new section to chapter 28B.35 RCW.

Referred to Committee on Higher Education.

SSB 5997 by Senate Committee on Transportation

AN ACT Relating to special license plates for fairs; amending RCW 46.16.313; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SCR 8406 by Senators Shin, Rasmussen, Franklin, Roach, Prentice, McAuliffe, Regala, Fraser, Jacobsen and Gardner

Encouraging legislator trade mission participation.

Referred to Committee on Trade & Economic Development.

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

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

### **THIRD READING**

#### **SUBSTITUTE HOUSE BILL NO. 1212 by Committee on Juvenile Justice**

##### **Sealing certain juvenile records.**

The bill was read the third time.

Representative Bush spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1212.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1212 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1212, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

### **SECOND READING**

#### **HOUSE BILL NO. 1227 by Representatives Ballasiotes, Lovick and O'Brien**

##### **Changing provisions relating to escaping from custody.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1227.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1227 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1227, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1287 by Representatives Reardon, Delvin, Hunt, Ruderman, Campbell, Simpson, McIntire, Crouse, Casada, Hankins, Doumit, Mielke, Bush, Quall, Cooper, Haigh, Skinner, Ballasiotes, Morris, Woods, DeBolt, Lambert, O'Brien, Tokuda, Pennington, Hatfield, Fisher, Eickmeyer, Ericksen, Ahern, Anderson, Pflug, Schindler, Dunshee, Ogden, Veloria, Grant, Morell, Romero, Kenney, Schoesler, Barlean, Keiser, Cody, Roach, Miloscia, Dickerson, Esser, Conway, Murray, Edmonds, Edwards, Kessler, Linville, Schmidt, Jackley, Hurst, Kagi and Van Luven**

### **Extending the prohibition on mandatory local measured telecommunications service.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon and Delvin spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1287.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1287 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott,

Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1287, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1317 by Representatives Ballasiotes and Morell**

**Removing the expiration date on emergency administration of epinephrine.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1317.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1317 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Voting nay: Representatives Cooper and Fisher - 2.

House Bill No. 1317, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1467 by Representatives Reardon, Cairnes and Santos**

**Improving property tax administration by correcting terminology and deleting obsolete provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1467 was substituted for House Bill No. 1467 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1467 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon, Cairnes and Morris spoke in favor of passage of the bill.

Representatives Van Luven and Pennington spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1467.

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**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1467 and the bill passed the House by the following vote: Yeas - 68, Nays - 30, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Berkey, Buck, Cairnes, Clements, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Pearson, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Talcott, Tokuda, Veloria, Wood, Speaker Ballard, and Speaker Chopp - 68.

Voting nay: Representatives Ahern, Alexander, Armstrong, Benson, Boldt, Bush, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Lisk, McMorris, Mielke, Morell, Mulliken, Pennington, Pflug, Schindler, Schoesler, Sump, Van Luven, and Woods - 30.

Substitute House Bill No. 1467, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1091 by Representatives Lambert, Sommers, Miloscia, Cairnes, Schindler, Talcott and Mielke**

**Changing sexual misconduct laws with regard to school employees.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1091 was substituted for House Bill No. 1091 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1091 was read the second time.

Speaker Chopp announced that House Bill No. 1091 was co-prime sponsored by Representatives Lambert and Sommers.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1091.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1091 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott,

Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1091, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1093 by Representatives Schual-Berke, Ballasiotes, Cody, Campbell, Ruderman, Skinner, Conway, Edmonds, Kenney and Kagi**

**Changing physician license fees.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1093 was substituted for House Bill No. 1093 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1093 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schual-Berke spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1093.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1093 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1093, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1120 by Representatives Rockefeller, Cox, Talcott, Quall, Santos, Haigh, Anderson, McDermott, Schindler, Schmidt, Pearson, Keiser and Jackley**

**Establishing requirements for employing holders of lapsed teaching certificates.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1120 was substituted for House Bill No. 1120 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1120 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill

was placed on final passage.

Representatives Quall, Roach and Talcott spoke in favor of passage of the bill.

Representative Schual-Berke spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1120.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1120 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Voting nay: Representative Schual-Berke - 1.

Substitute House Bill No. 1120, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1133 by Representatives Carrell, Lantz, Lambert, Hurst, Casada, Morell, Kagi, Marine, Cox, Talcott, Tokuda, Fisher, Bush, Edwards, O'Brien, Darneille, Edmonds, Esser and Haigh**

#### **Limiting liability for donated labor on community projects.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1133 was substituted for House Bill No. 1133 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1133 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carroll and Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1133.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1133 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody,



Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1133, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1179 by Representatives Ericksen, Lovick, G. Chandler and O'Brien**

**Strengthening procedures for disqualification of drinking or drugged commercial drivers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ericksen spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1179.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1179 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1179, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1196 by Representatives Gombosky, Mulliken, Dunshee and Cox**

**Modifying parking and business improvement areas.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky and Mulliken spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1196.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1196 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1196, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1199 by Representatives Schindler, Mielke, Sump, G. Chandler, McMorris and Armstrong**

#### **Altering the format of a fish and wildlife lands vehicle use permit.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schindler and Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1199.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1199 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1199, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1202 by Representatives Cairnes and Morris**

#### **Improving property tax administration.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1202 was substituted for House Bill No. 1202 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1202 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1202.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1202 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1202, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1203 by Representatives Cairnes and Morris**

**Authorizing the department of revenue to modify sales tax exemption documentation and retention requirements for simplification purposes.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1203 was substituted for House Bill No. 1203 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1203 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1203.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1203 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1203, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1211 by Representatives Benson, Simpson, Barlean and Hatfield**

**Creating the financial services regulation fund.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Benson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1211.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1211 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1211, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1214 by Representatives Sommers, Lambert, Doumit and Delvin**

**Reconfiguring and changing the duties of the employee retirement benefits board.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1214 was substituted for House Bill No. 1214 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1214 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1214.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1214 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1214, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1266, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1280 by Representatives Simpson, Ballasiotes, O'Brien, Cairnes, Lovick, Santos, Armstrong, Campbell and Keiser**

**Increasing the seriousness ranking for hit and run--death.**

The bill was read the second time.

Speaker Chopp announced that House Bill No. 1280 was co-prime sponsored by Representatives Simpson and Ballasiotes.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Ballasiotes spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1280.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1280 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson,

Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1280, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Morris congratulated Representative Simpson on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

### **HOUSE BILL NO. 1295 by Representatives Dunn, Dunshee, Mielke, Fromhold, Hunt, Miloscia, Roach and Benson**

#### **Modifying revenue bond provisions of the economic development finance authority.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1295 was substituted for House Bill No. 1295 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1295 was read the second time.

Speaker Chopp announced that House Bill No. 1295 was co-prime sponsored by Representatives Dunn and Dunshee.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunn and Veloria spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1295.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1295 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1295, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1313 by Representatives Cox, Kenney, Lantz, Dunn, Rockefeller and Haigh**  
**Changing liability and licensure provisions for private vocational schools.**

The bill was read the second time.

Speaker Chopp announced that House Bill No. 1313 was co-prime sponsored by Representatives Cox and Kenney.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cox and Kenney spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1313.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1313 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1313, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1339, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1366 by Representatives Hatfield, Benson and Keiser**

**Regulating credit unions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Benson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1366.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1366 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1366, having received the necessary constitutional majority, was declared passed.

**MOTION**

On motion of Representative Schoesler, Representative Delvin was excused.

There being no objection, the House deferred action on House Bill No. 1370, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1407 by Representatives Fisher and Mitchell****Modifying the taxation of fuel.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 32nd Day, February 8, 2001.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No. 1407.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1407 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards,



Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Delvin - 1.

Engrossed House Bill No. 1407, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1422, and the bill held its place on the Second Reading calendar.

There being no objection, the House deferred action on House Bill No. 1471, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1502 by Representatives G. Chandler, Grant, Schoesler and Mastin**

**Revising provisions relating to conservation districts.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1502 was substituted for House Bill No. 1502 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1502 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative G. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1502.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1502 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1502, having received the necessary constitutional majority, was declared

**HOUSE BILL NO. 1564 by Representatives Casada, Lantz, Carrell, Hurst, Esser and O'Brien**

**Reenacting provisions relating to the crime of making false or misleading statements to public servants.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Casada spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1564.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1564 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1564, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1571, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1578 by Representatives Carrell, Hurst and Lantz**

**Reenacting provisions relating to criminal profiteering.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carrell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1578.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1578 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1578, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1579 by Representatives Carrell, Lantz, Hurst and Rockefeller**

**Reenacting provisions relating to the crime of unlawful practice of law.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carroll spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1579.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1579 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1579, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1581, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1614 by Representatives Lovick, Carrell and Hurst**

**Reenacting provisions relating to the crime of commercial bribery.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lovick spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1614.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1614 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard and Speaker Chopp - 98.

House Bill No. 1614, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1634 by Representatives Santos, DeBolt, Hatfield and Benson**

#### **Prioritizing and ordering the distribution of claims of an insurer's estate.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and DeBolt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1634.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1634 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard and Speaker Chopp - 98.

House Bill No. 1634, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1661 by Representatives Keiser, Bush, Santos and Miloscia**

**Regulating juvenile life insurance.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1661 was substituted for House Bill No. 1661 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1661 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Keiser spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1661.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1661 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1661, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1680 by Representatives Fisher, Mitchell and Poulsen**

**Extending design-build for public works.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1680 was substituted for House Bill No. 1680 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1680 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

Representative Armstrong spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1680.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1680 and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 90.

Voting nay: Representatives Ahern, Armstrong, Casada, Crouse, Delvin, Dunn, McMorris, and Schindler - 8.

Substitute House Bill No. 1680, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1692 by Representatives Boldt, Carrell and Hurst**

#### **Reenacting provisions relating to the crime of perjury.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1692.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1692 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1692, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1694 by Representatives Boldt, Carrell and Hurst****Reenacting provisions relating to the crime of unlicensed practice of a profession or business.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1694.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1694 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1694, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1727 by Representatives Roach, Miloscia, Benson and Hatfield****Regulating the investment limits of insurers in noninsurance subsidiaries.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Roach spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1727.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1727 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt,

Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1727, having received the necessary constitutional majority, was declared passed.

#### **POINT OF PERSONAL PRIVILEGE**

Representative DeBolt congratulated Representative Roach on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### **HOUSE BILL NO. 1951 by Representatives Clements, B. Chandler, G. Chandler, Lisk and Mulliken**

##### **Allowing restaurants and private clubs to sell wine for off-premises consumption.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements, Conway and Dunn spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1951.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1951 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1951, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

Friday, March 9, 2001

Mr. Speakers:

The Senate has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5118,  
SENATE BILL NO. 5141,



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SUBSTITUTE SENATE BILL NO. 5187,  
SENATE BILL NO. 5252,  
ENGROSSED SENATE BILL NO. 5289,  
SUBSTITUTE SENATE BILL NO. 5319,  
SUBSTITUTE SENATE BILL NO. 5361,  
SUBSTITUTE SENATE BILL NO. 5364,  
SENATE BILL NO. 5390,  
SENATE BILL NO. 5392,  
SUBSTITUTE SENATE BILL NO. 5442,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,  
SUBSTITUTE SENATE BILL NO. 5533,  
SUBSTITUTE SENATE BILL NO. 5601,  
SENATE JOINT MEMORIAL NO. 8001,  
SENATE JOINT MEMORIAL NO. 8007,

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the following bills were removed from the day's Suspension Calendar, and were placed on the regular Second Reading calendar:

HOUSE BILL NO. 1002,  
HOUSE BILL NO. 1019,  
ENGROSSED HOUSE BILL NO. 1046,  
ENGROSSED HOUSE BILL NO. 1347,  
HOUSE BILL NO. 1361,  
HOUSE BILL NO. 1371,  
HOUSE BILL NO. 1655,

## SECOND READING

### **HOUSE BILL NO. 1004 by Representatives Morris and Doumit**

#### **Adjusting disability payments.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1004.

## MOTION

On motion of Representative Schoesler, Representative Carrell was excused.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1004 and the bill passed the

House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, and Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Carrell - 1.

Substitute House Bill No. 1004, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1045 by Representatives Conway, Delvin, Doumit, Barlean, Sommers, Lambert, Alexander, Kagi, O'Brien, McIntire, Hurst, Hatfield, Haigh, Kenney, Edmonds, Keiser and Van Luven**

**Reducing the law enforcement officers' and fire fighters' retirement system plan 2 disability actuarial reduction age from fifty-five to fifty-three.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1045.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1045 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1045, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1047 by Representatives Sommers, Lambert, Conway, Doumit, McIntire, Haigh and Kenney**

**Exempting trainers and trainees in housing authority resident training programs from membership in the public employees' retirement system.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1047.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1047 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1047, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1108 by Representatives Bush, Kenney, Talcott, Lambert, Schmidt, Lantz, Benson, Cox, Campbell, Woods, Veloria, Esser, Haigh, Mulliken, Ogden, Mielke, Boldt, Casada, Morell, Buck, Pearson, Roach, Clements, Schoesler, Romero, Darneille, Carrell, Van Luven, Edwards, Kagi and Hurst**

**Authorizing the secretary of state to observe county election facilities.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Bush spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1108.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1108 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson,

Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1108, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1173 by Representatives Mulliken and Dunshee**

**Purchasing material, supplies, or equipment by fire districts.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Mulliken spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1173.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1173 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1173, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1213 by Representatives Delvin, Conway, Sommers, Lambert, Doumit and Hurst**

**Correcting statutes pertaining to the public employees' and school employees' retirement systems.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Delvin spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1213.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1213 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1213, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1255 by Representatives Cox, Fromhold, Haigh, Schoesler and Hunt**

#### **Including educational service districts in school district provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Cox spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1255.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1255 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1255, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1256 by Representatives Cox, Haigh, Fromhold, Schoesler and Hunt****Regarding educational service districts' superintendent review committees.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Cox spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1256.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1256 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1256, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1260 by Representatives Lovick, Ballasiotes, O'Brien, Kagi and Haigh****Establishing a postsecondary education program for inmates.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Lovick spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1260.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1260 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1260, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1271 by Representatives Ballasiotes, O'Brien, Conway and Woods**

**Modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Ballasiotes spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1271.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1271 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1271, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1296 by Representatives Hatfield, Benson and McIntire**

**Restricting the investment of insurers in depository institutions or any company which controls a depository institution.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hatfield and Benson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1296.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1296 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1296, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1303 by Representatives Fisher, Mitchell, Mielke and Rockefeller**

**Removing the photo requirement for special identification cards for persons issued disabled parking permits.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1303.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1303 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott,



Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1303, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1391 by Representatives Kessler and Mastin**

**Overseeing statutory legislative committees.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

Speaker Chopp announced that House Bill No. 1391 was co-prime sponsored by Representatives Kessler and Mastin.

The substitute bill was placed on final passage.

Representative Kessler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1391.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1391 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1391, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1469 by Representatives Campbell and Cody**

**Dispensing controlled substance orders and prescriptions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Campbell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1469.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1469 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1469, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1479 by Representatives Alexander, Grant, Barlean, Rockefeller, Ericksen, Campbell, Romero, Fromhold, Buck, Sommers, Bush, Doumit, Conway, Lantz, Kessler, Pennington, Hatfield, Clements, Cox, Benson, Santos, Kenney, Cooper, Kagi, O'Brien, Simpson, Armstrong, Dunshee, Linville, Schual-Berke, Schmidt, Cairnes, Morris, Ogden, Roach, Keiser, Schoesler, G. Chandler, Lovick, McIntire, Hunt, Hurst, Quall, Jackley, Carrell, Mulliken, Edmonds, Jarrett, Woods and Wood**

**Providing a death benefit for certain state employees.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1479.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1479 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1479, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1537 by Representatives Roach, Hatfield, Benson, Miloscia and Keiser**

**Protecting credit union directors and committee members.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Roach spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1537.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1537 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1537, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1547 by Representatives Simpson, Bush, Benson, Hatfield, Santos and Keiser**

**Licensing insurance agents, brokers, solicitors, and adjusters.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Simpson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1547.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1547 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1547, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1584 by Representatives Haigh, Cooper, Ericksen and Morell**

**Revising requirements for vehicle license renewal.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Haigh spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1584.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1584 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1584, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1611 by Representatives Schindler and Romero**

**Modifying missing persons record retention policies.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Schindler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1611.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1611 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1611, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1613 by Representatives Romero and Schindler**

#### **Providing a time limit for the transmittal of unidentified persons information.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Romero spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1613.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1613 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1613, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1623 by Representatives Kenney, Cox, Skinner, Benson, Gombosky, Rockefeller, Edwards and Mulliken**

**Authorizing four-year public institutions of higher education to participate with the state in investing surplus funds.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Kenney spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1623.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1623 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1623, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1729 by Representatives Benson, Hatfield, McIntire, Cairnes, Roach, Simpson and Keiser**

**Licensing surplus line brokers.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Benson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1729.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1729 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1729, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1780 by Representatives Armstrong, Linville, B. Chandler and Grant**

**Concerning moneys in the fruit and vegetable district fund.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Armstrong and Linville spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1780.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1780 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1780, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative DeBolt congratulated Representative Armstrong on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 1836 by Representatives Edwards, Doumit, Sump, Cooper, Haigh, Eickmeyer, Tokuda, Boldt, Dunn, Esser, Lovick and Jackley**

**Creating a legislative task force on local park and recreation maintenance and operations.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Edwards spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1836.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1836 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1836, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4002 by Representatives Veloria, Campbell, Cody, Pennington, Cox, Kessler, Woods, Kenney, Romero, Bush, Keiser, Schoesler, Armstrong, Clements, Delvin, Santos, McIntire, O'Brien, Schmidt, Tokuda, Haigh, Edwards, Darneille, Schual-Berke and Talcott**

**Asking that the federal government provide veterans' benefits owed to Filipino veterans.**

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representatives Veloria, Lambert, Buck and Conway spoke in favor of passage of the joint memorial.

Speaker Chopp stated the question before the House to be the final passage of House Joint Memorial No. 4002.

**ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4002 and the memorial



passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Joint Memorial No. 4002, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1339 by Representatives Linville, Ericksen, Barlean and Van Luven**

**Providing equity in the taxation of farmers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1339 was substituted for House Bill No. 1339 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1339 was read the second time.

Speaker Chopp announced that House Bill No. 1339 was co-prime sponsored by Representatives Linville and Ericksen.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1339.

There being no objection, the House deferred action on Substitute House Bill No. 1339, and the bill held its place on the Third Reading calendar.

**HOUSE BILL NO. 1422 by Representatives Benson, Hatfield and Bush**

**Increasing the size of the state investment board.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Benson spoke in favor of passage of the bill.

**MOTION**

On motion of Representative Schoesler, Representative Schindler was excused.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1422.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1422 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Voting nay: Representative Sommers - 1.

Excused: Representative Schindler - 1.

House Bill No. 1422, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of Substitute House Bill No. 1339 on the Third Reading calendar.

### THIRD READING

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1339.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1339 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Schindler - 1.

Substitute House Bill No. 1339, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1254 by Representatives Kessler, Mastin, Reardon, Roach, Cairnes and Morris**

**Exempting certain land exchanges and sales involving the federal government from real estate excise tax.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1254 was substituted for House Bill No. 1254 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1254 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kessler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1254.

#### MOTION

On motion of Representative Santos, Representative Edwards was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1254 and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard and Speaker Chopp - 90.

Voting nay: Representatives Bush, B. Chandler, Delvin, Dunn, Lisk and Sommers - 6.

Excused: Representatives Edwards and Schindler - 2.

Substitute House Bill No. 1254, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1027 by Representatives Cairnes, Cody, Kenney, Schmidt and Dunn**

##### **Establishing the live horse racing compact.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1027 was substituted for House Bill No. 1027 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1027 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Wood spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1027 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Schindler and Edwards - 2.

Substitute House Bill No. 1027, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1070 by Representatives Delvin, Dickerson, Ogden, Conway, Haigh, Kagi and Hurst**

**Revising provisions relating to the juvenile offender basic training camp program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Delvin and Dickerson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1070.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1070 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Edwards and Schindler - 2.

House Bill No. 1070, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1117 by Representatives Carrell, Lantz, Lambert, O'Brien, Lovick, Hunt and Haigh**

**Providing procedures for enforcement of court-ordered restitution obligations in courts of limited jurisdiction.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1117 was substituted for House Bill No. 1117 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1117 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Lantz spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1117.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1117 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Edwards and Schindler - 2.

Substitute House Bill No. 1117, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1187 by Representatives Haigh, Miloscia, Darneille, McMorris, Lambert, Reardon, Dunshee, O'Brien, Delvin, Talcott, Campbell, G. Chandler, Quall, Anderson, Alexander, Schoesler, Esser and Schmidt**

**Exempting certain information on criminal acts from public disclosure.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1187 was substituted for House Bill No. 1187 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1187 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Haigh spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1187.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1187 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Edwards and Schindler - 2.

Substitute House Bill No. 1187, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1188 by Representatives Haigh, McMorris, O'Brien, Miloscia, Dunshee, Lambert, Campbell, Delvin, G. Chandler, Talcott, Quall, Reardon, Alexander, Sommers, Veloria, Schoesler, Esser, Anderson, Morell, Darneille and Schmidt**

**Authorizing the military department to dispose at public bid of the state armory known as the Pier 91 property and acquire replacement property and improvements.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1188 was substituted for House Bill No. 1188 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1188 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Alexander spoke in favor of passage of the bill.

There being no objection, Representative Lisk was excused.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1188.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1188 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody,

Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Lisk, and Schindler - 3.

Substitute House Bill No. 1188, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1252 by Representatives Boldt, Mulliken, Schindler and Lambert**

**Exempting faith-based chemical dependency treatment programs from state regulation.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1252 was substituted for House Bill No. 1252 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1252 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boldt and Tokuda spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1252.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1252 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Lisk, Schindler and Edwards - 3.

Substitute House Bill No. 1252, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1257 by Representatives Cox, Haigh, Fromhold, Schoesler and Hunt**

**Modifying educational service districts' borrowing authority.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cox spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1257.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1257 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Lisk, and Schindler - 3.

House Bill No. 1257, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1320 by Representatives Edmonds, Skinner, Pennington, Cody, Gombosky, Campbell, Darneille, Ruderman, Conway, Schual-Berke, Edwards, Mielke, Linville, Kenney, Jackley and Kagi**

**Modifying provisions concerning adult family homes.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1320 was substituted for House Bill No. 1320 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1320 was read the second time.

Speaker Chopp announced that House Bill No. 1320 was co-prime sponsored by Representatives Edmonds and Skinner.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Edmonds spoke in favor of passage of the bill.

### MOTION

On motion of Representative Schoesler, Representative Boldt was excused.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1320.



**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1320 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Boldt, Edwards, Lisk, and Schindler - 4.

Substitute House Bill No. 1320, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1426 by Representatives Edmonds, Skinner, Cody, Pflug, Dunn, Schual-Berke, Boldt, Kagi, Kenney, Campbell, Conway and Marine**

**Establishing a quality improvement program for boarding homes.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1426 was substituted for House Bill No. 1426 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1426 was read the second time.

Speaker Chopp announced that House Bill No. 1426 was co-prime sponsored by Representatives Edmonds and Skinner.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Skinner spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1426.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1426 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt,

Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Boldt, Edwards and Schindler - 3.

Substitute House Bill No. 1426, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1528 by Representatives Poulsen, Crouse, Ruderman and Delvin**

**Reducing regulatory requirements on competitive telecommunications services and companies.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1528 was substituted for House Bill No. 1528 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1528 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Poulsen spoke in favor of passage of the bill.

Representative Morris spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1528.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1528 and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 90.

Voting nay: Representatives Hankins, Mitchell, Morris, Quall, and Delvin - 5.

Excused: Representatives Edwards, Schindler and Boldt - 3.

Substitute House Bill No. 1528, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1530 by Representatives Lantz and Carrell**

**Providing for the appointment of individuals to receive claims against local governmental entities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For

committee amendment, see Journal, 50th Day, February 26, 2001.)

Speaker Chopp announced that House Bill No. 1530 was co-prime sponsored by Representatives Lantz and Carrell.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No. 1530.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1530 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Boldt, Edwards and Schindler - 3.

Engrossed House Bill No. 1530, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1596 by Representatives G. Chandler, Wood, Mulliken, Fisher, Mitchell, Ogden and Santos**

**Authorizing transportation for persons with special needs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1596 was substituted for House Bill No. 1596 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1596 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative G. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1596.

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**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1596 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Boldt, Edwards and Schindler - 3.

Substitute House Bill No. 1596, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1632 by Representatives Ruderman, Anderson, Schual-Berke and Casada**

**Prescribing criminal penalties for fraudulently obtaining or using digital signatures and digital certificates.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1632 was substituted for House Bill No. 1632 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1632 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman and Anderson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1632.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1632 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Voting nay: Representative Cooper - 1.

Excused: Representatives Boldt, Edwards and Schindler - 3.

Substitute House Bill No. 1632, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1643 by Representatives Lantz, Skinner, Fromhold, Ogden, Esser, Jarrett, McIntire, Rockefeller, Doumit, Keiser and Dunn**

**Limiting liability of volunteers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1643 was substituted for House Bill No. 1643 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1643 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Delvin spoke in favor of passage of the bill.

**MOTION**

On motion of Representative Santos, Representative Morris was excused.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1643.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1643 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Boldt, Edwards, Morris, and Schindler - 4.

Substitute House Bill No. 1643, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1844 by Representatives Doumit, Pennington, Hatfield, Mielke and Dunn**

**Allowing the department of natural resources to exchange certain bedlands to obtain clear title to certain property on the Cowlitz river.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Pennington spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1844.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1844 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Morris, Schindler and Boldt - 4.

House Bill No. 1844, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1846 by Representatives Alexander, Hunt, Romero and DeBolt

**Allowing the department of natural resources to sell or exchange its light industrial property in Thurston county.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Hunt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1846.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1846 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Boldt, Edwards, Morris, and Schindler - 4.

House Bill No. 1846, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1899 by Representatives Bush, McIntire, Cairnes, Keiser, DeBolt, Hatfield, Benson, Santos, Roach, Miloscia, Barlean, Lovick, Casada, O'Brien, Morell, Simpson, Mielke, Jackley, Pearson, Romero, Eickmeyer, Ruderman, Sump, Linville, Schmidt, Campbell, Esser, Hunt, Hurst and Schual-Berke**

**Prohibiting the use of social security numbers and drivers' license numbers in professional licenses.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1899 was substituted for House Bill No. 1899 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1899 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bush and Romero spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1899.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1899 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Morris, Schindler and Boldt - 4.

Substitute House Bill No. 1899, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1943 by Representatives Mulliken, Grant, G. Chandler and Dunshee**

**Expanding purposes of county rail districts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Dunshee spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1943.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1943 and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Voting nay: Representatives Mielke, and Pennington - 2.

Excused: Representatives Boldt, Edwards, Morris, and Schindler - 4.

House Bill No. 1943, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1952 by Representatives Ballasiotes and O'Brien**

#### **Revising registration requirements for transient sex offenders and kidnapping offenders.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes, Ahern and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1952.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1952 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Boldt, Edwards, Morris, and Schindler - 4.



House Bill No. 1952, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1983 by Representatives Benson and Hatfield**

**Modifying "debt collector" so the term excludes affiliates of creditors that service creditor's accounts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benson and Hatfield spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1983.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1983 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, and Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Boldt, Edwards, Morris, and Schindler - 4.

House Bill No. 1983, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2041 by Representatives Edmonds, Skinner, Ogden and Kenney**

**Providing for resident protection standards in boarding homes and adult family homes.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2041 was substituted for House Bill No. 2041 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2041 was read the second time.

Speaker Chopp announced that House Bill No. 2041 was co-prime sponsored by Representatives Edmonds and Skinner.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Edmonds spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No.

MOTION

On motion of Representative Schoesler, Representative Sump was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2041 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Boldt, Edwards, Morris, Schindler and Sump - 5.

Substitute House Bill No. 2041, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2046 by Representatives Haigh, Lantz, Sump, Reardon, Dunn and Barlean**

**Validating trusts created for the benefit of nonhuman animals.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2046 was substituted for House Bill No. 2046 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2046 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Carrell spoke in favor of passage of the bill.

Representative Lambert spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 2046.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2046 and the bill passed the House by the following vote: Yeas - 82, Nays - 11, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Talcott, Tokuda, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 82.

Voting nay: Representatives Ballasiotes, Casada, Crouse, Jarrett, Lambert, Mitchell, Morell, Mulliken, Pennington, Sommers, and Van Luven - 11.

Excused: Representatives Boldt, Edwards, Morris, Schindler and Sump - 5.

Substitute House Bill No. 2046, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1066 by Representatives O'Brien, Ballasiotes, Delvin, Lovick, Keiser and Haigh**

**Revising the authority of the criminal justice training commission to own and operate training facilities.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

**MOTIONS**

On motion of Representative Schoesler, Representative Casada was excused. On motion of Representative Santos, Representatives Edwards, Lantz and McIntire were excused.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1066.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1066 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Lantz, McIntire, and Schindler - 5.

House Bill No. 1066, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1100 by Representatives Fisher and Woods**

**Modifying notice requirements.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1100.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1100 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

House Bill No. 1100, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1131 by Representatives Mulliken, Dunshee, Edwards, G. Chandler, DeBolt, Dunn and Hatfield**

#### **Modifying the powers of public hospital districts.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Mulliken spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1131.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1131 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington,

Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

House Bill No. 1131, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1160 by Representatives Hunt, Clements, Conway and Kenney**

**Providing for temporary real estate appraiser practice permits.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1160.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1160 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

House Bill No. 1160, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Romero congratulated Representative Hunt on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 1161 by Representatives Conway, Clements and Kenney**

**Authorizing the department of licensing to establish engineer and land surveyors' certificate and licensing renewal intervals, renewal fees, and renewal dates.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1161.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1161 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

Substitute House Bill No. 1161, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1216 by Representatives Lambert, O'Brien, Carrell and Delvin**

#### **Investigating sudden unexplained deaths of children.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Lambert spoke in favor of passage of the bill.

### MOTION

On motion of Representative Schoesler, Representative Mastin was excused.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1216.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1216 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer,

Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Schindler, Casada, Edwards, Mastin, and McIntire - 5.

House Bill No. 1216, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1282 by Representatives Schmidt and Romero**

**Adding the code reviser to the uniform legislation commission.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representatives Schmidt and Romero spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1282.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1282 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Mastin, McIntire, and Schindler - 5.

Substitute House Bill No. 1282, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1342 by Representatives Sommers, Sehlin, Kenney, Lisk and Alexander**

**Modifying provisions concerning the general administration services account.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1342.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1342 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Mastin, McIntire, and Schindler - 5.

Substitute House Bill No. 1342, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1346 by Representatives Dickerson, Tokuda, Kenney, Kagi and Santos**

**Exempting from child care regulations persons who place or care for children entering the United States for medical care.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Dickerson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1346.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1346 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke,



Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Mastin, McIntire, and Schindler - 5.

House Bill No. 1346, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1349 by Representatives Kessler, Buck, Morris, Sehlin, Linville and Rockefeller**

**Authorizing a funding mechanism for removal and disposal of derelict vessels.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Kessler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1349.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1349 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Voting nay: Representative Dunn - 1.

Excused: Representatives Casada, Edwards, Mastin, McIntire, and Schindler - 5.

Substitute House Bill No. 1349, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1352 by Representatives McMorris, Schmidt, McDermott, Schindler, Haigh, Lambert and Miloscia**

**Correcting inaccurate or procedurally obsolete provisions of the public disclosure commission law.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative McMorris spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Schoesler, Representative Sehlin was excused.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1352.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1352 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, and Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives McIntire, Schindler, Sehlin, Casada, and Edwards - 5.

Substitute House Bill No. 1352, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1367 by Representatives Esser, McDermott, Lovick and Benson**

##### **Correcting outdated references and double amendments.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Esser spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Schoesler, Representatives Ballard and Mastin were excused.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1367.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1367 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson,

Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 91.

Excused: Representatives Casada, Edwards, Mastin, McIntire, Schindler, Sehlin, and Ballard - 7.

House Bill No. 1367, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1368 by Representatives Esser, McDermott and Lovick**

**Recodifying RCW 77.16.220.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Esser spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1368.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1368 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 91.

Excused: Representatives Casada, Edwards, Mastin, McIntire, Schindler, Sehlin, and Ballard - 7.

House Bill No. 1368, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1369 by Representatives Esser, McDermott and Lovick**

**Making technical corrections to chapter 19.28 RCW, electricians and electrical installations.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Esser spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1369.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1369 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 91.

Excused: Representatives Casada, Edwards, Mastin, McIntire, Schindler, Sehlin, and Ballard - 7.

House Bill No. 1369, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1376 by Representatives Armstrong, McDermott, McMorris, Schmidt, Haigh and Woods**

#### **Exempting certain veterans affairs personnel from the state civil service law.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

Speaker Chopp announced that House Bill No. 1376 was co-prime sponsored by Representatives Armstrong and McDermott.

The substitute bill was placed on final passage.

Representatives Armstrong and McDermott spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1376.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1376 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, and Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott,

McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 92.

Excused: Representatives Casada, Edwards, McIntire, Schindler, Sehlin, and Ballard - 6.

Substitute House Bill No. 1376, having received the necessary constitutional majority, was declared failed.

### **HOUSE BILL NO. 1498 by Representatives Jackley and Pearson**

**Requiring holders of fish and wildlife licenses purchased over the internet or telephone to provide enforcement officers with photo identification.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

Speaker Chopp announced that House Bill No. 1498 was co-prime sponsored by Representatives Jackley and Pearson.

The substitute bill was placed on final passage.

Representatives Jackley and Pearson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1498.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1498 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, McIntire, Schindler and Sehlin - 5.

Substitute House Bill No. 1498, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Doumit congratulated Representatives Jackley, Pearson and McDermott on the passage of their first bills through the House, and asked the Chamber to acknowledge their accomplishment.

**HOUSE BILL NO. 1501 by Representatives Conway and Clements****Authorizing the electronic filing of corporation and limited liability company annual reports.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Clements spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1501.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1501 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, McIntire, Schindler and Sehlin - 5.

Substitute House Bill No. 1501, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1515 by Representatives Armstrong, O'Brien, Barlean, Hunt, Schoesler, Eickmeyer, Ahern, Darneille, Anderson, Carrell, G. Chandler, Hatfield, Buck, Lovick and Edwards****Changing public works provisions for institutions of higher education.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representatives Armstrong and Romero spoke in favor of passage of the bill.

**MOTION**

On motion of Representative Santos, Representative Kessler was excused.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No.

1515.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1515 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Casada, Edwards, Kessler, McIntire, Schindler and Sehlin - 6.

Substitute House Bill No. 1515, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1523 by Representatives Mielke, Mulliken, Dunshee and Edmonds****Reconciling conflicting provisions in laws pertaining to cities and towns.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Mielke spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1523.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1523 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Casada, Edwards, Kessler, McIntire, Schindler and Sehlin - 6.

House Bill No. 1523, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1542 by Representatives Van Luven, Gombosky, Fromhold and Dunn**

**Exempting certain financial or proprietary information provided to the department of community, trade, and economic development from public disclosure.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Van Luven spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1542.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1542 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp, - 93.

Excused: Representatives Edwards, McIntire, Schindler, Sehlin, and Casada - 5.

House Bill No. 1542, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1546 by Representatives Schual-Berke, Campbell, Ballasiotes, Schmidt, Simpson, Conway, Keiser, Darneille, Kagi, Woods, Ruderman, Hurst and McIntire**

**Authorizing address confidentiality for victims of stalking.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Schual-Berke spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1546.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1546 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.



Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

House Bill No. 1546, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1548 by Representatives Kirby and Carrell**

#### **Expanding the small works roster process to include metropolitan park districts.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kirby, Fisher, Cooper, Carrell and Conway spoke in favor of passage of the bill.

There being no objection, Representative Sehlin was excused.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1548.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1548 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, McIntire, Schindler and Sehlin - 5.

House Bill No. 1548, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Speaker Chopp congratulated Representative Kirby on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 1567 by Representatives Fisher, Hankins, Lovick and Mitchell****Increasing the penalty for the misuse of abstracts of driving records.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Fisher spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1567.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1567 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, McIntire, Schindler and Sehlin - 5.

House Bill No. 1567, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1568 by Representatives Lovick, Delvin, Fisher, Hankins, Mitchell, O'Brien and Hurst****Updating procedures for actions against driving school licensees.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Lovick spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1568.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1568 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson,

Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Edwards, McIntire, Schindler, Sehlin, and Casada - 5.

House Bill No. 1568, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1577,  
ENGROSSED HOUSE BILL NO. 1936,  
HOUSE BILL NO. 2106,  
HOUSE BILL NO. 2190,

**HOUSE BILL NO. 1582 by Representatives Hatfield, Delvin, Cooper, Ericksen, Linville, Kenney, Rockefeller and Lisk**

**Exempting certain motorcycles used for training from the use tax.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hatfield spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1582.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1582 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, McIntire, Schindler and Sehlin - 5.

House Bill No. 1582, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1583 by Representatives Hatfield, Ericksen, Cooper, Delvin and Kenney****Waiving the motorcycle exam for trained operators.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hatfield spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1583.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1583 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

House Bill No. 1583, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1644 by Representatives McMorris, Romero, Linville and Kenney****Clarifying recount procedures.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative McMorris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1644.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1644 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson,

Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

Substitute House Bill No. 1644, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1706 by Representatives Morris and Cairnes**

**Authorizing the department of revenue to issue direct pay permits.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Morris and Cairnes spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1706.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1706 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

House Bill No. 1706, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1716 by Representatives Veloria, Mielke, Buck, O'Brien, Conway, Talcott, Hunt, Crouse, Clements, Murray, Schoesler, Miloscia, Benson, Tokuda, Santos, Schmidt, McDermott, Lovick, Cody, Campbell, Haigh, Keiser, Ogden and Dickerson**

**Providing income assistance benefits to qualified World War II veterans living in the Republic of the Philippines.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Veloria spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1716.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1716 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

House Bill No. 1716, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1717 by Representatives Morell, O'Brien, Ballasiotes, McMorris, Cairnes and Ahern**

#### **Exempting from public inspection specified information held by law enforcement and correctional agencies.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Morell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1717.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1717 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer,

Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

Substitute House Bill No. 1717, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative DeBolt congratulated Representative Morell on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### **HOUSE BILL NO. 1745 by Representatives Lambert and Dickerson**

##### **Making child support technical amendments regarding medical support.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, 50th Day, February 26, 2001.)

The bill was ordered engrossed.

The bill was placed on final passage.

Representative Lambert spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No. 1745.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1745 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp- 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

Engrossed House Bill No. 1745, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1792 by Representatives Benson and Hatfield****Creating the holding company act for health care service contractors and health maintenance organizations.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representatives Benson and Hatfield spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1792.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1792 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

Substitute House Bill No. 1792, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1798 by Representatives Kagi, Pennington, Morris, Edmonds, Mulliken, Gombosky and Lovick****Providing equitable adjustment of indebtedness for fire district mergers and annexations.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kagi and Mulliken spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1798.

**ROLL CALL**



The Clerk called the roll on the final passage of House Bill No. 1798 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

House Bill No. 1798, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1820 by Representatives Van Luven, Sommers, Lantz, Morris and Edwards**

**Clarifying that certain technology transactions by institutions of higher education are exempt from state ethics requirements.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Van Luven and Romero spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1820.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1820 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, Edwards, McIntire, and Schindler - 4.

House Bill No. 1820, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1851 by Representative McMorris**

**Modifying the definition of small employer to include school districts.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative McMorris spoke in favor of passage of the bill.

#### MOTIONS

On motion of Representative Santos, Representative Eickmeyer was excused. On motion of Representative Schoesler, Representative Clements was excused.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1851.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1851 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Casada, Clements, Edwards, Eickmeyer, McIntire, and Schindler - 6.

House Bill No. 1851, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1856 by Representatives Morell, O'Brien, Talcott, Miloscia, Quall, Carrell, Rockefeller, Bush, Cox, Pflug, Pearson and Woods**

**Excusing student absences for state-recognized search and rescue activities.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Morell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1856.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1856 and the bill passed the House by the

following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

House Bill No. 1856, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1864 by Representatives Dickerson, Casada and McIntire**

**Revising information requirements in family law court files.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, 52<sup>nd</sup> Day, February 28, 2001.)

The bill was ordered engrossed.

The bill was placed on final passage.

Representative Dickerson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No. 1864.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1864 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Schmidt, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Engrossed House Bill No. 1864, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1897 by Representatives Delvin, Hankins, Poulsen, Grant, B. Chandler, Mastin**

**and G. Chandler**

**Modifying requirements to receive state allocations for an agricultural fair.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Delvin spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1897.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1897 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Substitute House Bill No. 1897, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1898 by Representatives Hankins, Skinner, Tokuda, Boldt, Kenney, Dunn, Keiser, Van Luven, McMorris, Delvin, Mitchell and Santos**

**Licensing crisis nurseries.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hankins spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1898.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1898 and the bill passed the House by the

following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

House Bill No. 1898, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1920 by Representatives Carrell, Lantz, Cody and Campbell**

**Allowing medical reports in guardianship proceedings by advanced registered nurse practitioners.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representatives Carrell and Lantz spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1920.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1920 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Substitute House Bill No. 1920, having received the necessary constitutional majority, was declared passed.

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

**INTRODUCTIONS AND FIRST READING**

HB 2222 by Representatives Sehlin, Sommers, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods

AN ACT Relating to emergent needs; adding a new section to chapter 38.52 RCW; creating a new section; making appropriations; and declaring an emergency.

There being no objection, House Bill No. 2222 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

### SECOND READING

**HOUSE BILL NO. 2222 by Representatives Sehlin, Sommers, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods**

#### **Providing funding for emergent needs.**

The bill was read the second time.

Speaker Chopp announced that House Bill No. 2222 was co-prime sponsored by Representatives Sehlin and Sommers.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin, Sommers and Clements spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2222.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2222 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser,

Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire and Schindler, - 5.

House Bill No. 2222, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1971 by Representatives Quall and Talcott**

**Allowing certified real estate appraisers to appraise school district property.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representative Quall spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1971.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1971 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Substitute House Bill No. 1971, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2011 by Representatives Campbell, Darneille, Bush, Lantz and Cody**

**Clarifying licensing for public psychiatric facilities.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Campbell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2011.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2011 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

House Bill No. 2011, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2037 by Representative G. Chandler**

#### **Changing provisions relating to the administration of irrigation districts.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative G. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2037.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2037 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.



House Bill No. 2037, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2095 by Representatives Dunshee and Mulliken**

**Changing reporting requirements for architectural and engineering firms.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Dunshee spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2095.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2095 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Schindler, Casada, Edwards, Eickmeyer, and McIntire - 5.

House Bill No. 2095, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2096 by Representatives Dunshee, Mulliken, Santos and Schual-Berke**

**Authorizing water-sewer districts to engage in general fund-raising for programs for low-income customers.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Dunshee spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2096.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2096 and the bill passed the House by the following vote: Yeas - 90, Nays - 3, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Speaker Ballard, and Speaker Chopp - 90.

Voting nay: Representatives Anderson, Hankins, and Woods - 3.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

House Bill No. 2096, having received the necessary constitutional majority, was declared passed.

**HOUSE CONCURRENT RESOLUTION NO. 4401 by Representatives Rockefeller, Woods, Hunt and Lantz**

**Creating a joint select committee on the disposal of derelict vessels.**

The concurrent resolution was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute concurrent resolution was placed on final passage.

Representative Rockefeller spoke in favor of passage of the concurrent resolution.

Speaker Chopp stated the question before the House to be the final adoption of Substitute House Concurrent Resolution No. 4401.

**ROLL CALL**

The Clerk called the roll on the final adoption of Substitute House Concurrent Resolution No. 4401 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Substitute House Concurrent Resolution No. 4401, having received the necessary constitutional majority, was adopted.

**HOUSE BILL NO. 1370 by Representatives Jackley, Morell, Eickmeyer, Bush, Benson,**

**Rockefeller, Schindler, Conway, Hurst, Mulliken and Campbell****Restricting the sale of ephedrine, pseudoephedrine, or phenylpropanolamine.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1370 was substituted for House Bill No. 1370 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1370 was read the second time.

Representative Jackley moved the adoption of the following amendment (099):

On page 10, beginning on line 5, strike all of section 14 and insert the following:

**"NEW SECTION. Sec. 14.** A new section is added to chapter 69.43 RCW to read as follows:

(1) To prevent violations of section 9 of this act, every licensee and registrant under chapter 18.64 RCW, who sells at retail any products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, shall do one or both of the following:

(a) Program scanners, cash registers, or other electronic devices used to record sales in a manner that will alert persons handling transactions to potential violations of section 9(1) of this act and/or prevent such violations; or

(b) Place one or more signs on the premises to notify customers of the prohibitions of section 9 of this act. Any such sign may, but is not required to, conform to the language and format prepared by the department of health under subsection (2) of this section.

(2) The department of health shall prepare language and format for a sign summarizing the prohibitions in sections 9 and 10 of this act and make the language and format available to licensees and registrants under chapter 18.64 RCW, for voluntary use in their places of business to inform customers and employees of the prohibitions. Nothing in this section requires the department of health to provide licensees or registrants with copies of signs, or any licensee or registrant to use the specific language or format prepared by the department under this subsection."

Representative Jackley spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jackley and Morell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1370.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1370 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser,

Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Engrossed Substitute House Bill No. 1370, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1471 by Representatives Darneille, Delvin, Dickerson and Armstrong**

**Regarding diversions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1471 was substituted for House Bill No. 1471 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1471 was read the second time.

With the consent of the House, amendment (014) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Dickerson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1471.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1471 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Substitute House Bill No. 1471, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1581 by Representatives Cooper, Haigh, Morell, Hankins, Rockefeller and Delvin**

**Revising provisions for licensing of motor vehicle dealers and manufacturers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cooper spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1581.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1581 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives McIntire, Schindler, Casada, Edwards and Eickmeyer - 5.

House Bill No. 1581, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1019 by Representatives Pennington, Hatfield, Mielke and Ogden****Modifying the composition of the fish and wildlife commission.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1019 was substituted for House Bill No. 1019 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1019 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington, Doumit and Rockefeller spoke in favor of passage of the bill.

Representative Dunshee spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1019.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1019 and the bill passed the House by the following vote: Yeas - 89, Nays - 4, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Doumit, Dunn, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Voting nay: Representatives Cooper, Dickerson, Dunshee, and Romero - 4.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Substitute House Bill No. 1019, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1046 by Representatives Doumit, Alexander, Conway, Lambert, Sommers, Delvin, Kagi, O'Brien, McIntire, Hurst, Haigh, Kenney, Edmonds and Simpson**

**Modifying the Washington state patrol retirement system retirement and survivor benefits.**

The bill was read the second time.

Representative Sommers moved the adoption of the following amendment (021):

On page 6, line 24, after "RCW 47.46.040" insert ", or any voluntary overtime."

On page 6, line 27, after "RCW 47.46.040." insert "voluntary overtime."

Representatives Sommers and Alexander spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No. 1046.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1046 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlín,

Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Engrossed House Bill No. 1046, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1347 by Representatives Benson and Hatfield**

**Creating the structured settlement protection act.**

The bill was read the second time.

Representative Hatfield moved the adoption of the following amendment (004):

On page 2, beginning on line 32, after "payment of" strike the remainder of subsection (13) and insert "compensation for injuries or sickness as described in 26 U.S.C. 104(a)(1) or (2), as amended, or an arrangement for periodic payment of benefits under a special needs trust as described in 42 U.S.C. 1396p(d)(4), as amended."

Representative Hatfield spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Benson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No. 1347.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1347 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Engrossed House Bill No. 1347, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1361 by Representatives Jackley, Cairnes and Dunshee****Simplifying excise tax application and administration.**

The bill was read the second time.

Representative Cairnes moved the adoption of the following amendment (016):

**"NEW SECTION. Sec. 18.** The legislature finds that the recent state supreme court decision in *Simpson Investment Co. v. Dept. of Revenue* could lead to an unusually restrictive, narrow interpretation of the deductibility of investment income for business and occupation tax purposes. If allowed to stand, this interpretation could be extremely detrimental.

Through its ruling, the court called into question the application of the state's business and occupation tax to investment income derived by nonfinancial businesses such as family investment vehicles, estate planning entities, personal holding companies, mutual funds, venture capital companies, and other similar entities that have traditionally deducted their investment income pursuant to RCW 82.04.4281. The court's decision could also be read to expand the business and occupation tax to individual citizens' investment earnings even though they have never been considered to be engaging in business.

The court's decision has the potential of discouraging capital investment in this state's businesses and inhibiting individual citizens, their families, and noncommercial investors from preserving or increasing their financial security. The legislature recognizes that capital and investment income is easily moved out of state. Interpretations that would apply the business and occupation tax to certain investment income will definitely cause a reduction of overall capital available to businesses and could cause some to take their operations and family-wage jobs out of this state.

The legislature finds that a narrow interpretation of RCW 82.04.4281 is clearly not in the best interest of this state or its citizens. Therefore, it is the intent of this act to clarify the deductibility of investment income and to specifically identify persons who may not take the deduction provided in RCW 82.04.4281.

**Sec. 19.** RCW 82.04.4281 and 1980 c 37 s 2 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax:

(a) Amounts derived ((by persons, other than those engaging in banking, loan, security, or other financial businesses;)) from investments or the use of money ((as such, and also)); and

(b) Amounts derived as dividends by a parent from its subsidiary corporations.

(2) The following persons are not entitled to the deduction provided in subsection (1)(a) of this section:

(a) Persons who engage in business as a banking, loan, or other financial institution chartered under:

(i) Title 30, 31, 32, or 33 RCW;

(ii) The national bank act, as amended; or

(iii) The homeowners loan act, as amended;

(b) A holding company of any person described in (a) of this subsection that is subject to:

(i) The bank holding company act, as amended; or

(ii) The homeowners loan act, as amended;

(c) Persons who engage in business as a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the national housing act, as amended;

(d) Persons who engage in business as a subsidiary of or affiliate owned or controlled by one or more persons described in (a), (b), or (c) of this subsection;

(e) Persons who engage in business as an underwriter and distributor of securities issued by other persons, a seller of securities to the public, a broker of securities, or any combination of these activities, whose gross income is normally derived principally from these activities. However, this subsection shall not be construed to deny the deduction provided in subsection (1) of this section to the entity that issues any of the securities that are underwritten, distributed, sold, or brokered by any of the persons identified in this subsection.



In addition, this subsection shall not be construed to deny the deduction provided in subsection (1) of this section to any collective investment entity such as a mutual fund, venture capital fund, hedge fund, deferred compensation trust or account, or any similar fund or account;

(f) Persons who engage in business as a provider of revolving credit accounts. However, this subsection shall only be construed to deny the deduction provided in subsection (1) of this section to interest income derived from the provision of the revolving credit accounts. If the person providing revolving credit accounts is also engaged in business as a person identified in (a), (b), (c), or (d) of this subsection, that person shall be denied the deduction provided in subsection (1) of this section in its entirety;

(g) Persons who make installment sales through installment sales contracts. However, this subsection shall only be construed to deny the deduction provided in subsection (1) of this section to interest income derived from the installment sales contracts. In addition, a person making installment sales through installment sales contracts shall not be deemed to be engaged in business for the purposes of this subsection unless they hold two or more installment sales contracts; and

(h) Persons whose primary business activity is substantially identical to the activities of any person listed in (a) through (g) of this subsection. However, this subsection shall not be construed to deny the deduction provided in subsection (1) of this section to any person who qualifies as a personal holding company as defined in section 542 of the internal revenue code, nor any person who would meet the definition of a personal holding company if that person were a corporation."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

### **POINT OF ORDER**

Representative Kessler requested a scope and object ruling on the amendment (016) to House Bill No. 1361.

### **SPEAKERS' RULING**

Speaker Chopp: "House Bill No. 1361 is entitled "an act related to simplifying excise tax application and administration." The bill makes a number of housekeeping changes, including updating statutory references and clarifying and simplifying definitions, required departmental actions, and taxpayer reporting requirements.

Amendment (016) responds to a recent Supreme Court decision regarding business and occupation taxation of investment income by specifically identifying the types of businesses subject to those taxes. The amendment is much more than a simplification or housekeeping change.

"Representative Kessler, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1361.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1361 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser,

Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

House Bill No. 1361, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1371 by Representatives Morell, O'Brien, Woods, Bush, Cooper, Haigh, Simpson, Armstrong, Ahern, Lovick, Marine, Anderson, Pearson, Benson, Keiser, Conway, Hurst, Santos and Campbell**

**Allowing participation in health care authority insurance plans and contracts by surviving spouses and dependent children of emergency service personnel killed in the line of duty.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1371 was substituted for House Bill No. 1371 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1371 was read the second time.

Representative Morell moved the adoption of the following amendment (018):

On page 7, after line 3, insert the following: "

Correct the title.

Representative Morell spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1371.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1371 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke,

Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Engrossed Substitute House Bill No. 1371, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1655 by Representatives Sump, Doumit, Pearson, Rockefeller and Clements**

**Appointing a fish and wildlife advisory committee composed of disabled persons.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1655 was substituted for House Bill No. 1655 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1655 was read the second time.

Representative Sump moved the adoption of the following amendment (005):

On page 1, line 14, after "regions" insert ", as they existed on January 1, 2001,"

Representative Sump spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sump, Doumit and Pennington spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1655.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1655 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Casada, Edwards, Eickmeyer, McIntire, and Schindler - 5.

Engrossed Substitute House Bill No. 1655, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., March 10, 2001, the 62<sup>nd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Saturday, March 10, 2001

The House was called to order at 10:00 a.m. by Speaker Ballard.

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

**MESSAGE FROM THE SENATE**

March 10, 2001

Mr. Speakers:

The Senate passed:

and the same is herewith transmitted.

HOUSE BILL NO. 2222,

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 2222,

**MESSAGE FROM THE SENATE**

March 10, 2001

Mr. Speakers:

The President has signed:

and the same is herewith transmitted.

HOUSE BILL NO. 2222,

Tony M. Cook, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., March 12, 2001, the 64<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SIXTY FOURTH DAY

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MORNING SESSION

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House Chamber, Olympia, Monday, March 12, 2001

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

Speaker Ballard led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Dave Quall.

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

**MESSAGE FROM THE SENATE**

March 10, 2001

Mr. Speakers:

The Senate passed:

SENATE BILL NO. 5145,  
SUBSTITUTE SENATE BILL NO. 5184,  
SENATE BILL NO. 5223,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5291,  
SENATE BILL NO. 5316,  
SENATE BILL NO. 5317,  
SENATE BILL NO. 5359,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5413,  
SUBSTITUTE SENATE BILL NO. 5468,  
ENGROSSED SENATE BILL NO. 5835,  
ENGROSSED SENATE BILL NO. 6126,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 9, 2001

Mr. Speakers:

The Senate passed:

SENATE BILL NO. 5064,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5112,  
SUBSTITUTE SENATE BILL NO. 5115,  
SENATE BILL NO. 5127,  
SENATE BILL NO. 5151,  
SENATE BILL NO. 5159,  
SUBSTITUTE SENATE BILL NO. 5176,  
SENATE BILL NO. 5186,  
SUBSTITUTE SENATE BILL NO. 5207,  
SENATE BILL NO. 5457,  
SUBSTITUTE SENATE BILL NO. 5472,  
SUBSTITUTE SENATE BILL NO. 5500,

SIXTY FOURTH DAY, MARCH 12, 2001

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SUBSTITUTE SENATE BILL NO. 5219,  
SUBSTITUTE SENATE BILL NO. 5235,  
SUBSTITUTE SENATE BILL NO. 5236,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5238,  
SUBSTITUTE SENATE BILL NO. 5241,  
SUBSTITUTE SENATE BILL NO. 5282,  
SUBSTITUTE SENATE BILL NO. 5283,  
SENATE BILL NO. 5296,  
SENATE BILL NO. 5305,  
SENATE BILL NO. 5352,  
SENATE BILL NO. 5367,  
ENGROSSED SENATE BILL NO. 5374,  
SENATE BILL NO. 5389,  
SUBSTITUTE SENATE BILL NO. 5407,  
SUBSTITUTE SENATE BILL NO. 5502,  
SENATE BILL NO. 5531,  
SUBSTITUTE SENATE BILL NO. 5573,  
SENATE BILL NO. 5582,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5583,  
SENATE BILL NO. 5683,  
SUBSTITUTE SENATE BILL NO. 5734,  
SENATE BILL NO. 5863,  
SUBSTITUTE SENATE BILL NO. 5984,  
SUBSTITUTE SENATE BILL NO. 6110,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 10, 2001

Mr. Speakers:

The Senate passed:

SUBSTITUTE SENATE BILL NO. 5028,  
SUBSTITUTE SENATE BILL NO. 5099,  
SENATE BILL NO. 5121,  
ENGROSSED SENATE BILL NO. 5143,  
SUBSTITUTE SENATE BILL NO. 5183,  
SENATE BILL NO. 5188,  
SUBSTITUTE SENATE BILL NO. 5190,  
SENATE BILL NO. 5197,  
SUBSTITUTE SENATE BILL NO. 5224,  
SENATE BILL NO. 5253,  
SENATE BILL NO. 5260,  
SUBSTITUTE SENATE BILL NO. 5263,  
SENATE BILL NO. 5276,  
SUBSTITUTE SENATE BILL NO. 5369,  
SUBSTITUTE SENATE BILL NO. 5376,  
SENATE BILL NO. 5377,  
SUBSTITUTE SENATE BILL NO. 5395,  
SUBSTITUTE SENATE BILL NO. 5417,  
SUBSTITUTE SENATE BILL NO. 5438,  
SENATE BILL NO. 5439,

SENATE BILL NO. 5440,  
 SENATE BILL NO. 5454,  
 SUBSTITUTE SENATE BILL NO. 5474,  
 SUBSTITUTE SENATE BILL NO. 5509,  
 SUBSTITUTE SENATE BILL NO. 5511,  
 SENATE BILL NO. 5518,  
 SENATE BILL NO. 5546,  
 SUBSTITUTE SENATE BILL NO. 5558,  
 SUBSTITUTE SENATE BILL NO. 5565,  
 SUBSTITUTE SENATE BILL NO. 5571,  
 SUBSTITUTE SENATE BILL NO. 5572,  
 SENATE BILL NO. 5629,  
 SENATE BILL NO. 5691,  
 SENATE BILL NO. 5699,  
 SUBSTITUTE SENATE BILL NO. 5791,  
 SUBSTITUTE SENATE BILL NO. 5813,  
 SUBSTITUTE SENATE BILL NO. 6012,

and the same are herewith transmitted.

Tony M. Cook, Secretary

## SECOND READING

**HOUSE BILL NO. 1162 by Representatives McMorris, Cody, Alexander, Schual-Berke, Mastin, Cox, Mulliken, Sump, G. Chandler, Lisk, B. Chandler, Hatfield, Schoesler, Grant, Armstrong, Kessler, Doumit, DeBolt, Delvin, Dickerson, Kenney, Bush, Conway, Edmonds, Pflug and Haigh**

**Providing medical assistance reimbursements for small, rural hospitals.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris and Cody spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1162.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1162 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.



House Bill No. 1162, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1174 by Representatives Hurst, Carrell, Lantz, Lovick and O'Brien**

**Authorizing vacation of records of conviction for misdemeanor and gross misdemeanor offenses.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1174 was substituted for House Bill No. 1174 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1174 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Carrell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1174.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1174 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1174, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1240 by Representatives Schindler, Quall, Talcott, Pearson, Cox, Keiser, Campbell, Schmidt and Haigh**

**Changing provisions relating to the Washington assessment of student learning.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1240 was substituted for House Bill No. 1240 and the substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1240 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schindler and Quall spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Second Substitute House Bill No. 1240.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1240 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Second Substitute House Bill No. 1240, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1243 by Representatives Hurst, Esser, Carrell, Lovick, Lantz and Lambert

**Changing provisions relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Esser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1243.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1243 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, and Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, Speaker Chopp - 98.

House Bill No. 1243, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1259 by Representatives Tokuda, Boldt, Kagi, Schual-Berke, Kenney, Lambert

**and Edwards**

**Providing services for persons twenty years of age who are or who have been in foster care.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1259 was substituted for House Bill No. 1259 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1259 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Tokuda spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1259.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1259 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1259, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1337 by Representatives Kagi, Delvin and Dickerson**

**Revising the chemical dependency disposition alternative.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1337 was substituted for House Bill No. 1337 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1337 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kagi spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1337.

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**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1337 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1337, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1381 by Representatives Mulliken, Rockefeller, G. Chandler, Skinner, Dunn, Lantz, Doumit, Cox, Keiser, Pearson, Schoesler, Ruderman, Schual-Berke and Lambert**

**Requiring institutions of higher education to use personal identifiers that are not social security numbers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1381 was substituted for House Bill No. 1381 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1381 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Kenney spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1381.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1381 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1381, having received the necessary constitutional majority, was declared

passed.

**HOUSE BILL NO. 1385 by Representatives Reardon and Pennington**

**Clarifying the taxable situs and nature of linen and uniform supply services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon and Pennington spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1385.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1385 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, and Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1385, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1408 by Representatives Reardon, Talcott, Schmidt, Conway, Haigh, Bush, Mielke, Hatfield, Campbell, Barlean, Berkey and Rockefeller**

**Providing a property tax exemption to widows or widowers of honorably discharged veterans.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon and Talcott spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1408.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1408 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody,

Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1408, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1419 by Representatives Hurst, Esser, Lantz, Carrell, Haigh, O'Brien, Roach and Ruderman**

**Requiring a notation in the driving record when a driver is required to use an ignition interlock or other biological or technical device.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst, Esser and Dunn spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1419.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1419 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1419, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1445 by Representatives Kessler, Lambert, Ogden, Edmonds, Kagi, Dickerson, Jackley, Fromhold, Keiser, Veloria, Miloscia, Cody and McDermott**

**Managing short-term treasury surplus funds.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1445 was substituted for House Bill No. 1445 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1445 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler and Lambert spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Second Substitute House Bill No. 1445.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1445 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Voting nay: Representative Dunn - 1.

Second Substitute House Bill No. 1445, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1489 by Representatives Carrell, Morris, Roach, Lambert, Boldt, Cairnes, Benson and Marine**

#### **Requiring the department of revenue to develop an assessment improvement plan.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Morris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1489.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1489 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos,

Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Voting nay: Representative Benson - 1.

House Bill No. 1489, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1649 by Representative Kessler**

**Including injury to the body of a deceased person within hit and run.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1649 was substituted for House Bill No. 1649 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1649 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler and Buck spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1649.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1649 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Voting nay: Representatives Ericksen, and Jarrett - 2.

Substitute House Bill No. 1649, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1650 by Representatives Cody, Alexander, Tokuda, Mulliken, Doumit, Schual-Berke, Edwards and Kagi**

**Requiring monitoring of the performance of the community mental health service delivery system.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1650 was substituted for House Bill No. 1650 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1650 was read the second time.



Speaker Ballard announced that House Bill No. 1650 was co-primed sponsored by Representatives Cody and Alexander.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Alexander spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1650.

#### MOTION

On motion of Representative Santos, Representatives McIntire and Quall were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1650 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives McIntire, and Quall - 2.

Substitute House Bill No. 1650, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1730 by Representatives Schual-Berke, Skinner, Clements, Pennington, Kagi, Linville, Cody, Campbell, Lovick, Cox, Ruderman, Ballasiotes, O'Brien, Hunt, Edwards, Dickerson, Grant, Darneille and Keiser**

**Requiring certain health care providers to report gunshot or knife wounds to the authorities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1730 was substituted for House Bill No. 1730 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1730 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schual-Berke spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1730.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1730 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute House Bill No. 1730, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1759, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1770 by Representatives McDermott, Schmidt, Haigh, Miloscia, Dunshee, McMorris, Morris, Romero, Esser, Lambert, Schindler, Dickerson and Ogden**

**Allowing contributions to primary losers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McDermott spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1770.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1770 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, and Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1770, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1821 by Representatives Buck, Doumit, Sump, Hatfield and Kessler****Concerning coastal Dungeness crab resource plan provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1821 was substituted for House Bill No. 1821 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1821 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Doumit spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1821.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1821 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1821, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1849 by Representatives Pearson, Jackley, Doumit, Eickmeyer, Rockefeller, Cox, Barlean, Armstrong, Bush and O'Brien****Requiring the parks and recreation commission to have a record check performed on certain job applicants.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1849 was substituted for House Bill No. 1849 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1849 was read the second time.

Speaker Ballard announced that House Bill No. 1849 was co-prime sponsored by Representatives Pearson and Jackley.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pearson and Jackley spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1849.

There being no objection, Speaker Chopp was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1849 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 96.

Voting nay: Representative Ericksen - 1.

Excused: Speaker Chopp - 1.

Substitute House Bill No. 1849, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1852 by Representatives Morris, Schoesler, Anderson, Eickmeyer, Conway, Fromhold, Van Luven, Kenney, Dunn, Santos, Ogden, Jackley, O'Brien, Lovick and Linville**

**Increasing international marketing of Washington's goods and services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Van Luven spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1852.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1852 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray,

O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1852, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1855 by Representatives Hunt, Conway, Clements, Ericksen, Pennington and Kenney**

**Allowing private clubs to serve liquor at special events.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1855.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1855 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1855, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1859, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1865 by Representatives G. Chandler and Grant**

**Changing watershed planning provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative G. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1865.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1865 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1865, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1884 by Representatives Ogden, Poulsen, Crouse and Kenney****Changing provisions relating to telecommunications services for hearing or speech impaired.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1884 was substituted for House Bill No. 1884 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1884 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ogden spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1884.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1884 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1884, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1891 by Representatives Mulliken, Schoesler, Veloria, B. Chandler, Van Luven, Linville, G. Chandler, Conway and Dunn**

**Increasing the international trade of Washington state agricultural products.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1891 was substituted for House Bill No. 1891 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1891 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Veloria spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1891.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1891 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1891, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1892 by Representatives Linville and G. Chandler**

**Regulating agricultural commodity boards and commissions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1892 was substituted for House Bill No. 1892 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1892 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and G. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1892.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1892 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Voting nay: Representatives Anderson, Lambert, and Pflug - 3.

Substitute House Bill No. 1892, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1895 by Representatives Esser, Morris, Barlean, Cooper, Mielke, O'Brien, Mulliken, Ericksen, Hatfield, B. Chandler, Linville and Kirby**

**Creating the crime of theft of motor vehicle fuel.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1895.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1895 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1895, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1908 by Representatives Schoesler, Morris, Santos, Hankins, Sump, Pennington, DeBolt, B. Chandler, Sehlin, Schmidt, Dunn, Mielke, McMorris, Tokuda, Buck, Skinner,**



**Mulliken and Bush****Restricting mailings and public service broadcasts by state officials.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1908 was substituted for House Bill No. 1908 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1908 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Romero spoke in favor of passage of the bill.

Representative Conway spoke against passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1908.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1908 and the bill passed the House by the following vote: Yeas - 66, Nays - 32, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Ericksen, Esser, Gombosky, Grant, Hankins, Jackley, Jarrett, Kagi, Keiser, Kessler, Lambert, Linville, Lisk, Lovick, Marine, Mastin, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Roach, Romero, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Woods, Speaker Ballard, and Speaker Chopp - 66.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Haigh, Hatfield, Hunt, Hurst, Kenney, Kirby, Lantz, McDermott, McIntire, Murray, Ogden, Reardon, Rockefeller, Ruderman, Santos, Schual-Berke, Simpson, Veloria, and Wood - 32.

Substitute House Bill No. 1908, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1911 by Representatives Reardon, Cody, Santos and Ballasiotes****Requiring coverage for neurodevelopmental therapies.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon and Campbell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1911.

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**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1911 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1911, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1913 by Representative Boldt**

**Creating a demonstration project to provide services to disturbed youth.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1913 was substituted for House Bill No. 1913 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1913 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1913.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1913 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1913, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1915 by Representatives Cairnes, Morris, Sommers, Skinner, Hankins, Kessler,**

**Lisk, Clements, Benson, Delvin, B. Chandler, Veloria, G. Chandler, Conway, Ruderman, Santos, Grant, Barlean and Alexander**

**Modifying wine and cider provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1915 was substituted for House Bill No. 1915 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1915 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Morris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1915.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1915 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1915, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1937 by Representatives Linville, B. Chandler, G. Chandler, Delvin, Quall, Grant and Simpson**

**Reusing waste water derived from food processing.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1937 was substituted for House Bill No. 1937 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1937 was read the second time.

There being no objection, the House deferred action on Substitute House Bill No. 1937, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1938 by Representatives Pearson, Sump, Doumit, Jackley, Pennington, Mulliken, Boldt, Schoesler and Buck**

**Prescribing penalties for sabotage resulting in damage to land, facilities, and property.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1938 was substituted for House Bill No. 1938 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1938 was read the second time.

There being no objection, the House deferred action on Substitute House Bill No. 1938, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1950 by Representatives Conway, Clements, Wood, Kenney and Miloscia****Describing worker rights under industrial insurance.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1950 was substituted for House Bill No. 1950 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1950 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1950.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1950 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1950, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1958 by Representatives Delvin, Dickerson, Carrell and Darneille****Revising provisions for children in need of services, at-risk youth, and truancy petitions.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1958 was substituted for House Bill No. 1958 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1958 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Delvin spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Second Substitute House Bill No. 1958.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1958 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Second Substitute House Bill No. 1958, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1984 by Representatives Quall, Morris, Barlean, Cooper, Ericksen, Dunshee, Linville, Hatfield, Ruderman, Poulsen, Conway, Lovick and Kagi**

**Creating the small farm direct marketing assistance program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Quall spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1984.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1984 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray,

O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1984, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1992, and the bill held its place on the Second reading calendar.

There being no objection, the House deferred action on House Bill No. 1996, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 2025 by Representatives Santos, Talcott, Quall, Keiser, Ogden, Tokuda, Schual-Berke and Kenney**

**Changing transitional bilingual instruction program provisions.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2025 was substituted for House Bill No. 2025 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2025 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Talcott spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Second Substitute House Bill No. 2025.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2025 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Second Substitute House Bill No. 2025, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2029 by Representatives Hurst, Mitchell, Fisher, Hankins, Haigh, Anderson, Cooper, Ericksen, Ogden, Marine, Jarrett, Wood, Romero, Armstrong, Rockefeller, Mielke, Hatfield, Sump, Lovick, Simpson, Woods, Reardon, Morell, Skinner, Ahern, Jackley, Murray, Edmonds and Kenney**

**Authorizing changes to the VIN inspection program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Mitchell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 2029.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2029 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 2029, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2031 by Representatives Cairnes, Crouse, Poulsen, Morris, Reardon, Delvin and Barlean****Limiting the taxation of pay phone services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes, Morris, Van Luven, Mulliken and Lambert spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 2031.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2031 and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunn, Eickmeyer, Ericksen, Esser, Gombosky, Grant, Hankins, Hunt, Jackley, Jarrett, Kessler, Kirby, Lambert, Linville, Lisk, Lovick, Marine, Mastin, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Pearson, Pennington, Quall, Pflug, Reardon, Roach,

Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sump, Talcott, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 74.

Voting nay: Representatives Dickerson, Doumit, Dunshee, Edmonds, Edwards, Fisher, Fromhold, Haigh, Hatfield, Hurst, Kagi, Keiser, Kenney, Lantz, McDermott, McIntire, Murray, O'Brien, Ogden, Poulsen, Santos, Schual-Berke, Sommers and Tokuda - 24.

House Bill No. 2031, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2049, and the bill held its place on the Second Reading calendar.

There being no objection, the House deferred action on House Bill No. 2051, and the bill held its place on the Second Reading calendar.

### **HOUSE BILL NO. 2064 by Representative Carrell**

**Providing for the availability of online legal research capability on a cost-efficient basis to all residents of the state.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carrell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 2064.

There being no objection, Representative Campbell was excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2064 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Campbell - 1.

House Bill No. 2064, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1571 by Representatives Wood, Clements and Conway**

**Changing provisions on simulcast horse racing.**



The bill was read the second time. There being no objection, Substitute House Bill No. 1571 was substituted for House Bill No. 1571 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1571 was read the second time.

With the consent of the House, amendments (010, 011, 012, and 015) were withdrawn.

Representative Bush moved the adoption of the following amendment (013):

On page 5, after line 13, insert the following:

"(9) A licensee shall include the following statement in any advertising or promotion of a simulcast race conducted by the licensee:

"CAUTION: Participation in gambling activity may result in pathological gambling behavior causing emotional and financial harm. For help, call 1-800-547-6133."

For purposes of this subsection, advertising includes print media, point-of-sale advertising, electronic media, billboards, and radio advertising."

Representatives Bush and Wood spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1571.

There being no objection, Representatives Campbell, Edwards and Kirby were excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1571 and the bill passed the House by the following vote: Yeas - 73, Nays - 22, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Benson, Berkey, Buck, Cairnes, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jackley, Jarrett, Keiser, Kenney, Kessler, Linville, Lisk, Marine, Mastin, McDermott, McMorris, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Tokuda, Van Luven, Voloria, Wood, Woods, and Speaker Chopp - 73.

Voting nay: Representatives Barlean, Boldt, Bush, Carrell, Casada, Edmonds, Esser, Fromhold, Hurst, Kagi, Lambert, Lantz, Lovick, McIntire, Mielke, Morell, Murray, Pennington, Santos, Schindler, Talcott, and Ballard - 22.

Excused: Representatives Campbell, Edwards and Kirby - 3.

Engrossed Substitute House Bill No. 1571, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1002 by Representatives Ruderman, Rockefeller, Santos, Lambert, Darneille, Haigh, McIntire and Hunt**

**Limiting the public inspection and copying of residential addresses or residential phone numbers of public employees or volunteers of public agencies.**

The bill was read the second time.

With the consent of the House, amendment (017) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman and Van Luven spoke in favor of passage of the bill.

**COLLOQUY**

Representative Van Luven: "Is it the intent of this act that "residential addresses" includes "residential electronic mail addresses?"

Representative Ruderman: "Yes."

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1002.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1002 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Campbell, Edwards and Kirby - 3.

House Bill No. 1002, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1577 by Representatives Schmidt and Romero**

**Clarifying standards for candidates using party designations.**

The bill was read the second time.

Representative Delvin moved the adoption of the following amendment (022):

On page 5, after line 15, insert:

"**Sec. 6.** RCW 29.18.010 and 1990 c 59 s 78 are each amended to read as follows:

Candidates for the following offices shall be nominated at partisan primaries held pursuant to the provisions of this chapter:

- (1) Congressional offices;
- (2) All state offices except (a) judicial offices and (b) the office of superintendent of public instruction;
- (3) All county offices except (a) judicial offices, (b) sheriff, except in a county for which the position is declared to be a partisan office by the county's home rule charter, and ~~((b))~~ (c) those offices where a county home rule charter provides otherwise.

**Sec. 7.** RCW 29.21.010 and 1990 c 59 s 89 are each amended to read as follows:

All city and town primaries shall be nonpartisan. Primaries for special purpose districts, except those districts that require ownership of property within the district as a prerequisite to voting, shall be nonpartisan. Primaries for the office of county sheriff shall be nonpartisan except in a county for which the position is declared to be a partisan office by the county's home rule charter. City, town, county sheriff, and district primaries shall be held as provided in RCW 29.13.070.

The purpose of this section is to establish the holding of a primary, subject to the exemptions in RCW 29.21.015, as a uniform procedural requirement to the holding of city, town, county sheriff, and district elections.

These provisions supersede any and all other statutes, whether general or special in nature, having different election requirements.

**Sec. 8.** RCW 29.21.015 and 1998 c 19 s 1 are each amended to read as follows:

(1) No primary may be held for any single position in any city, town, district, ~~((ø))~~ district court, or for the nonpartisan position of county sheriff, as required by RCW 29.21.010, if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position. The county auditor shall, as soon as possible, notify all the candidates so affected that the office for which they filed will not appear on the primary ballot.

(2) No primary may be held for the office of commissioner of a park and recreation district or for the office of cemetery district commissioner.

(3) Names of candidates for offices that do not appear on the primary ballot shall be printed upon the general election ballot in the manner specified by RCW 29.30.025.

**Sec. 9.** RCW 29.21.070 and 1990 c 59 s 91 are each amended to read as follows:

The offices of superintendent of public instruction, justice of the supreme court, judge of the court of appeals, judge of the superior court, and judge of the district court shall be nonpartisan and the candidates therefor shall be nominated and elected as such. Except in a county for which the position of sheriff is declared to be a partisan office by the county's home rule charter, the office of county sheriff shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

All city, town, and special purpose district elective offices shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

**Sec. 10.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read as follows:

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all sample and absentee ballots. In the case of candidates for city, town, and district office, and for nonpartisan sheriff, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place. The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall appear on the general election ballot in the order determined by lot.

**Sec. 11.** RCW 36.16.110 and 1963 c 4 s 36.16.110 are each amended to read as follows:

The board of county commissioners in each county shall, at its next regular or special meeting after being appraised of any vacancy in any county, township, precinct, or road district office of the county, including the office of county sheriff, fill the vacancy by the appointment of some person qualified to hold such office, and the officers thus appointed shall hold office until the next general election, and until their successors are elected and qualified."

Correct the title.

### POINT OF ORDER

Representative Kessler requested a scope and object ruling on amendment number (013) to House Bill No. 1577.

### SPEAKERS' RULING

Speaker Ballard: "HB 1577 is entitled "an act relating to candidates for elected office." The purpose of the bill is to clarify standards for candidates using party designations. Amendment # 97 makes the office of county sheriff a nonpartisan position. The bill deals with partisan offices. The amendment deals with nonpartisan offices. Therefore, the Speakers find the amendment is beyond the scope and object of the bill.

Representative Kessler, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schmidt spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1577.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1577 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Campbell, Edwards and Kirby - 3.

House Bill No. 1577, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1936 by Representatives Quall, Morris, Linville, Grant, Sehlin, Doumit, Esser and Anderson**

**Allowing the residential owner of land that abuts state-owned shoreland to anchor their boats to**

**adjacent buoys.**

The bill was read the second time.

There being no objection, the House deferred action on House Bill No. 1936, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1017 by Representatives Pennington and Mielke****Concerning lands vehicle use permits.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1017 was substituted for House Bill No. 1017 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1017 was read the second time.

With the consent of the House, amendment (031) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington and Doumit spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1017.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1017 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Campbell, Edwards and Kirby - 3.

Substitute House Bill No. 1017, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1219 by Representatives Marine, Schmidt, Roach, Delvin, Cooper and Skinner****Exempting community public radio stations from property taxation.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill

was placed on final passage.

Representatives Marine, Morris and Schmidt spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1219.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1219 and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Poulsen, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 85.

Voting nay: Representatives Anderson, Casada, Ericksen, Esser, Fromhold, Morell, Pflug, Roach, Simpson, and Van Luven - 10.

Excused: Representatives Campbell, Edwards and Kirby - 3.

House Bill No. 1219, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Lisk congratulated Representative Marine on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

There being no objection, the House deferred action on House Bill No. 1230, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1286 by Representatives Lisk, Grant, Sump, Cox, Doumit, G. Chandler, Mulliken, Mielke, Clements, Lambert, Hankins, Pflug, Dunn, B. Chandler, Buck, Cairnes, Pennington, Boldt, Hatfield, Delvin, Armstrong, Skinner, Alexander, Kessler, Pearson, Schmidt, Anderson, Rockefeller and Esser**

**Providing hatchery origin salmon eggs in order to replenish fish runs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1286 was substituted for House Bill No. 1286 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1286 was read the second time.

With the consent of the House, amendment (028) was withdrawn.

Representative Doumit moved the adoption of the following amendment (034):

On page 1, line 12, after "Washington" insert "after the salmon harvest on surplus salmon has been first maximized by both commercial and recreational fishers"

Representatives Doumit and Sump spoke in favor of adoption of the amendment.

The amendment was adopted.

Representative Doumit moved the adoption of the following amendment (029):

"**Sec. 3.** RCW 77.100.050 and 1987 c 505 s 73 are each amended to read as follows:

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Doumit and Sump spoke in favor of adoption of the amendment.

The amendment was adopted.

Representative Sump moved the adoption of the following amendment (026):

On page 4, after line 7, insert the following:

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representatives Sump and Doumit spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk, Doumit and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1286.

#### MOTION

On motion of Representative Santos, Representatives Darneille and Kessler were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1286 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris,

Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Darneille, Edwards, Kessler, and Kirby - 4.

Engrossed Substitute House Bill No. 1286, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1364 by Representatives Pflug, Edmonds, Cody, Campbell, Boldt, Doumit, Pennington and Schual-Berke**

**Mandating general anesthesia services.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1364 was substituted for House Bill No. 1364 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1364 was read the second time.

Representative Pflug moved the adoption of the following amendment (042):

On page 1, line 11, after "if" insert "such hospitalization is medically necessary because"

On page 1, beginning on line 16, strike "as determined by the dentist"

On page 2, line 5, after "with" insert "covered"

On page 2, line 6, after "if" insert "such services are medically necessary because"

On page 2, after line 27, insert the following:

"(7) An employee benefit plan or health carrier that covers hospital or general anesthesia services under this section is not responsible for, or liable with respect to, the services of a dentist when those services are not covered by the carrier."

On page 2, line 30, after "provides" insert "group"

On page 2, line 33, after "if" insert "such hospitalization is medically necessary because"

On page 3, beginning on line 2, strike "as determined by the dentist"

On page 3, line 8, after "provides" insert "group"

On page 3, line 9, after "with" insert "covered"

On page 3, line 10, after "if" insert "such services are medically necessary because"

On page 3, after line 32, insert the following:

"(7) Each health carrier that covers hospital or general anesthesia services under this section is not responsible for, or liable with respect to, the services of a dentist when those services are not covered by the carrier."



Representative Pflug spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

#### MOTION

On motion of Representative Schoesler, Representative Pennington was excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pflug spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1364.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1364 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Kessler, Kirby, and Pennington - 4.

Engrossed Substitute House Bill No. 1364, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1375 by Representatives Miloscia and Cox**

##### **Reauthorizing the expedited rule adoption process.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1375 was substituted for House Bill No. 1375 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1375 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Miloscia spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1375 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Kessler, Kirby, and Pennington - 4.

Substitute House Bill No. 1375, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1499 by Representatives Jackley, Buck, Rockefeller, Eickmeyer, Sump, Doumit, Pennington and Dunn**

**Regulating marine fin fish aquaculture.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1499 was substituted for House Bill No. 1499 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1499 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jackley and Buck spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Second Substitute House Bill No. 1499.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1499 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Kessler, Kirby, and Pennington - 4.

Second Substitute House Bill No. 1499, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1591 by Representatives Esser, Lantz, O'Brien, Lisk, Kirby, B. Chandler, Linville and Doumit**

**Revising requirements for service of orders in harassment matters.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1591 was substituted for House Bill No. 1591 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1591 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Lantz spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1591.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1591 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Kessler, and Kirby - 3.

Substitute House Bill No. 1591, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1607, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1759 by Representatives Darneille, Schual-Berke, McDermott, Santos, Murray, Tokuda and Wood**

**Allowing for the sale of hypodermic syringes and needles to reduce the transmission of bloodborne diseases.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1759 was

substituted for House Bill No. 1759 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1759 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Darneille spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1759.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1759 and the bill passed the House by the following vote: Yeas - 79, Nays - 16, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Berkey, Buck, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Voloria, Wood, Woods, and Speaker Chopp - 79.

Voting nay: Representatives Ahern, Armstrong, Benson, Boldt, Bush, Carrell, Crouse, Dunn, Ericksen, Esser, Lambert, Mulliken, Roach, Schindler, Van Luven, and Ballard - 16.

Excused: Representatives Edwards, Kessler, and Kirby - 3.

Substitute House Bill No. 1759, having received the necessary constitutional majority, was declared passed.

There being no objection, the House resumed discussion on Substitute House Bill No. 1938.

**SUBSTITUTE HOUSE BILL NO. 1938 by Committee on Criminal Justice & Corrections (originally sponsored by Representatives Pearson, Sump, Doumit, Jackley, Pennington, Mulliken, Boldt, Schoesler and Buck)**

**Prescribing penalties for sabotage resulting in damage to land, facilities, and property.**

There being no objection, amendment (035) was withdrawn.

Representative McIntire moved the adoption of the following amendment (041):

On page 4, line 7, strike "Criminal Sabotage (RCW 9.05.060)"

On page 5, after line 5, insert "Criminal Sabotage (RCW 9.05.060)"

Representatives McIntire and Hurst spoke in favor of adoption of the amendment.

Representative Ballasiotes spoke against adoption of the amendment.

There being no objection, the House deferred action on Substitute House Bill No. 1938, and the bill held its place on the Second Reading calendar with an amendment offered to it.

**HOUSE BILL NO. 2049 by Representatives Pearson, Crouse, Cox, Schindler, DeBolt, Mitchell, Ericksen, Cairnes, Clements and Talcott**

**Establishing technical assistance programs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2049 was substituted for House Bill No. 2049 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2049 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pearson, Romero and Conway spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 2049.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2049 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Kessler, and Kirby - 3.

Substitute House Bill No. 2049, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2051 by Representatives Roach, Quall, Bush, G. Chandler, Hatfield, McMorris, Grant, Kessler and Woods**

**Revising rule-making procedures.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2051 was substituted for House Bill No. 2051 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2051 was read the second time.

Representative Roach moved the adoption of the following amendment (030):

On page 2, line 20, after "statement" insert "and a statement evaluating the proposed rule's impact on the affordability of single family dwellings"

Representative Roach spoke in favor of adoption of the amendment.

Representative Romero spoke against adoption of the amendment.

Division was demanded and the demand was sustained. Speaker Ballard divided the House on adoption of amendment (030). The results of the division was 52 - AYES; 46 - NAYS. The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Roach spoke in favor of passage of the bill.

Representative Romero spoke against passage of the bill.

There being no objection, the House deferred action on Engrossed Substitute House Bill No. 2051, and the bill held its place on the Third Reading calendar.

**HOUSE BILL NO. 2082 by Representatives Darneille, Campbell, Dickerson, Ballasiotes, O'Brien, Boldt, Tokuda, Bush, Simpson, Morell, Kirby, Conway, Kenney, Woods, Ahern, Hurst and Schual-Berke**

**Presuming that it is negligent treatment to expose a child to a methamphetamine manufacturing site.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2082 was substituted for House Bill No. 2082 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2082 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Campbell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 2082.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2082 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington,

Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Kessler, and Kirby - 3.

Substitute House Bill No. 2082, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2156 by Representatives Cairnes and Morris**

**Providing uniform mobile telecommunications laws.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Morris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 2156.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2156 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Kessler, and Kirby - 3.

House Bill No. 2156, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2184 by Representatives Berkey, DeBolt, Morris, Dunshee and Edwards**

**Revising the tax treatment of park model trailers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2184 was substituted for House Bill No. 2184 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2184 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berkey and Cairnes spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 2184.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2184 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Kessler, and Kirby - 3.

Substitute House Bill No. 2184, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Berkey on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

#### **HOUSE BILL NO. 2221, By Representatives Mielke, Rockefeller and Jackley**

Adjusting procedures for ferry maintenance and preservation.

The bill was read the second time. There being no objection, Substitute House Bill No. 2221 was substituted for House Bill No. 2221 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2221 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mielke spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 2221.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2221 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,



Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Kessler, and Kirby - 3.

Substitute House Bill No. 2221, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1012,  
HOUSE BILL NO. 1034,  
HOUSE BILL NO. 1116,  
HOUSE BILL NO. 1119,  
HOUSE BILL NO. 1180,  
HOUSE BILL NO. 1384,  
HOUSE BILL NO. 1418,  
HOUSE BILL NO. 1446,  
HOUSE BILL NO. 1785,  
HOUSE BILL NO. 1786,  
HOUSE BILL NO. 1835,  
HOUSE BILL NO. 1881,  
HOUSE BILL NO. 1921,  
HOUSE BILL NO. 1997,  
HOUSE BILL NO. 2105,  
HOUSE BILL NO. 2168,

There being no objection, the Committee on Appropriations was relieved of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1517,  
HOUSE BILL NO. 1739,

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

#### MOTION

On motion of Representative DeBolt, the House adjourned until 10:00 a.m., March 13, 2001, the 65<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SIXTY FIFTH DAY

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MORNING SESSION

---

House Chamber, Olympia, Tuesday, March 13, 2001

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

Prayer was offered by Representative Joe Marine.

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

**MESSAGES FROM THE SENATE**

Tuesday, March 12, 2001

Mr. Speakers:

The Senate passed:

SENATE BILL NO. 5061,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5113,  
SUBSTITUTE SENATE BILL NO. 5284,  
SUBSTITUTE SENATE BILL NO. 5370,  
SUBSTITUTE SENATE BILL NO. 5433,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5434,  
SENATE BILL NO. 5478,  
SUBSTITUTE SENATE BILL NO. 5497,  
SENATE BILL NO. 5527,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5606,  
SUBSTITUTE SENATE BILL NO. 5621,  
SUBSTITUTE SENATE BILL NO. 5647,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5695,  
SENATE BILL NO. 5708,  
SUBSTITUTE SENATE BILL NO. 5720,  
SUBSTITUTE SENATE BILL NO. 5795,  
SECOND SUBSTITUTE SENATE BILL NO. 5820,  
SENATE BILL NO. 5878,  
ENGROSSED SENATE BILL NO. 5888,  
SUBSTITUTE SENATE BILL NO. 5902,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5993,  
SENATE BILL NO. 5999,  
ENGROSSED SENATE BILL NO. 6001,  
SUBSTITUTE SENATE BILL NO. 6020,  
SUBSTITUTE SENATE BILL NO. 6053,  
SUBSTITUTE SENATE BILL NO. 6076,  
SENATE BILL NO. 6107,  
SENATE JOINT MEMORIAL NO. 8004,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8012,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015,

SIXTY FIFTH DAY, MARCH 13, 2001

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SENATE JOINT MEMORIAL NO. 8019,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 12, 2001

Mr. Speakers:

The Senate passed:

and the same is herewith transmitted.

ENGROSSED SENATE BILL NO. 5882,

Tony M. Cook, Secretary

March 12, 2001

Mr. Speakers:

The Senate has passed the following bills:

SENATE BILL NO. 5091,  
SUBSTITUTE SENATE BILL NO. 5097,  
SUBSTITUTE SENATE BILL NO. 5107,  
ENGROSSED SENATE BILL NO. 5258,  
SUBSTITUTE SENATE BILL NO. 5292,  
SENATE BILL NO. 5331,  
SENATE BILL NO. 5348,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,  
SUBSTITUTE SENATE BILL NO. 5465,  
SENATE BILL NO. 5491,  
SUBSTITUTE SENATE BILL NO. 5557,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5598,  
SENATE BILL NO. 5604,  
SENATE BILL NO. 5627,  
SENATE BILL NO. 5739,  
SENATE BILL NO. 5852,  
ENGROSSED SENATE BILL NO. 5872,  
SUBSTITUTE SENATE BILL NO. 5875,  
SENATE BILL NO. 5954,  
SUBSTITUTE SENATE BILL NO. 5961,  
SUBSTITUTE SENATE BILL NO. 6007,  
SENATE BILL NO. 6025,  
SUBSTITUTE SENATE BILL NO. 6056,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### **POINT OF PERSONAL PRIVILEGE**

Representative Keiser asked that the Chamber acknowledge the death of City of Des Moines Police Officer Steven Underwood who was killed in the line of duty, and whose memorial services were held earlier in the day. The Chamber held a moment of silence in his honor.

### **SECOND READING**

**HOUSE JOINT MEMORIAL NO. 4010 by Representatives Dunn, Fromhold, Pennington, Ogden, Hatfield, Mielke, Boldt and Grant**

**Requesting fair tax treatment of Washington residents working in Oregon.**

The joint memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4010 was substituted for House Joint Memorial No. 4010 and the substitute joint memorial was placed on the second reading calendar.

Substitute House Joint Memorial No. 4010 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Dunn and Fromhold spoke in favor of passage of the joint memorial.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4010.

**MOTIONS**

On motion of Representative Schoesler, Representative Mielke was excused. On motion of Representative Santos, Representatives Edwards, Schual-Berke and Sommers were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4010 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Mielke, Schual-Berke, and Sommers - 4.

Substitute House Joint Memorial No. 4010, having received the necessary constitutional majority, was declared passed.

**HOUSE CONCURRENT RESOLUTION NO. 4410 by Representatives Sump, Doumit, Sehlin, Sommers, Mulliken, Linville, Armstrong, Murray, Alexander and Hatfield**

**Creating a joint select legislative task force to evaluate the state's authority under the forest resources conservation and shortage relief act.**

The concurrent resolution was read the second time.

Representative Sump moved the adoption of the following amendment (027):

On page 1, line 2, after "the" strike everything down to and including "timber" on line 4 and insert "export of unprocessed logs from federal lands and the substitution" of federal timber for private timber that is exported"

Representative Sump spoke in favor of adoption of the amendment.

The amendment was adopted.

The concurrent resolution was ordered engrossed.

There being no objection, the rules were suspended, the second considered the third and the resolution was placed on final passage.

Representatives Sump, Doumit and Van Luven spoke in favor of passage of the resolution.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Concurrent Resolution No. 4410.

### ROLL CALL

The Clerk called the roll on the final adoption of Engrossed House Concurrent Resolution No. 4410 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Mielke, Schual-Berke, and Sommers - 4.

Engrossed House Concurrent Resolution No. 4410, having received the necessary constitutional majority, was adopted.

**HOUSE BILL NO. 1859 by Representatives Poulsen, Crouse, Morris, Casada, DeBolt, Esser, Simpson, B. Chandler, Linville, Delvin, Wood, Conway, Kenney, Santos, Romero, Kessler, Pflug, Rockefeller, Lovick, O'Brien, Darneille, Pearson, Ruderman, McIntire, Anderson, Keiser, Dunn, McDermott, Kagi, Schual-Berke, Campbell, Edmonds and Jackley**

**Exempting electric generating facilities using wind, solar energy, landfill gas, or fuel cells from sales and use taxes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Poulsen, Crouse, Carrell, DeBolt and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1859.

There being no objection, Representative Keiser was excused.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Edwards, Keiser, Mielke, Schual-Berke, and Sommers - 5.

House Bill No. 1859, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1011 by Representatives Campbell, Conway, Benson, Mielke, Skinner, Pennington, DeBolt, Delvin, Ogden, Esser, Reardon, Linville, Pearson, Alexander, Barlean, Ericksen, Carrell, Morell, Dunn, Van Luven, O'Brien, Ahern and Talcott**

**Providing a property tax exemption to veterans with severe disabilities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1011 was substituted for House Bill No. 1011 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1011 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1011.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1011 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson,

Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Edwards, Keiser, Mielke, Schual-Berke, and Sommers - 5.

Substitute House Bill No. 1011, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1041 by Representatives Ballasiotes, O'Brien, Lambert, Ruderman, Woods and Hurst**

**Allowing protection orders for unlawful harassment to restrain persons under the age of eighteen.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1041 was substituted for House Bill No. 1041 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1041 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Second Substitute House Bill No. 1041.

There being no objection, Representative Dunshee was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1041 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Dunshee, Edwards, Keiser, Mielke, and Schual-Berke - 5.

Second Substitute House Bill No. 1041, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1044 by Representatives Conway, Lambert, Sommers, Talcott, Doumit, Pearson, Alexander, Kagi, McIntire, Hurst, Hatfield, Haigh, Kenney, Edmonds, Keiser and Simpson**

**Converting the number of months into hours that teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees may work without a reduction in**

**their retirement allowance.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Sommers and Lambert spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1044.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1044 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

House Bill No. 1044, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1048 by Representatives Lambert, Doumit, Cox, Mulliken, Sommers, Clements, Talcott, Pearson, Alexander, Conway, Kagi, Ruderman, Hunt, McIntire, Hurst, Haigh, Kenney, Edmonds, Keiser and Simpson**

**Increasing the number of hours that teachers' retirement system plan retirees may work in an eligible position to eight hundred forty without a reduction in their retirement benefits.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1048.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1048 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,



Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

House Bill No. 1048, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1062 by Representatives O'Brien, Ballasiotes, Delvin, Lovick and Haigh**

**Modifying provisions pertaining to the certification of peace officers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1062.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1062 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Voting nay: Representative Lambert - 1.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

House Bill No. 1062, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1116 by Representatives Campbell, Cody, Carrell, Morris, Roach, Santos, Pennington, Conway, Romero, O'Brien, Hunt, Edmonds, Darneille, Veloria, Schual-Berke, Reardon, Lantz, Simpson, Cairnes, Dunshee, Dickerson, Alexander, Fromhold, Schmidt, Haigh and Jackley**

**Clarifying tax exemptions for sale or use of orthotic devices.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1116.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1116 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

House Bill No. 1116, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1119 by Representatives Schoesler, Gombosky, Ahern and Schindler**

#### **Modifying the taxation of new and used motor vehicle sales.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1119 was substituted for House Bill No. 1119 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1119 was read the second time.

Speaker Chopp announced that House Bill No. 1119 was co-prime sponsored by Representatives Schoesler and Gombosky.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1119.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1119 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott,

McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

Substitute House Bill No. 1119, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1135 by Representatives Lantz, Esser and McDermott**

**Modifying power of attorney provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1135 was substituted for House Bill No. 1135 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1135 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Esser spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1135.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1135 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

Substitute House Bill No. 1135, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1138 by Representatives Cairnes, Conway, Campbell, Dunshee, O'Brien, Cooper, Simpson, Roach, Kenney, Schmidt, Kirby and Keiser**

**Depositing wage fines in the public works administration account.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1138.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1138 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

House Bill No. 1138, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1180 by Representatives Cody, Marine, Ruderman, McMorris and Schual-Berke**

#### **Obtaining and expending funds for the public health system.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1180 was substituted for House Bill No. 1180 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1180 was read the second time.

Representative Alexander moved the adoption of the following amendment (048):

On page 3, line 8, after "(2)" strike "The state investment board shall invest the funds in the public health supplemental account and, except for costs under RCW 43.33A.160 and 43.84.160, the account shall retain all earnings from these investments.

(3)"

Representatives Alexander and Cody spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Marine spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1180.

The bill was ordered engrossed.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1180 and the bill passed the House by the following vote: Yeas - 80, Nays - 14, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Cairnes, Campbell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Marine, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 80.

Voting nay: Representatives Carrell, Anderson, Boldt, Bush, Casada, Crouse, Dunn, Ericksen, Esser, Lambert, Lisk, Mastin, Mulliken, and Schindler - 14.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

Engrossed Second Substitute House Bill No. 1180, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1198 by Representatives G. Chandler and Cooper**

#### **Including drinking water accounts in interest-bearing accounts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Cooper spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1198.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1198 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Cairnes, Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

House Bill No. 1198, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1249 by Representatives Kagi, Boldt, Ballasiotes, Tokuda, Dickerson, Gombosky, Darneille, Morell, Anderson, Schual-Berke, Esser, McIntire, Doumit, Kenney, Clements, Edwards, Fromhold, Miloscia, Barlean, Talcott, Ruderman, Conway, Kessler, Ogden, Lovick, Schmidt, O'Brien, Edmonds, Wood and Haigh**

**Regarding the quality of foster care services.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1249 was substituted for House Bill No. 1249 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1249 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Boldt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Second Substitute House Bill No. 1249.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1249 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

Second Substitute House Bill No. 1249, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1269 by Representatives Bush and Campbell**

**Authorizing additional hardship waivers for vehicle owners in cases of suspended license vehicle impounds.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Bush spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1269.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1269 and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Woods, Speaker Ballard, and Speaker Chopp - 89.

Voting nay: Representatives Anderson, Ballasiotes, Hankins, Hatfield, and Wood - 5.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

House Bill No. 1269, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1277 by Representatives Bush, Veloria, Van Luven, Kenney, Kirby, Mulliken and Dunshee**

#### **Regarding residential landlord-tenant relationships.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bush and Dunshee spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1277.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1277 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

House Bill No. 1277, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1292 by Representatives Tokuda, Campbell, Boldt, Miloscia, Kagi, Morell, Darneille and Veloria**

**Changing provisions relating to persons incapacitated by a chemical dependency.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1292 was substituted for House Bill No. 1292 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1292 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Tokuda spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1292.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1292 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

Substitute House Bill No. 1292, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1325 by Representatives Schmidt, Conway, Haigh, Bush, Talcott, Romero, Mielke, Anderson, Rockefeller, Campbell and Wood**

**Creating a joint committee on veterans' and military affairs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1325 was substituted for House Bill No. 1325 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1325 was read the second time.

Speaker Chopp announced that House Bill No. 1325 was co-prime sponsored by Representatives Schmidt and Conway.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmidt and Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1325.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1325 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

Substitute House Bill No. 1325, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1341 by Representatives Campbell, Conway, Boldt, Ruderman and Van Luven**

#### **Developing a home and community-based waiver for persons in community residential settings.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1341 was substituted for House Bill No. 1341 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1341 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1341.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1341 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley,

Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Edwards, Keiser, Mielke, and Schual-Berke - 4.

Substitute House Bill No. 1341, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1936 by Representatives Quall, Morris, Linville, Grant, Sehlin, Doumit, Esser and Anderson**

**Allowing the residential owner of land that abuts state-owned shoreland to anchor their boats to adjacent buoys.**

The bill was read the second time.

With the consent of the House, amendments (019 and 036) were withdrawn.

Representative Rockefeller moved the adoption of the following amendment (046):

On page 2, at the beginning of line 3, strike all material through "regulations." on page 2, line 7 and insert "Buoys cannot be sold or leased separately from the upland residence. The mooring buoy cannot be used for commercial, transient, or residential use. One buoy may be installed without charge for the first one hundred feet of shoreline property owned, and one additional buoy may be installed without charge for every one hundred feet of shoreline property owned above the initial one hundred feet. The permission granted in this subsection is subject to the boat or mooring system not posing a hazard or obstruction to navigation or fishing or habitat degradation. This subsection also applies to areas that have been designated by the commissioner of public lands or the fish and wildlife commission as aquatic reserves."

Representatives Rockefeller and Sump spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading was considered the third, and the bill was placed on final passage.

Representatives Quall and Sump spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 1936.

There being no objection, Representatives Cooper, Doumit, Hankins, Keiser, Mielke, Mulliken and Schual-Berke were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1936 and the bill passed the

House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Excused: Representatives Cooper, Doumit, Hankins, Keiser, Mielke, Mulliken, and Schual-Berke - 7.

Engrossed House Bill No. 1936, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1607 by Representatives Anderson, Haigh, Talcott, Quall, Keiser, Kenney, Schual-Berke, Edmonds, Rockefeller, McIntire, O'Brien, Darneille and Santos**

**Creating alternative routes to teacher certification.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1607 was substituted for House Bill No. 1607 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1607 was read the second time.

Speaker Chopp announced that House Bill No. 1607 was co-prime sponsored by Representatives Anderson and Haigh.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson, Haigh and Quall spoke in favor of passage of the bill.

Representative Bush spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Second Substitute House Bill No. 1607.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1607 and the bill passed the House by the following vote: Yeas - 87, Nays - 6, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 87.

Voting nay: Representatives Bush, Cox, Crouse, Dunn, Mulliken, and Schindler - 6.

Excused: Representatives Cooper, Keiser, Lantz, Mielke, and Schual-Berke - 5.

Second Substitute House Bill No. 1607, having received the necessary constitutional majority, was declared passed.

There being no objection, Representative Lantz was excused.

There being no objection, the House deferred action on House Bill No. 1992, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1384 by Representatives Romero, McMorris, Simpson, Conway, Miloscia, Haigh, Schmidt, Clements, Delvin, Hunt, Lambert, Benson and Schindler**

**Clarifying the circumstances under which the governing body of a public agency may hold an executive session to discuss litigation.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1384 was substituted for House Bill No. 1384 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1384 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and McMorris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1384.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1384 and the bill passed the House by the following vote: Yeas - 87, Nays - 7, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 87.

Voting nay: Representatives Doumit, Fisher, Hankins, Linville, Mitchell, Morris, and Murray - 7.

Excused: Representatives Cooper, Keiser, Mielke, and Schual-Berke - 4.

Substitute House Bill No. 1384, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1992 by Representatives Lantz and Woods**

**Providing for communications to schools from juvenile justice and care agencies.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1992 was substituted for House Bill No. 1992 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1992 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Woods spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1992.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1992 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Cooper, Keiser, Mielke, Poulsen, and Schual-Berke - 5.

Substitute House Bill No. 1992, having received the necessary constitutional majority, was declared passed.

There being no objection, Representative Poulsen was excused.

### **HOUSE BILL NO. 1438 by Representatives Skinner, Edmonds, Conway and Schual-Berke**

#### **Modifying the property tax exemption for senior citizens.**

The bill was read the second time.

Speaker Chopp announced that House Bill No. 1438 was co-prime sponsored by Representatives Skinner and Edmonds.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edmonds and Skinner spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1438.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1438 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Cooper, Keiser, Mielke, and Schual-Berke - 4.

House Bill No. 1438, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1450 by Representatives Rockefeller and Morris**

#### **Providing property tax relief for certain land transfers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1450 was substituted for House Bill No. 1450 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1450 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Rockefeller spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1450.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1450 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Cooper, Keiser, Mielke, and Schual-Berke - 4.

Substitute House Bill No. 1450, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1560 by Representatives Lambert, Lovick, Ballasiotes, O'Brien, Mulliken,**

**Sump and Schindler****Restricting the use of the terms sheriff and sheriff's posse.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1560 was substituted for House Bill No. 1560 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1560 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert, Lovick and Delvin spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1560.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1560 and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Voting nay: Representatives Cairnes, Morris, and Poulsen - 3.

Excused: Representatives Cooper, Keiser, Mielke, and Schual-Berke - 4.

Substitute House Bill No. 1560, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1646 by Representatives Schmidt, Haigh, Talcott, Keiser, Cox, Schual-Berke, Anderson, Pearson, Quall, Santos, Rockefeller, McDermott, Schindler, Conway, Bush, Dunn and Campbell**

**Including the Washington national guard youth challenge program as an alternative educational service provider.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1646 was substituted for House Bill No. 1646 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1646 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1646.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1646 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Cooper, Keiser, Mielke, and Schual-Berke - 4.

Substitute House Bill No. 1646, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1658, and the bill held its place on the Second Reading calendar.

### **HOUSE BILL NO. 1678 by Representatives Fisher, Mitchell and Poulsen**

#### **Funding advance right-of-way acquisitions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1678 was substituted for House Bill No. 1678 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1678 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher, Mitchell and Clements spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1678.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1678 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett,



Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Voting nay: Representative Hankins - 1.

Excused: Representatives Cooper, Keiser, Mielke, and Schual-Berke - 4.

Substitute House Bill No. 1678, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1699 by Representatives Alexander, Hunt, DeBolt and Romero**

**Suspending the driving privileges of juveniles who have committed the offense of threatening to bomb a school building.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander, DeBolt, Hunt and Carrell spoke in favor of passage of the bill.

Representative Tokuda spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1699.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1699 and the bill passed the House by the following vote: Yeas - 84, Nays - 10, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 84.

Voting nay: Representatives Darneille, Eickmeyer, Fisher, Kagi, Kenney, Morris, Murray, Poulsen, Quall, and Tokuda - 10.

Excused: Representatives Cooper, Keiser, Mielke, and Schual-Berke - 4.

House Bill No. 1699, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1750 by Representatives Fisher, Mitchell, Simpson, Schindler, Wood, Hurst and Ogden**

**Authorizing cities and towns to require full compensation from abutting property owners for street vacations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1750.

There being no objection, Representative G. Chandler was excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1750 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives G. Chandler, Cooper, Keiser, Mielke, and Schual-Berke - 5.

House Bill No. 1750, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1835 by Representatives Doumit, Sump, Schoesler and Clements**

#### **Creating a forest products commission.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1835 was substituted for House Bill No. 1835 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1835 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Second Substitute House Bill No. 1835.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1835 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cox,

Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives G. Chandler, Cooper, Keiser, Mielke, and Schual-Berke - 5.

Second Substitute House Bill No. 1835, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2066 by Representatives Keiser, Talcott, Quall, Anderson, Haigh, Romero, Ericksen, Schmidt, Conway, Pearson, Schindler, Cox, Edmonds, Santos and Kenney**

**Enhancing educator preparation and mentoring.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2066 was substituted for House Bill No. 2066 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2066 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Talcott, Quall and Romero spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 2066.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2066 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Voting nay: Representative Bush - 1.

Excused: Representatives G. Chandler, Cooper, Keiser, Mielke, and Schual-Berke - 5.

Substitute House Bill No. 2066, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2086, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 2105 by Representatives Sump, Doumit, Pearson, Rockefeller and Woods****Modifying provisions related to small forest landowners.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2105 was substituted for House Bill No. 2105 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2105 was read the second time.

Speaker Chopp announced that House Bill No. 2105 was co-prime sponsored by Representatives Doumit and Sump.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Sump spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 2105.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2105 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives G. Chandler, Cooper, Keiser, Mielke, and Schual-Berke - 5.

Substitute House Bill No. 2105, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2126 by Representatives Kenney, Cox, McIntire and Edwards****Authorizing a college savings plan.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2126.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2126 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Cooper, Keiser, Schual-Berke, and Mielke - 4.

House Bill No. 2126, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2151 by Representatives Carrell and Talcott****Allowing certain out-of-court statements to be admitted as evidence.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2151 was substituted for House Bill No. 2151 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2151 was read the second time.

Representative Carrell moved the adoption of the following amendment (024):

On page 1, after the enacting clause, insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds there has been an increase in criminal abuse, assault, neglect, and sexual offenses against vulnerable persons. The legislature further finds that criminal and juvenile offense adjudication proceedings involving vulnerable persons may be hindered or precluded due to the incompetence or unavailability of a vulnerable person at the time of trial despite an otherwise reliable statement made by the vulnerable person concerning any abuse, assault, neglect, or sexual offenses against the vulnerable person. The state has a compelling interest in providing vulnerable persons who are victims of such crimes the ability to ensure reliable evidence is made available in court on their behalf. The legislature intends that this chapter make admissible as evidence the reliable hearsay of vulnerable persons, while ensuring the constitutional rights of other parties."

Renumber the remaining section accordingly and correct the title.

Representatives Carrell and Dickerson spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carrell spoke in favor of passage of the bill.

There being no objection, the House deferred action on Engrossed Substitute House Bill No. 2151, and the bill held its place on the Third Reading calendar.

**HOUSE BILL NO. 1996 by Representatives Lambert and Haigh**

**Protecting certain data obtained by the department of fish and wildlife.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1996 was substituted for House Bill No. 1996 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1996 was read the second time.

Representative Lambert moved the adoption of the following amendment (043):

On page 8, line 10, after "RCW 77.32.010" insert ", except name, address of contact used by the department, and type of license, endorsement, or tag"

Representatives Lambert and Haigh spoke in favor of adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (039) was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lambert spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1996.

There being no objection, Representatives Campbell, G. Chandler, Keiser, Mielke and Schual-Berke were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1996 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Campbell, G. Chandler, Keiser, Mielke, and Schual-Berke - 5.

Engrossed Substitute House Bill No. 1996, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2137 by Representatives Hunt, Armstrong, Talcott, Quall, Wood, Delvin, Rockefeller, Fromhold, Keiser and Jackley**

**Prohibiting explosives on school premises.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2137 was substituted for House Bill No. 2137 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2137 was read the second time.

Representative Hunt moved the adoption of the following amendment (037):

On page 1, line 19, after "70.74.010" insert ", except that "explosive" shall not include common fireworks as defined in RCW 70.77.126"

On page 2, beginning on line 28, strike all of section 2 and insert the following:

"(7) This section shall not be construed to require suspension or expulsion for the possession of fireworks on school grounds. As used in this section, "fireworks" means any fireworks defined in RCW 70.77.126 and determined by the Washington state fire marshal to be legally possessed by the person in possession of the fireworks."

Representative Hunt spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2137.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2137 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler,

Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Campbell, Keiser, Mielke, and Schual-Berke - 4.

Engrossed Substitute House Bill No. 2137, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2172 by Representatives Grant and Mastin**

**Modifying provisions on the repair and maintenance of backflow prevention assemblies.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2172 was substituted for House Bill No. 2172 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2172 was read the second time.

Representative Lambert moved the adoption of the following amendment (045):

On page 3, after line 11, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 19.27 RCW to read as follows:

The owner of a building classified as a group R, division 3 occupancy, as defined in the state building code adopted under this chapter, shall have the backflow prevention assembly tested by a department of health certified backflow assembly tester:

(1) at the time of installation, repair, or relocation, if required by the local official, board, department, or agency authorized to administer and enforce the provisions of the uniform plumbing code as adopted under this chapter; or

(2) when such official, board, department, or agency finds that cross-connection control within the property lines of the premises may fail to prevent pollution or contamination of the domestic water supply."

Correct the title.

Representative Lambert spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant, Clements and Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2172.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2172 and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson,



Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 90.

Voting nay: Representatives Edmonds, Fromhold, Kagi, and Kirby - 4.

Excused: Representatives Campbell, Keiser, Mielke, and Schual-Berke - 4.

Engrossed Substitute House Bill No. 2172, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1034 by Representatives Pennington, Mielke and Schindler**

#### **Changing outdoor burning provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1034 was substituted for House Bill No. 1034 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1034 was read the second time.

With the consent of the House, amendment (050) was withdrawn.

Representative Linville moved the adoption of the following amendment (059):

On page 1, line 10, after "burning" strike all material through "area" on page 1, line 13

On page 2, line 11, after "burning in" insert "the unincorporated portions of"

On page 2, line 12, after "urban growth area," strike "or portions thereof,"

On page 2, line 16, after "burning in" insert "the unincorporated portions of"

On page 2, line 17, after "urban growth area," strike "or portions thereof,"

On page 2, line 19, strike "relax the" and insert "allow"

On page 2, line 20, strike "prohibition"

On page 3, line 16, after "department" insert "or any fire district"

On page 3, line 17, after "department" insert "or any fire district"

On page 3, line 22, strike all of section 2

Correct the title

Representatives Linville and Pennington spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington, Linville and G. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1034.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1034 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Campbell, Keiser, Mielke, and Schual-Berke - 4.

Engrossed Substitute House Bill No. 1034, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1084 by Representatives Ogden, Dunn, Boldt and Fromhold**

#### **Authorizing independent salary commissions for cities, towns, and counties.**

The bill was read the second time.

Speaker Chopp announced that House Bill No. 1084 was co-prime sponsored by Representatives Ogden and Dunn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Ogden and Dunn spoke in favor of passage of the bill.

Representative Mulliken spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1084.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1084 and the bill passed the House by the following vote: Yeas - 71, Nays - 23, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Armstrong, Ballasiotes, Benson, Berkey, Buck, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lovick, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Pennington, Poulsen, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Tokuda, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 71.

Voting nay: Representatives Alexander, Anderson, Barlean, Boldt, Bush, Cairnes, Carrell, Casada, B.

Chandler, G. Chandler, DeBolt, Ericksen, Esser, Lisk, Marine, Mastin, Morell, Mulliken, Pearson, Pflug, Roach, Talcott, and Van Luven - 23.

Excused: Representatives Campbell, Keiser, Mielke, and Schual-Berke - 4.

House Bill No. 1084, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1517 by Representatives Miloscia, Anderson, Dunshee, Jarrett, Hunt, Keiser, Lambert, Ruderman, Rockefeller, Fromhold, Schindler, Boldt, Kenney, Simpson, Barlean, Tokuda and Dickerson**

**Establishing quality management programs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1517 was substituted for House Bill No. 1517 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1517 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Anderson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1517.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1517 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Campbell, Mielke, and Schual-Berke - 3.

Substitute House Bill No. 1517, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1658 by Representatives Buck, Doumit, Ericksen, Linville, Haigh, G. Chandler, Cooper and Dunshee**

**Establishing a pilot project culturing shellfish on nonproductive oyster reserve land.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1658 was substituted for House Bill No. 1658 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1658 was read the second time.

Representative Buck moved the adoption of the following amendment (054):

On page 2, line 4, after "section" strike "2(2)(a)" and insert "4(1)(k)(i)"

Representative Buck spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1658.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1658 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Campbell and Mielke - 2.

Engrossed Second Substitute House Bill No. 1658, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1785 by Representatives Murray, Alexander, Doumit, Rockefeller, Esser, Sump, Kenney and McIntire**

**Implementing the recommendations of the joint legislative audit and review committee report regarding capital budget programs investing in the environment.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1785 was substituted for House Bill No. 1785 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1785 was read the second time.

Representative Murray moved the adoption of the following amendment (053):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the amount of overall requests for funding for natural resource-related programs in the capital budget has been steadily growing. The legislature also finds that there is an increasing interest by the public in examining the performance of the projects and programs to determine the return on their investments and that a coordinated and integrated response by state agencies will allow for better targeting of resources. The legislature further finds that there is a need to improve the data and the integration of data that is collected by state agencies and grant and loan recipients in order to better measure the outcomes of projects and programs. The legislature intends to begin implementing the recommendations contained in the joint legislative audit and review committee's report number 01-1 on investing in the environment in order to improve the efficiency, effectiveness, and accountability of these natural resource-related programs funded in the state capital budget.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.41 RCW to read as follows:

(1) The office of financial management shall assist natural resource-related agencies in developing outcome focused performance measures for administering natural resource-related and environmentally based grant and loan programs. These performance measures are to be used in determining grant eligibility, for program management and performance assessment.

(2) The office of financial management and the governor's salmon recovery office shall assist natural resource-related agencies in developing recommendations for a monitoring program to measure outcome focused performance measures required by this section.

(3) Natural resource agencies shall consult with grant or loan recipients including local governments, tribes, nongovernmental organizations, and other interested parties, and report to the office of financial management on the implementation of this section. The office of financial management shall report to the natural resource and fiscal committees of the legislature on the agencies' implementation of this section, including any necessary changes in current law, and funding requirements by July 31, 2002. Natural resource agencies shall assist the office of financial management in preparing the report, including complying with timeframes for submitting information established by the office of financial management.

(4) For purposes of this section, "natural resource-related agencies" include the department of ecology, the department of natural resources, the state conservation commission, the interagency committee for outdoor recreation, the salmon recovery funding board, and the public works board within the department of community, trade, and economic development.

(5) For purposes of this section, "natural resource-related environmentally based grant and loan programs" include the conservation reserve enhancement program; dairy nutrient management grants under chapter 90.64 RCW; state conservation commission water quality grants under chapter 89.08 RCW; coordinated prevention grants, public participation grants and remedial action grants under RCW 70.105D.070; water pollution control facilities financing under chapter 70.146 RCW; aquatic lands enhancement grants under RCW 79.24.580; habitat grants under the Washington wildlife and recreation program under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW; and the public work trust fund program under chapter 43.155 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 89.08 RCW to read as follows:

In administering grant programs to improve water quality and protect habitat, the commission shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the commission shall utilize the statement of environmental benefit in its grant prioritization and selection process. The commission shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grant program. The commission shall work with the districts to develop uniform performance measures across participating districts. To the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies. The commission shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.64 RCW to read as follows:

In providing grants to dairy producers, districts shall require grant applicants to incorporate the

environmental benefits of the project into their applications, and the districts shall utilize the statement of environmental benefit in their prioritization and selection process. The districts shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the program. The commission shall work with the districts to develop uniform performance measures across participating districts. To the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies. The commission shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70.105D RCW to read as follows:

In providing grants to local governments, the department shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the department shall utilize the statement of environmental benefit in its prioritization and selection process. The department shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grant program. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies. The department shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 6.** A new section is added to chapter 70.146 RCW to read as follows:

In providing grants and loans to local governments, the department shall require recipients to incorporate the environmental benefits of the project into their applications, and the department shall utilize the statement of environmental benefits in its grant and loan prioritization and selection process. The department shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grant and loan program. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies. The department shall consult with affected interest groups in implementing this section.

**Sec. 7.** RCW 79.24.580 and 1999 c 309 s 919 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects.

In providing grants for aquatic lands enhancement projects, the department shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and department shall utilize the statement of environmental benefits in its prioritization and selection process. The department shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grants. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies. The department shall consult with affected interest groups in implementing this section.

During the fiscal biennium ending June 30, 2001, the funds maybe appropriated for boating safety, shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

**NEW SECTION. Sec. 8.** A new section is added to chapter 79A.15 RCW to read as follows:

In providing grants through the habitat conservation account, the committee shall require grant applicants to incorporate the environmental benefits of the project into their grant applications, and the committee shall utilize the statement of environmental benefits in the grant application and review process. The committee shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grant program. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies. The committee shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 77.85 RCW to read as follows:

In providing funding for habitat projects, the board shall require recipients to incorporate the environmental benefits of the project into their grant applications, and the board shall utilize the statement of environmental benefits in its prioritization and selection process. The board shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grant program. To the extent possible, the board should coordinate its performance measure system with other natural resource-related agencies. The board shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 10.** A new section is added to chapter 43.155 RCW to read as follows:

In providing loans for public works projects, the board shall require recipients to incorporate the environmental benefits of the project into their applications, and the board shall utilize the statement of environmental benefits in its prioritization and selection process. The board shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the loan program. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies. The board shall consult with affected interest groups in implementing this section."

Correct the title.

Representative Murray spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1785.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1785 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin,

McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Campbell and Mielke - 2.

Engrossed Substitute House Bill No. 1785, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1937, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1997 by Representatives Alexander, DeBolt, Doumit, Mulliken, Dunshee, Mielke, Kessler, Hatfield and Ogden**

**Revising provisions relating to industrial land banks.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1997 was substituted for House Bill No. 1997 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1997 was read the second time.

Representative Alexander moved the adoption of the following amendment (058):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 36.70A.367 and 1998 c 289 s 2 are each amended to read as follows:

(1) In addition to the major industrial development allowed under RCW 36.70A.365, a county required or choosing to plan under RCW 36.70A.040 that meets the criteria in subsection (9) or subsection (10) of this section may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for designating a bank of no more than two master planned locations for major industrial activity outside urban growth areas.

(2) A master planned location for major industrial developments outside an urban growth area may be included in the urban industrial land bank for the county if criteria including, but not limited to, the following are met:

- (a) New infrastructure is provided for and/or applicable impact fees are paid;
- (b) Transit-oriented site planning and traffic demand management programs are implemented;
- (c) Buffers are provided between the major industrial development and adjacent nonurban areas;
- (d) Environmental protection including air and water quality has been addressed and provided for;
- (e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;
- (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;
- (g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and
- (h) An inventory of developable land has been conducted as provided in RCW 36.70A.365.

(3) In selecting master planned locations for inclusion in the urban industrial land bank, priority shall be given to locations that are adjacent to, or in close proximity to, an urban growth area.

(4) Final approval of inclusion of a master planned location in the urban industrial land bank shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of master planned locations may be considered at any time.



(5) Once a master planned location has been included in the urban industrial land bank, manufacturing and industrial businesses that qualify as major industrial development under RCW 36.70A.365 may be located there.

(6) Nothing in this section may be construed to alter the requirements for a county to comply with chapter 43.21C RCW.

(7) (a) The authority of a county meeting the criteria of subsection (9) of this section to engage in the process of including or excluding master planned locations from the urban industrial land bank shall terminate on December 31, 1999. However, any location included in the urban industrial land bank on December 31, 1999, shall ~~((remain))~~ be available for major industrial development as long as the criteria of subsection (2) of this section ~~((continue to be))~~ are met.

(b) The authority of a county meeting the criteria of subsection (10) of this section to engage in the process of including or excluding master planned locations from the urban industrial land bank shall terminate on December 31, 2002. However, any location included in the urban industrial land bank on December 31, 2002, shall be available for major industrial development as long as the criteria of subsection (2) of this section are met.

(8) For the purposes of this section, "major industrial development" means a master planned location suitable for manufacturing or industrial businesses that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent; or (c) requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in an urban growth area. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks.

(9) This section ~~((applies))~~ and the termination date specified in subsection (7)(a) of this section apply to a county that at the time the process is established under subsection (1) of this section:

(a) Has a population greater than two hundred fifty thousand and is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand;

(b) Has a population greater than one hundred forty thousand and is adjacent to another country; or

(c) Has a population greater than forty thousand but less than seventy-five thousand and has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(i) Is bordered by the Pacific Ocean; or

(ii) Is located in the Interstate 5 or Interstate 90 corridor.

(10) This section and the termination date specified in subsection (7)(b) of this section apply to a county that at the time the process is established under subsection (1) of this section:

(a) Has a population greater than forty thousand but fewer than eighty thousand;

(b) Has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(c) Is located in the Interstate 5 or Interstate 90 corridor."

Correct the title.

Representatives Alexander and Dunshee spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander, Dunshee, Jarrett, Clements, Cairnes, Dunshee (again), Cairnes (again) and Pennington spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1997.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1997 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard and Speaker Chopp - 96.

Excused: Representatives Campbell and Mielke - 2.

Engrossed Substitute House Bill No. 1997, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2168 by Representatives Conway, Schoesler, O'Brien, Ballasiotes, Darneille, Kirby and Hunt**

#### **Regulating siting of essential state community justice facilities.**

The bill was read the second time.

Speaker Chopp announced that House Bill No. 2168 was co-prime sponsored by Representatives Conway and Schoesler.

There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was adopted. (For committee amendment, see Journal, 60th Day, March 8, 2001.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2168.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2168 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards,

Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Campbell and Mielke - 2.

House Bill No. 2168, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2086 by Representatives O'Brien, Ballasiotes, Lovick, Kenney and Conway**

**Bringing state law into compliance with federal standards for lifetime registration for certain sex offenders.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2086.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2086 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Campbell and Mielke - 2.

House Bill No. 2086, having received the necessary constitutional majority, was declared passed.

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

**THIRD READING**

The House resumed consideration of Engrossed Substitute House Bill No. 2051.

There being no objection, the rules were suspended and Engrossed Substitute House Bill No. 2051 was returned to Second Reading for purposes of amendments.

There being no objection, amendment (030) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roach and Romero spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2051.

There being no objection, Representatives Delvin, Grant and Linville were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2051 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard and Speaker Chopp - 92.

Excused: Representatives Campbell, G. Chandler, Delvin, Grant, Linville and Mielke - 6.

Engrossed Substitute House Bill No. 2051, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of the following bills which were then placed on the Second Reading calendar:

HOUSE BILL NO. 1458,  
HOUSE BILL NO. 1752,

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**HOUSE BILL NO. 1420 by Representatives Hurst, Roach, Dunshee, Lovick, Woods, Jackley, Mielke, Wood, Carrell, Cooper, Sump, Hatfield, Pflug, Haigh, Conway, Reardon, Morris, Edmonds, Ruderman, O'Brien, Veloria, Poulsen, Morell, Kenney, Bush, Anderson, Cody, Santos, Rockefeller and Kessler**

#### **Prohibiting discrimination against volunteer fire fighters.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1420 was substituted for House Bill No. 1420 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1420 was read the second time.

With the consent of the House, amendment (057) was withdrawn.

Representative Roach moved the adoption of the following amendment (070):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 49.12 RCW to read as follows:

(1) An employer may not discharge from employment or discipline a volunteer fire fighter because of leave taken related to an alarm of fire or an emergency call.

(2)(a) A volunteer fire fighter who believes he or she was discharged or disciplined in violation of this section may file a complaint alleging the violation with the director. The volunteer fire fighter may allege a violation only by filing such a complaint within ninety days of the alleged violation.

(b) Upon receipt of the complaint, the director must cause an investigation to be made as the director deems appropriate and must determine whether this section has been violated. Notice of the director's determination must be sent to the complainant and the employer within ninety days of receipt of the complaint.

(c) If the director determines that this section was violated and the employer fails to reinstate the employee or withdraw the disciplinary action taken against the employee, whichever is applicable, within thirty days of receipt of notice of the director's determination, the volunteer fire fighter may bring an action against the employer alleging a violation of this section and seeking reinstatement or withdrawal of the disciplinary action.

(d) In any action brought under this section, the superior court shall have jurisdiction, for cause shown, to restrain violations under this section and to order reinstatement of the employee or withdrawal of the disciplinary action.

(3) For the purposes of this section:

(a) "Alarm of fire or emergency call" means responding to, working at, or returning from a fire alarm or an emergency call, but not participating in training or other nonemergency activities.

(b) "Employer" means any person who had twenty or more full-time equivalent employees in the previous year.

(c) "Reinstatement" means reinstatement with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(d) "Withdrawal of disciplinary action" means withdrawal of disciplinary action with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(e) "Volunteer fire fighter" means a fire fighter who:

(i) Is not paid;

(ii) Is not already at his or her place of employment when called to serve as a volunteer, unless the employer agrees to provide such an accommodation; and

(iii) Has been ordered to remain at his or her position by the commanding authority at the scene of the fire.

(4) The legislature declares that the public policies articulated in this section depend on the procedures established in this section and no civil or criminal action may be maintained relying on the public policies articulated in this section without complying with the procedures set forth in this section, and to that end all civil actions and civil causes of action for such injuries and all jurisdiction of the courts of this state over such causes are hereby abolished, except as provided in this section."

Representatives Roach and Hurst spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill

was placed on final passage.

Representatives Hurst, Roach and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1420.

There being no objection, Representatives Eickmeyer, Pennington and Poulsen were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1420 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, and Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Campbell, Eickmeyer, Mielke, Pennington, and Poulsen - 5.

Engrossed Substitute House Bill No. 1420, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1458 by Representatives Edwards, Mulliken, Hatfield, DeBolt, Mielke, Edmonds and Rockefeller**

#### **Establishing a timeline for final decisions on land use project permit applications.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1458 was substituted for House Bill No. 1458 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1458 was read the second time.

Representative Edwards moved the adoption of the following amendment (073) :

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70B.070 and 1995 c 347 s 408 are each amended to read as follows:

(1) Within twenty-eight days after receiving a project permit application, a local government planning pursuant to RCW 36.70A.040 shall mail or provide in person a written determination to the applicant, stating either:

(a) That the application is complete; or

(b) That the application is incomplete and listing in detail exactly what information is necessary to make the application complete.

To the extent known by the local government, the local government shall identify and inform the applicant of other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

(2) A project permit application is complete for purposes of this section when it meets the procedural

submission requirements ~~((of))~~ identified in the local ((government)) government's development regulations required by RCW 36.70B.080 and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

(3) The determination of completeness may include the following as optional information:

- (a) A preliminary determination of those development regulations that will be used for project mitigation;
- (b) A preliminary determination of consistency, as provided under RCW 36.70B.040; or
- (c) Other information the local government chooses to include.

(4)(a) An application shall be deemed complete under this section if the local government does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1)(b) of this section.

(b) Within fourteen days after an applicant has submitted to a local government additional information identified by the local government as being necessary for a complete application, the local government shall notify the applicant whether the application is complete or list in detail exactly what additional information is necessary.

**Sec. 2.** RCW 36.70B.080 and 1995 c 347 s 410 are each amended to read as follows:

(1) Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods for local government actions on specific project permit applications, with deadlines for issuing final decisions on specific project permit applications, and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations.

(2) ~~((Such))~~ The development regulations identified in subsection (1) shall specify the contents of a completed project permit application necessary for the application of such time periods and procedures. The contents of a completed project permit application may include, but are not limited to, the following:

(a) The legal description or the tax parcel number assigned pursuant to RCW 84.40.160 and the street address if available;

(b) The property owner's name, address, and telephone number;

(c) The business name, address, telephone number of any contractors and current state contractor registration number;

(d) The business name, address, and telephone number of the project permit applicants;

(e) Scaled drawings of the site of the proposed project permit;

(f) Scaled and dimensional drawings of existing and proposed structures on the site of the proposed project permit;

(g) A fully completed environmental checklist, except for project permit applications that either are exempt from the state environmental policy act or for which an environmental checklist under chapter 197-11 WAC is not required; and

(h) Any other studies, reports, plans, drawings, or calculations identified by the local government as necessary for continued processing of the specific project permit application.

(3) The deadlines for issuing final decisions on specific project permit applications should not exceed 120 days, unless the local government makes written findings that a specified amount of additional time is needed for complete processing of specific project permit applications.

(4) (a) Counties subject to the requirements of RCW 36.70A.215 and the cities within those counties that have populations of at least twenty thousand shall identify the types of project permit applications for which decisions are issued according to the provisions of this chapter. For each type of project permit application identified, these counties and cities shall establish a deadline for issuing a notice of final decision as required by subsection (1) of this section and minimum requirements for applications to be deemed complete under RCW 36.70B.070 as required by subsection (2) of this section. Counties and cities subject to the requirements of this subsection also shall prepare quarterly performance reports that include, at a minimum, the following information for each type of project permit application:

(i) Total number of complete applications received during the quarter;

(ii) Number of complete applications received during the quarter for which a notice of final decision was issued before the deadline established under subsection (1) of this section;

(iii) Number of applications received during the quarter for which a notice of final decision was issued after the deadline established under subsection (1) of this section;

(iv) Number of applications received during the quarter for which an extension of time was mutually agreed upon by the applicant and the county or city; and

(iv) Variance of actual performance, excluding applications for which mutually agreed time extensions have occurred, to the deadline established under subsection (1) of this section during the quarter.

(b) On a quarterly basis, counties and cities subject to the requirements of this subsection shall provide notice of and access to the quarterly performance reports required by this subsection through the county's or city's web site. If a county or city subject to the requirements of this subsection does not maintain a web site, notice of the report shall be given by reasonable methods, including but not limited to those methods specified in RCW 36.70B.110(4).

(5) Nothing in this section prohibits a county or city from extending a deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the local government."

Correct the title.

Representatives Edwards, Mulliken and Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Mulliken and Jarrett spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1458.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1458 and the bill passed the House by the following vote: Yeas - 88, Nays - 5, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 88.

Voting nay: Representatives Cooper, Fisher, Kirby, McIntire, and Romero - 5.

Excused: Representatives Campbell, Eickmeyer, Mielke, Pennington, and Poulsen - 5.

Engrossed Substitute House Bill No. 1458, having received the necessary constitutional majority, was declared passed.



**HOUSE BILL NO. 1752 by Representatives Clements, Grant, G. Chandler, B. Chandler, Linville, Lisk, McMorris, Armstrong, Schoesler and Mulliken**

**Allowing for claims for wildlife damage on rangeland suitable for grazing or browsing of domestic livestock.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1752 was substituted for House Bill No. 1752 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1752 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements, Grant and Cooper spoke in favor of passage of the bill.

Representative Morris spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Second Substitute House Bill No. 1752.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1752 and the bill passed the House by the following vote: Yeas - 87, Nays - 6, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 87.

Voting nay: Representatives Romero, Veloria, Dunshee, Fisher, Lantz, and Morris - 6.

Excused: Representatives Pennington, Poulsen, Campbell, Eickmeyer, and Mielke - 5.

Second Substitute House Bill No. 1752, having received the necessary constitutional majority, was declared passed.

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

**INTRODUCTIONS AND FIRST READING**

SSB 5028, by Senate Committee on Judiciary

AN ACT Relating to the legal presumption from certification of medical records; and amending RCW 70.02.070.

Referred to Committee on Judiciary.

SB 5064 by Senators Prentice and Winsley; by request of Gambling Commission

AN ACT Relating to cheating at gambling; amending RCW 9.46.196; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SSB 5099, by Senate Committee on Health & Long-Term Care

AN ACT Relating to the designation of licensed dental directors by carriers offering dental only coverage; and amending RCW 48.43.540.

Referred to Committee on Health Care.

ESSB 5112, by Senate Committee on Transportation

AN ACT Relating to child passenger restraint systems; amending RCW 46.61.687; and providing an effective date.

Referred to Committee on Transportation.

SSB 5115, by Senate Committee on Judiciary

AN ACT Relating to court filing fees; amending RCW 36.18.012, 36.18.016, 36.18.025, 40.14.027, 41.50.136, 46.87.370, 50.20.190, 50.24.115, 51.24.060, 51.48.140, 82.32.210, 82.36.047, and 82.38.235; and reenacting and amending RCW 51.32.240.

Referred to Committee on Judiciary.

SSB 5118, by Senate Committee on Ways & Means

AN ACT Relating to the interstate compact for adult offender supervision; adding new sections to chapter 9.94A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SB 5121, by Senators Regala, Morton, Oke, Eide, Fraser and Jacobsen

AN ACT Relating to correcting references to the former office of marine safety; and amending RCW 42.17.2401, 43.21B.300, 43.21B.310, 88.16.010, and 88.16.110.

Referred to Committee on Agriculture & Ecology.

SB 5127, by Senators Prentice, Patterson, McAuliffe and McDonald

AN ACT Relating to determining the number of unclassified personnel in the sheriff's office; and amending RCW 41.14.070.

Referred to Committee on Commerce & Labor.

SB 5141, by Senators Hale, Patterson, Costa, McCaslin, Haugen, Sheahan, Finkbeiner, Carlson, Hochstatter,

Oke, Winsley and Rasmussen

AN ACT Relating to nonpartisan sheriffs; amending RCW 29.18.010, 29.21.010, 29.21.015, 29.21.070, and 29.30.025; and adding a new section to chapter 36.28 RCW.

Referred to Committee on Local Government & Housing.

ESB 5143, by Senators Long, Honeyford, Carlson, Franklin, Winsley, Fraser and Haugen

AN ACT Relating to the Washington state patrol retirement system retirement and survivor benefits; amending RCW 43.43.040, 43.43.120, 43.43.260, 43.43.270, 43.43.274, 43.43.278, and 41.45.060; adding new sections to chapter 43.43 RCW; adding a new section to chapter 41.45 RCW; repealing RCW 43.43.272, 43.43.276, and 43.43.300; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5151, by Senators Carlson, Winsley, Honeyford, Franklin, Long, Fraser, McAuliffe, Kohl-Welles, Rasmussen, Haugen and Parlette

AN ACT Relating to increasing the number of hours that teachers' retirement system plan retirees may work in an eligible position to eight hundred forty without a reduction in their retirement benefits; and amending RCW 41.32.570.

Referred to Committee on Appropriations.

SB 5159, by Senators Winsley, Gardner, Kohl-Welles, Horn, Prentice and Carlson

AN ACT Relating to investments of surplus funds by four-year institutions of higher education; and amending RCW 43.250.010, 43.250.020, and 43.250.040.

Referred to Committee on Higher Education.

SSB 5176, by Senate Committee on Health & Long-Term Care

AN ACT Relating to rules to implement the medical marijuana law; and amending RCW 69.51A.040.

Referred to Committee on Health Care.

SSB 5183, by Senate Committee on Health & Long-Term Care

AN ACT Relating to the licensing of adult family homes; and amending RCW 70.128.005, 70.128.010, 70.128.060, and 70.128.120.

Referred to Committee on Health Care.

SB 5186, by Senators Thibaudeau, Winsley, Costa and Kohl-Welles

AN ACT Relating to department of social and health services' family planning services; adding a new section to chapter 74.09 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5187, by Senate Committee on Judiciary

AN ACT Relating to updating creditor/debtor personal property exemptions; and amending RCW 6.15.010, 6.15.050, and 6.27.160.

Referred to Committee on Judiciary.

SB 5188, by Senator McCaslin

AN ACT Relating to surplus political funds; and amending RCW 42.17.095.

Referred to Committee on State Government.

SSB 5190, by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to private investigator licenses; amending RCW 18.165.080; and providing an effective date.

Referred to Committee on Commerce & Labor.

SB 5197, by Senators Winsley and Prentice

AN ACT Relating to private activity bonds; and amending RCW 39.86.100 and 39.86.120.

Referred to Committee on Capital Budget.

SSB 5219, by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to sellers of travel-related benefits; amending RCW 19.138.021, 19.138.220, 19.138.100, and 19.138.160; and adding a new section to chapter 19.138 RCW.

Referred to Committee on Commerce & Labor.

SSB 5224, by Senate Committee on Transportation

AN ACT Relating to intercity passenger rail service; adding new sections to chapter 47.79 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5235, by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to the PACE program; adding a new section to chapter 74.09 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.01 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

SSB 5236, by Senate Committee on Human Services & Corrections

AN ACT Relating to the safety of newborn children; amending RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, and 26.20.035; adding a new section to chapter 13.34 RCW; creating new sections; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Children & Family Services.

ESSB 5238, by Senate Committee on Human Services & Corrections

AN ACT Relating to the board of commissioners of a water-sewer district; amending RCW 57.12.010, 57.12.015, and 57.12.039; adding a new section to chapter 57.12 RCW; and repealing RCW 57.08.110.

Referred to Committee on Local Government & Housing.

SSB 5241, by Senate Committee on Judiciary

AN ACT Relating to venue; and amending RCW 3.66.040 and 4.12.020.

Referred to Committee on Judiciary.

SB 5252, by Senators McCaslin, Kline, Fairley, Hewitt, Patterson, Long, Constantine, Roach and Costa

AN ACT Relating to venue for courts of limited jurisdiction; and amending RCW 3.66.070.

Referred to Committee on Judiciary.

SB 5253, by Senators McCaslin, Kline, Long, Constantine, Hewitt, Horn, Honeyford and Costa

AN ACT Relating to increasing civil jury trial fees; and amending RCW 3.62.060, 12.12.030, and 10.46.190.

Referred to Committee on Judiciary.

SB 5260, by Senators Kline, Roach, Costa, Johnson, Rossi, Shin, Kastama, Long and Regala

AN ACT Relating to drivers required to use ignition interlock or other biological or technical devices; amending RCW 46.20.740; and prescribing penalties.

Referred to Committee on Judiciary.

SSB 5263, by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to employment rights of members of the reserve and national guard forces called to duty; amending RCW 73.16.015, 73.16.031, 73.16.033, 73.16.035, 73.16.051, 73.16.061, and 73.16.070; adding new sections to chapter 73.16 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 5276, by Senators Prentice, Winsley, T. Sheldon, West, Gardner, Hale, Costa, Carlson and Kohl-Welles

AN ACT Relating to revising apprenticeship law to respond to a 1999 United States department of labor audit; and amending RCW 49.04.010, 49.04.030, 49.04.040, 49.04.050, 49.04.060, 49.04.080, 49.04.100, and

Referred to Committee on Commerce & Labor.

ESB 5289, by Senators T. Sheldon and Gardner

AN ACT Relating to public facilities in rural counties; and amending RCW 82.14.370.

Referred to Committee on Trade & Economic Development.

SB 5296, by Senators Thibaudeau, Oke, Franklin, Winsley, Costa and Gardner

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Referred to Committee on Health Care.

SB 5305, by Senators Constantine and McCaslin

AN ACT Relating to correction of outdated references and double amendments in the Revised Code of Washington; amending RCW 29.24.035, 34.05.660, 42.17.316, 46.16.065, 46.16.374, 46.61.524, 46.70.029, 46.70.180, 46.79.010, 46.79.020, 46.79.110, 46.80.030, 47.46.040, and 82.80.020; and reenacting RCW 46.20.285.

Referred to Committee on Judiciary.

SSB 5319, by Senate Committee on State & Local Government

AN ACT Relating to the municipal research council; amending RCW 43.110.010 and 43.110.030; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government & Housing.

SB 5352, by Senators Horn and Kline

AN ACT Relating to increasing the building code council fee; and amending RCW 19.27.085.

Referred to Committee on Local Government & Housing.

SSB 5361, by Senate Committee on Environment, Energy & Water

AN ACT Relating to trust water rights; and amending RCW 90.14.140, 90.38.020, 90.38.040, 90.42.040, and 90.42.080.

Referred to Committee on Agriculture & Ecology.

ESSB 5364, by Senate Committee on Transportation

AN ACT Relating to drivers' licenses and identicards; amending RCW 26.23.140 and 26.23.150; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 5367, by Senators Fraser, Long, Patterson, Costa, Regala and Jacobsen

AN ACT Relating to removal of competitive grant requirements for community mobilization; amending RCW 43.270.010, 43.270.020, 43.270.070, and 43.270.080; and repealing RCW 43.270.030, 43.270.050, and 43.270.060.

Referred to Committee on Children & Family Services.

SSB 5369, by Senate Committee on Judiciary

AN ACT Relating to jurisdiction in child support matters; amending RCW 26.09.170, 26.09.175, 26.23.130, 74.20.065, 74.20A.055, and 74.20A.056; adding a new section to chapter 26.23 RCW; adding a new section to chapter 74.20A RCW; and repealing RCW 74.20A.058.

Referred to Committee on Judiciary.

ESB 5374, by Senators Constantine, Winsley, Prentice and McCaslin

AN ACT Relating to the imposition of criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, nonprescription drugs, or medical devices; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SSB 5376, by Senate Committee on Transportation

AN ACT Relating to household goods carriers operating without a permit; and adding new sections to chapter 81.80 RCW.

Referred to Committee on Transportation.

SB 5389, by Senator Gardner

AN ACT Relating to small claims court; and amending RCW 12.40.010.

Referred to Committee on Judiciary.

SB 5390, by Senators Constantine, Winsley, Rossi, Fraser, Horn, Fairley, Thibaudeau, Honeyford, Kohl-Welles, Parlette, Prentice, T. Sheldon, Sheahan, Snyder and Rasmussen

AN ACT Relating to clarifying tax exemptions for sale or use of orthotic devices; amending RCW 82.08.0283 and 82.12.0277; and declaring an emergency.

Referred to Committee on Finance.

SB 5392, by Senators Long, Constantine and Kline

AN ACT Relating to emancipation of minors; and amending RCW 13.64.040.

Referred to Committee on Juvenile Justice.

SSB 5395, by Senate Committee on Ways & Means

AN ACT Relating to the administrator for the courts; and amending RCW 2.56.010, 2.56.020, and 2.56.030.

Referred to Committee on Judiciary.

SSB 5407, by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to changing provisions relating to the import of simulcast horse races from out-of-state racing facilities to class 1 racing associations' live racing facilities; and amending RCW 67.16.200.

Referred to Committee on Commerce & Labor.

SSB 5417, by Senate Committee on Human Services & Corrections

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

Referred to Committee on Children & Family Services.

SSB 5438, by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to fish and wildlife lands vehicle use permits; and amending RCW 77.32.380.

Referred to Committee on Natural Resources.

SB 5439, by Senators Jacobsen and Morton

AN ACT Relating to fishing guides; and amending RCW 77.65.010, 77.65.150, 77.65.370, 77.65.440, and 77.65.480.

Referred to Committee on Natural Resources.

SB 5440, by Senators Jacobsen and Oke

AN ACT Relating to correcting the number of gubernatorial appointments to the fish and wildlife commission; and amending RCW 77.04.030.

Referred to Committee on Natural Resources.

SSB 5442, by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to salmon fishing gear; and amending RCW 77.50.030.

Referred to Committee on Natural Resources.

SB 5454, by Senators Long, Costa and Hargrove



AN ACT Relating to the juvenile offender basic training camp program; and amending RCW 13.40.320, 13.40.210, and 74.15.020.

Referred to Committee on Juvenile Justice.

SB 5457, by Senators Kohl-Welles, Carlson, Jacobsen and Horn

AN ACT Relating to liability and licensure of private vocational schools; and amending RCW 28C.10.050, 28C.10.084, and 28C.10.110.

Referred to Committee on Higher Education.

SSB 5472, by Senate Committee on Judiciary

AN ACT Relating to courts of limited jurisdiction; amending RCW 3.50.810, 3.46.150, 35.20.010, and 39.34.180; and repealing RCW 3.46.155.

Referred to Committee on Judiciary.

SSB 5474, by Senate Committee on Ways & Means

AN ACT Relating to consolidating funds within the general administration services account; amending RCW 39.35.060, 43.19.025, 43.19.1923, and 43.99I.020; and repealing RCW 39.35C.110.

Referred to Committee on Appropriations.

ESSB 5500, by Senate Committee on Human Services & Corrections

AN ACT Relating to programs and proceedings for children under the BECCA and HOPE acts; amending RCW 13.32A.030, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190, 13.32A.196, 13.32A.198, 28A.225.035, 7.21.030, 13.32A.250, and 13.32A.250; reenacting and amending RCW 28A.225.090 and 28A.225.090; adding a new section to chapter 74.15 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Juvenile Justice.

SSB 5502, by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to boxing official licensing; and amending RCW 67.08.100.

Referred to Committee on Commerce & Labor.

SSB 5509, by Senate Committee on Higher Education

AN ACT Relating to identification of students, staff, and faculty at institutions of higher education; adding a new section to chapter 28B.10 RCW; creating new sections; and providing an effective date.

Referred to Committee on Higher Education.

SSB 5511, by Senate Committee on Judiciary

AN ACT Relating to adding a factor a court is to consider in determining residential time between parents; and amending RCW 26.09.187.

Referred to Committee on Judiciary.

SB 5518, by Senators Horn, T. Sheldon and Roach

AN ACT Relating to the waiver of motorcycle endorsement examination after satisfactory completion of motorcycle operator training; amending RCW 46.20.515; and reenacting and amending RCW 46.20.505.

Referred to Committee on Transportation.

ESSB 5522, by Senate Committee on Human Services & Corrections

AN ACT Relating to creating an office of mental health ombudsman; adding a new chapter to Title 71 RCW; and providing an effective date.

Referred to Committee on Health Care.

SB 5531, by Senator Spanel

AN ACT Relating to limitations on fishery licenses; and amending RCW 77.70.410, 77.70.420, 77.65.100, and 77.65.110.

Referred to Committee on Natural Resources.

SSB 5533, by Senate Committee on Education

AN ACT Relating to posting and notification of pesticide applications at schools; amending RCW 17.21.020 and 17.21.410; adding a new section to chapter 17.21 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 74.15 RCW; and providing an effective date.

Referred to Committee on Agriculture & Ecology.

SB 5546, by Senators McAuliffe, Finkbeiner, Rasmussen, B. Sheldon, Fairley, Johnson, Hewitt, Eide and Kohl-Welles

AN ACT Relating to reclassifying the state board of education as a class four group; and amending RCW 28A.305.120.

Referred to Committee on Education.

SSB 5558, by Senate Committee on Judiciary

AN ACT Relating to penalties for alcohol violators; amending RCW 46.20.720; reenacting and amending RCW 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

SSB 5565, by Senate Committee on Health & Long-Term Care

AN ACT Relating to controlled substance orders and prescriptions; amending RCW 69.50.308; and repealing RCW 69.50.307.

Referred to Committee on Health Care.

SSB 5571, by Senate Committee on Transportation

AN ACT Relating to Future Farmers of America license plates; amending RCW 46.16.313, 46.16.233, and 46.16.290; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SSB 5573, by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to raffles by student groups; amending RCW 9.46.110; adding a new section to chapter 9.46 RCW; and adding a new section to chapter 28A.325 RCW.

Referred to Committee on Commerce & Labor.

SB 5582, by Senators Roach, McAuliffe, Winsley, Patterson, Fairley, Morton, Kastama, Hochstatter, Deccio, Swecker, Long, Carlson, Finkbeiner, Hewitt, Stevens, Sheahan, Zarelli, Rossi, Kohl-Welles and Regala

AN ACT Relating to the conditional employment of teachers with lapsed certificates; and reenacting and amending RCW 28A.410.010.

Referred to Committee on Education.

ESSB 5583, by Senate Committee on Human Services & Corrections

AN ACT Relating to the implementation of recommendations of the joint legislative audit and review committee's performance audit of the public mental health system; amending RCW 71.24.015 and 71.24.035; creating new sections; and declaring an emergency.

Referred to Committee on Health Care.

SSB 5601, by Senate Committee on Health & Long-Term Care

AN ACT Relating to a limited license to practice medicine; amending RCW 18.71.095; and declaring an emergency.

Referred to Committee on Health Care.

SB 5629, by Senators Patterson and Horn

AN ACT Relating to the office of financial management's budgeting, accounting, and reporting requirements for state agencies; amending RCW 43.88.160, 79.44.040, 79.44.050, 79.44.070, 79.44.080, and 79.44.140; and repealing RCW 79.44.180.

Referred to Committee on State Government.

SB 5683, by Senators Horn and Haugen

AN ACT Relating to membership on the state building code council; and amending RCW 19.27.070.

Referred to Committee on Local Government & Housing.

SB 5691, by Senators Costa, Long, Hargrove and Kohl-Welles

AN ACT Relating to limitations on sealing of juvenile offender records; amending RCW 13.50.050; and creating a new section.

Referred to Committee on Juvenile Justice.

SB 5699, by Senators Carlson, Benton, Honeyford, Hale and Zarelli

AN ACT Relating to the Washington state scholars program; amending RCW 28A.600.100 and 28A.600.110; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

SSB 5734, by Senate Committee on Agriculture & International Trade

AN ACT Relating to agricultural fairs; amending RCW 15.76.140; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

SSB 5791, by Senate Committee on Judiciary

AN ACT Relating to actions and proceedings for damages brought against law enforcement officers; and amending RCW 4.96.041.

Referred to Committee on Judiciary.

SSB 5813, by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to the sale of wine for off-premises consumption; and amending RCW 66.24.450, 66.24.452, 66.24.425, and 66.24.400.

Referred to Committee on Commerce & Labor.

SB 5863, by Senators Snyder and Zarelli

AN ACT Relating to an exchange of bedlands and the resolution of boundary disputes in and near the Cowlitz river near the confluence of the Columbia river in Longview, Washington; adding a new section to chapter 79.08 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SSB 5984, by Senate Committee on Human Services & Corrections

AN ACT Relating to public access to child dependency hearings and foster parent complaint information; amending RCW 13.34.115; reenacting and amending RCW 42.17.310; and creating a new section.

Referred to Committee on State Government.

SSB 6012, by Senate Committee on Environment, Energy & Water

AN ACT Relating to customary agricultural practices in the urban growth area; and amending RCW 70.94.743.

Referred to Committee on Agriculture & Ecology.

SSB 6110, by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to the Puget Sound crab pot buoy tag program; adding new sections to chapter 77.70 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SJM 8001, by Senators Franklin, Thibaudeau, Winsley, Costa and Kohl-Welles

Exploring the option of managing prescription drug prices through cooperative strategies with other Northwest states.

Referred to Committee on Health Care.

SJM 8007, by Senators Shin, Costa, Roach, Prentice, Rasmussen, Regala and Patterson

Requesting a specific domain designation for internet pornography websites.

Referred to Committee on Technology, Telecommunications & Energy.

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

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

There being no objection, the House adjourned until 10:00 a.m., March 14, 2001, the 66<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SIXTY SIXTH DAY

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MORNING SESSION

---

House Chamber, Olympia, Wednesday, March 14, 2001

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

Prayer was offered by Representative John Lovick.

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

**SPEAKER'S PRIVILEGE**

Speaker Ballard took a moment of personal privilege to thank the House's Administrative Staff on the outstanding job they did getting the House up and running after the February 28<sup>th</sup> earthquake. He asked the Chamber to acknowledge them.

**MESSAGES FROM THE SENATE**

March 13, 2001

Mr. Speakers:

The Senate passed:

SENATE BILL NO. 5022,  
SUBSTITUTE SENATE BILL NO. 5100,  
SUBSTITUTE SENATE BILL NO. 5104,  
SUBSTITUTE SENATE BILL NO. 5166,  
SUBSTITUTE SENATE BILL NO. 5182,  
SUBSTITUTE SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5355,  
SENATE BILL NO. 5373,  
SUBSTITUTE SENATE BILL NO. 5401,  
SENATE BILL NO. 5437,  
SUBSTITUTE SENATE BILL NO. 5484,  
SENATE BILL NO. 5493,  
SENATE BILL NO. 5513,  
ENGROSSED SENATE BILL NO. 5570,  
SUBSTITUTE SENATE BILL NO. 5638,  
SUBSTITUTE SENATE BILL NO. 5679,  
SUBSTITUTE SENATE BILL NO. 5681,  
SUBSTITUTE SENATE BILL NO. 5733,  
SUBSTITUTE SENATE BILL NO. 5776,  
SUBSTITUTE SENATE BILL NO. 5793,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,  
SUBSTITUTE SENATE BILL NO. 5880,  
SENATE BILL NO. 5886,  
SUBSTITUTE SENATE BILL NO. 5896,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5904,

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SUBSTITUTE SENATE BILL NO. 5958,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5995,  
SENATE BILL NO. 6022,  
SUBSTITUTE SENATE BILL NO. 6035,  
SUBSTITUTE SENATE BILL NO. 6037,  
SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8206,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 13, 2001

Mr. Speakers:

The Senate passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5060,  
SENATE BILL NO. 5063,  
SUBSTITUTE SENATE BILL NO. 5101,  
SUBSTITUTE SENATE BILL NO. 5211,  
SUBSTITUTE SENATE BILL NO. 5255,  
SUBSTITUTE SENATE BILL NO. 5309,  
SENATE BILL NO. 5333,  
ENGROSSED SENATE BILL NO. 5394,  
SENATE BILL NO. 5430,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,  
SENATE BILL NO. 5451,  
ENGROSSED SENATE BILL NO. 5495,  
SUBSTITUTE SENATE BILL NO. 5537,  
SUBSTITUTE SENATE BILL NO. 5543,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5566,  
SUBSTITUTE SENATE BILL NO. 5586,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5593,  
SENATE BILL NO. 5624,  
SENATE BILL NO. 5633,  
SUBSTITUTE SENATE BILL NO. 5637,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5674,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5703,  
SENATE BILL NO. 5735,  
SUBSTITUTE SENATE BILL NO. 5777,  
ENGROSSED SENATE BILL NO. 5790,  
SUBSTITUTE SENATE BILL NO. 5792,  
SENATE BILL NO. 5829,  
SUBSTITUTE SENATE BILL NO. 5837,  
SUBSTITUTE SENATE BILL NO. 5905,  
SECOND SUBSTITUTE SENATE BILL NO. 5909,  
SUBSTITUTE SENATE BILL NO. 5910,  
SUBSTITUTE SENATE BILL NO. 5925,  
SUBSTITUTE SENATE BILL NO. 5946,  
SUBSTITUTE SENATE BILL NO. 5965,  
SENATE JOINT MEMORIAL NO. 8008,  
ENGROSSED SENATE JOINT RESOLUTION NO. 8208,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SECOND READING**

**HOUSE BILL NO. 1365 by Representatives Doumit, Pflug, Tokuda, Boldt, Pennington, Rockefeller, Hatfield, Eickmeyer, Campbell, Edwards, Cairnes, Murray, Cody, Jackley, Mastin, Kirby, Buck, Kessler, Chopp, McIntire, Grant, Morris, Lisk, Ruderman, Van Luven, Kenney, Conway, Kagi and Schual-Berke**

**Requiring the department of health to publicize a list of recalled infant and child products.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1365 was substituted for House Bill No. 1365 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1365 was read the second time.

Speaker Ballard announced that House Bill No. 1365 was co-prime sponsored by Representatives Doumit and Pflug.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit, Pflug, Pennington, Hatfield and Van Luven spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1365.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1365 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1365, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1394 by Representatives Eickmeyer, Schoesler, Rockefeller, Sump, Jackley, Kessler, Cox and Dunshee**

**Clarifying the use of county road funds in salmon recovery projects.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill



was placed on final passage.

Representative Eickmeyer spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1394.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1394 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

House Bill No. 1394, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1545 by Representatives Lantz, Esser, Carrell and Cody**

#### **Regulating nonprofit organizations.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1545 was substituted for House Bill No. 1545 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1545 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Esser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1545.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1545 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott,

Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1545, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1763 by Representatives McIntire, Bush, Keiser and Ogden**

**Protecting the confidentiality of information relating to insurance.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1763 was substituted for House Bill No. 1763 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1763 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McIntire spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1763.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1763 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, and McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1763, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1092 by Representatives Lambert, Miloscia, Talcott, Pearson, Cairnes, Boldt, Anderson, Schmidt, Simpson, Bush and Mielke**

**Changing the property tax exemption for church and church camp property.**

The bill was read the second time.

Speaker Ballard announced that House Bill No. 1092 was co-prime sponsored by Representatives Lambert and Miloscia.

With the consent of the House, amendment (067) was withdrawn.

Representative Ruderman moved the adoption of the following amendment (084):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 84.36.020 and 1994 c 124 s 16 are each amended to read as follows:

The following real and personal property shall be exempt from taxation:

All lands, buildings, and personal property required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

All churches, cathedrals, synagogues, temples, mosques, and other places of assembly for religious exercise purposes, personal property, and the ground, not exceeding ~~((five))~~ twenty acres in area, upon which a church ~~((of any nonprofit recognized religious denomination)), cathedral, synagogue, temple, mosque, or other place of assembly for religious exercise purposes~~ is or shall be built, together with a parsonage, or other clergy residence, convent, or other religious community residence, and buildings and improvements required for the maintenance and safeguarding of such property. The area exempted shall in any case include all ground covered by the church, cathedrals, synagogues, temples, mosques, and other place of assembly for religious exercise purposes, parsonage, or other clergy residence, convent, or other religious community residence, and buildings and improvements required for the maintenance and safeguarding of such property and the structures and ground necessary for street access, parking, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with the church, cathedral, synagogue, temple, mosque, or other place of assembly for religious exercise purposes, parsonage, or other clergy residence, convent, or other religious community residence, and buildings and improvements required for the maintenance and safeguarding of such property, shall not exceed the equivalent of one ~~((hundred twenty by one hundred twenty feet))~~ and one-third acres except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements. The parsonage, or other clergy residence, and convent, or other religious community residence, need not be on land contiguous to the church ~~((property)), cathedral, synagogue, temple, mosque, or other place of assembly for religious exercise purposes~~. To be exempt the property must be wholly used for ~~((church))~~ religious exercise purposes: PROVIDED, That the loan or rental of property otherwise exempt under this paragraph to a nonprofit organization, association, or corporation, or school for use for an eleemosynary activity shall not nullify the exemption provided in this paragraph if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property.

**Sec. 2.** RCW 84.36.030 and 1993 c 327 s 2 are each amended to read as follows:

The following real and personal property shall be exempt from taxation:

(1) Property owned by nonprofit organizations or associations, organized and conducted for nonsectarian purposes, which shall be used for character-building, benevolent, protective or rehabilitative social services directed at persons of all ages. The sale of donated merchandise shall not be considered a commercial use of the property under this section if the proceeds are devoted to the furtherance of the purposes of the selling organization or association as specified in this paragraph.

(2) Property owned by any nonprofit ~~((church))~~ religious organization, denomination, or group of ~~((churches))~~ religious organizations, or ~~((an))~~ any organization or association, the membership of which is comprised solely of ~~((churches))~~ nonprofit religious organizations or their qualified representatives, which is utilized as a camp facility if used for organized and supervised recreational activities and ~~((church))~~ religious exercise purposes as related to such camp facilities. The exemption provided by this paragraph shall apply to a maximum of ~~((two))~~ four hundred acres of any such camp as selected by the ~~((church))~~ religious organization, including buildings and other improvements thereon.

(3) Property, including buildings and improvements required for the maintenance and safeguarding of such property, owned by nonprofit organizations or associations engaged in character building of boys and girls under eighteen years of age, and used for such purposes and uses, provided such purposes and uses are for the general public good: PROVIDED, That if existing charters provide that organizations or associations, which would otherwise qualify under the provisions of this paragraph, serve boys and girls up to the age of twenty-one

years, then such organizations or associations shall be deemed qualified pursuant to this section.

(4) Property owned by all organizations and societies of veterans of any war of the United States, recognized as such by the department of defense, which shall have national charters, and which shall have for their general purposes and objects the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies.

The use of the property for pecuniary gain or to promote business activities, except as provided in this subsection (4), nullifies the exemption otherwise available for the property for the assessment year. The exemption is not nullified by:

(a) The collection of rent or donations if the amount is reasonable and does not exceed maintenance and operation expenses.

(b) Fund-raising activities conducted by a nonprofit organization.

(c) The use of the property for pecuniary gain for periods of not more than three days in a year.

(d) An inadvertent use of the property in a manner inconsistent with the purpose for which exemption is granted, if the inadvertent use is not part of a pattern of use. A pattern of use is presumed when an inadvertent use is repeated in the same assessment year or in two or more successive assessment years.

(5) Property owned by all corporations, incorporated under any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(6) Property owned by nonprofit organizations exempt from federal income tax under section 501(c)(3) of the internal revenue code of 1954, as amended, that are guarantee agencies under the federal guaranteed student loan program or that issue debt to provide or acquire student loans.

(7) To be exempt under this section, the property must be used exclusively for the purposes for which exemption is granted, except as provided in RCW 84.36.805.

**Sec. 3.** RCW 84.36.800 and 1998 c 311 s 24 are each amended to read as follows:

As used in this chapter:

(1) "~~((Church))~~ Religious exercise purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent or other religious community residence" means a house or set of buildings occupied by a community of clergy or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state;

(5) "Parsonage or other clergy residence" means a residence occupied by a member of the clergy who has been designated for a particular congregation and who holds regular services ~~((therefor))~~;

(6) "Place of assembly for religious exercise purposes" means real and personal property owned by a nonprofit religious organization and used for religious exercise purposes.

NEW SECTION. **Sec. 4.** This act applies to taxes levied for collection in 2002 and thereafter."

Correct the title.

Representatives Ruderman and Lambert spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Miloscia spoke in favor of passage of the bill.

Representative Quall spoke against passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 1092.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1092 and the bill passed the House by the following vote: Yeas - 79, Nays - 19, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fromhold, Grant, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Reardon, Roach, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sump, Talcott, Van Luven, Woods, Speaker Ballard, and Speaker Chopp- 79.

Voting nay: Representatives Cody, Dickerson, Doumit, Eickmeyer, Fisher, Gombosky, Hunt, Kenney, McIntire, Murray, Poulsen, Quall, Rockefeller, Romero, Schual-Berke, Sommers, Tokuda, Veloria, and Wood - 19.

Engrossed House Bill No. 1092, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1739 by Representatives Bush, Schmidt, Romero, Miloscia, Anderson, Campbell, Talcott, Esser and Casada**

#### **Protecting the integrity of elections.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1739 was substituted for House Bill No. 1739 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1739 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bush and Romero spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1739.

There being no objection, Representative Mitchell and Speaker Chopp were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1739 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 96.

Excused: Representatives Mitchell and Speaker Chopp - 2.

Substitute House Bill No. 1739, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1606 by Representatives Clements, Crouse, B. Chandler, G. Chandler, Schoesler and Lisk**

#### **Crediting certain charges for irrigation pumping installations.**

The bill was read the second time.

Representative Clements moved the adoption of the following amendment (075):

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 80.28 RCW to read as follows:

Upon request by an electrical company, the commission may approve a tariff for irrigation pumping service that allows the company to buy back electricity from customers to reduce electricity usage by those customers during the electrical company's particular irrigation season.

**NEW SECTION. Sec. 2.** A new section is added to chapter 54.16 RCW to read as follows:

The commission may approve a tariff for irrigation pumping service that allows the district to buy back electricity from customers to reduce electricity usage by those customers during the district's particular irrigation season.

**NEW SECTION. Sec. 3.** A new section is added to chapter 35.92 RCW to read as follows:

The council or board may approve a tariff for irrigation pumping service that allows the municipal utility to buy back electricity from customers to reduce electricity usage by those customers during the municipal utility's particular irrigation season.

**NEW SECTION. Sec. 4.** A new section is added to chapter 23.86 RCW to read as follows:

The board may approve a tariff for irrigation pumping service that allows the locally regulated utility to buy back electricity from customers to reduce electricity usage by those customers during the locally regulated utility's particular irrigation season.

NEW SECTION. **Sec. 5.** A new section is added to chapter 24.06 RCW to read as follows:

The board may approve a tariff for irrigation pumping service that allows the locally regulated utility to buy back electricity from customers to reduce electricity usage by those customers during the locally regulated utility's particular irrigation season.

NEW SECTION. **Sec. 6.** A new section is added to chapter 87.03 RCW to read as follows:

The board may approve a tariff for irrigation pumping service that allows the irrigation district to buy back electricity from customers to reduce electricity usage by those customers during the irrigation district's particular irrigation season.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Clements, Poulsen and Morris spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 1606.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1606 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Engrossed House Bill No. 1606, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1781 by Representatives Sommers, Sehlin, Clements, Conway and Kenney**

**Making payment of agency commissions for agency liquor vendor stores.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1781 was

substituted for House Bill No. 1781 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1781 was read the second time.

Representative Delvin moved the adoption of the following amendment (077):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 66.04.010 and 2000 c 142 s 1 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Beer" means any malt beverage or malt liquor as these terms are defined in this chapter.

(3) "Beer distributor" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state, beer importers, or foreign produced beer from a source outside the state of Washington, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(4) "Beer importer" means a person or business within Washington who purchases beer from a United States brewery holding a certificate of approval (B5) or foreign produced beer from a source outside the state of Washington for the purpose of selling the same pursuant to this title.

(5) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(6) "Board" means the liquor control board, constituted under this title.

(7) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(8) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(9) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(10) "Distiller" means a person engaged in the business of distilling spirits.

(11) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

(12) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(13) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(14) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(15) "Employee" means any person employed by the board(~~(, including a vendor, as hereinafter in this section defined)~~).

(16) "Fund" means 'liquor revolving fund.'

(17) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or



more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

(18) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to ~~((the board))~~ an agency liquor vendor or for export.

(19) "Imprisonment" means confinement in the county jail.

(20) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(21) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(22) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(23) "Package" means any container or receptacle used for holding liquor.

(24) "Permit" means a permit for the purchase of liquor under this title.

(25) "Person" means an individual, copartnership, association, or corporation.

(26) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(27) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(28) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(29) "Regulations" means regulations made by the board under the powers conferred by this title.

(30) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(31) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle

authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

(32) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(33) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

(34) (~~"Store" means a state liquor store established under this title.~~

~~—————(35))~~ "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

~~((36))~~ (35) "Vendor" means ~~((a person employed by the board as a store manager under this title))~~ an agency liquor vendor store licensed by the board to sell liquor at retail.

~~((37))~~ (36) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

~~((38))~~ (37) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

~~((39))~~ (38) "Wine distributor" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

~~((40))~~ (39) "Wine importer" means a person or business within Washington who purchases wine from a United States winery holding a certificate of approval (W7) or foreign produced wine from a source outside the state of Washington for the purpose of selling the same pursuant to this title.

**Sec. 2.** RCW 66.08.020 and 1933 ex.s. c 62 s 5 are each amended to read as follows:

The administration of this title ~~((, including the general control, management and supervision of all liquor stores,))~~ shall be vested in the liquor control board, constituted under this title.

**Sec. 3.** RCW 66.08.026 and 1998 c 265 s 2 are each amended to read as follows:

All administrative expenses of the board incurred on and after April 1, 1963 shall be appropriated and paid from the liquor revolving fund. These administrative expenses shall include, but not be limited to: The salaries and expenses of the board and its employees, ~~((the cost of establishing, leasing, maintaining, and operating state liquor stores and warehouses,))~~ legal services, pilot projects, annual or other audits, and other general costs of conducting the business of the board ~~((, and the costs of supplying, installing, and maintaining equipment used in state liquor stores and agency liquor vendor stores for the purchase of liquor by nonlicensees using debit or credit cards)).~~ The administrative expenses shall not, however, be deemed to include ~~((costs of liquor and lottery tickets purchased, the cost of transportation and delivery to the point of distribution, other costs pertaining to the acquisition and receipt of liquor and lottery tickets, packaging and repackaging of liquor, transaction fees associated with credit or debit card purchases for liquor in state liquor stores and in the stores of agency liquor vendors pursuant to RCW 66.16.040 and 66.16.041,))~~ agency commissions for agency liquor vendor stores, sales tax, and those amounts distributed pursuant to RCW 66.08.180, 66.08.190, 66.08.200, 66.08.210 and 66.08.220. Agency commissions for agency liquor vendor stores shall be established by the

liquor control board after consultation with and approval by the director of the office of financial management. All expenditures and payment of obligations authorized by this section are subject to the allotment requirements of chapter 43.88 RCW.

**Sec. 4.** RCW 66.08.030 and 1977 ex.s. c 115 s 1 are each amended to read as follows:

(1) For the purpose of carrying into effect the provisions of this title according to their true intent or of supplying any deficiency therein, the board may make such regulations not inconsistent with the spirit of this title as are deemed necessary or advisable. All regulations so made shall be a public record and shall be filed in the office of the code reviser, and thereupon shall have the same force and effect as if incorporated in this title. Such regulations, together with a copy of this title, shall be published in pamphlets and shall be distributed as directed by the board.

(2) Without thereby limiting the generality of the provisions contained in subsection (1), it is declared that the power of the board to make regulations in the manner set out in that subsection shall extend to:

~~(a) ((regulating the equipment and management of stores and warehouses in which state liquor is sold or kept, and prescribing the books and records to be kept therein and the reports to be made thereon to the board;~~  
~~(b))~~ Prescribing the duties of the employees of the board, and regulating their conduct in the discharge of their duties;

~~((c) governing the purchase of liquor by the state and the furnishing of liquor to stores established under this title;~~

~~(d) determining the classes, varieties, and brands of liquor to be kept for sale at any store;~~

~~(e))~~ (b) Prescribing((, subject to RCW 66.16.080,)) the hours during which ((the state liquor stores shall be kept open for the sale of)) agency liquor vendors may sell liquor;

~~((f) providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale under this title;~~

~~(g) prescribing an official seal and official labels and stamps and determining the manner in which they shall be attached to every package of liquor sold or sealed under this title, including the prescribing of different official seals or different official labels for different classes of liquor;~~

~~(h) providing for the payment by the board in whole or in part of the carrying charges on liquor shipped by freight or express;~~

~~(i))~~ (c) Prescribing forms to be used for purposes of this title or the regulations, and the terms and conditions to be contained in permits and licenses issued under this title;

~~((j))~~ (d) Prescribing the fees payable in respect of permits and licenses issued under this title for which no fees are prescribed in this title, and prescribing the fees for anything done or permitted to be done under the regulations;

~~((k))~~ (e) Prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same shall be kept and disposed of, and providing for the inspection of the same at any time at the instance of the board;

~~((l))~~ (f) Regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;

~~((m))~~ (g) Prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the board, and providing for inspection of the records so kept;

~~((n))~~ (h) Prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;

~~((o))~~ (i) Prescribing the manner of giving and serving notices required by this title or the regulations, where not otherwise provided for in this title;

~~((p))~~ (j) Regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the board, and providing for the inspection of the premises and the books, records and the liquor so kept;

~~((q))~~ (k) Prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

~~((#))~~ (l) Prescribing the conditions, accommodations and qualifications requisite for the obtaining of licenses to sell beer ~~((and))~~, wines, and spirits, and regulating the sale of beer ~~((and))~~, wines ~~((thereunder))~~, and spirits;

~~((s))~~ (m) Specifying and regulating the time and periods when, and the manner, methods and means by which manufacturers shall deliver liquor within the state; and the time and periods when, and the manner, methods and means by which liquor may lawfully be conveyed or carried within the state;

~~((#))~~ (n) Providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

~~((#))~~ (o) Providing for the making of returns by the ~~((wholesalers))~~ distributors of beer whose breweries are located beyond the boundaries of the state;

~~((#))~~ (p) Providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the state, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

~~((#))~~ (q) Providing for the giving of fidelity bonds by any or all of the employees of the board: PROVIDED, That the premiums therefor shall be paid by the board;

~~((#))~~ (r) Providing for the shipment by mail or common carrier of liquor to any person holding a permit and residing in any unit which has by election pursuant to this title, prohibited the sale of liquor therein;

~~((#))~~ (s) Prescribing methods of manufacture, conditions of sanitation, standards of ingredients, quality and identity of alcoholic beverages manufactured, sold, bottled, or handled by licensees ~~((and the board))~~; and conducting from time to time, in the interest of the public health and general welfare, scientific studies and research relating to alcoholic beverages and the use and effect thereof;

~~((#))~~ (t) Seizing, confiscating and destroying all alcoholic beverages manufactured, sold or offered for sale within this state which do not conform in all respects to the standards prescribed by this title or the regulations of the board: PROVIDED, Nothing herein contained shall be construed as authorizing the liquor board to prescribe, alter, limit or in any way change the present law as to the quantity or percentage of alcohol used in the manufacturing of wine or other alcoholic beverages.

**Sec. 5.** RCW 66.08.050 and 1997 c 228 s 1 are each amended to read as follows:

The board, subject to the provisions of this title and the rules, shall:

~~(1) ((Determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;~~

~~————(2) Appoint in cities and towns and other communities, in which no state liquor store is located, liquor vendors. In addition, the board may appoint, in its discretion, a manufacturer that also manufactures liquor products other than wine under a license under this title, as a vendor for the purpose of sale of liquor products of its own manufacture on the licensed premises only. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require;~~

~~————(3) Establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;~~

~~————(4) Provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;~~

~~————(5) Determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;~~

~~————(6))~~ Execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

~~((#))~~ (2) Pay all customs, duties, excises, charges and obligations whatsoever relating to the business of

the board;

~~((8))~~ (3) Require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

~~((9) Perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the board and the commission;~~

~~(10))~~ (4) Accept and deposit into the general fund-local account and disburse, subject to appropriation, federal grants or other funds or donations from any source for the purpose of improving public awareness of the health risks associated with alcohol consumption by youth and the abuse of alcohol by adults in Washington state. The board's alcohol awareness program shall cooperate with federal and state agencies, interested organizations, and individuals to effect an active public beverage alcohol awareness program;

~~((11))~~ (5) Perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor: PROVIDED, That the board shall have no authority to regulate the content of spoken language on licensed premises where wine and other liquors are served and where there is not a clear and present danger of disorderly conduct being provoked by such language.

**Sec. 6.** RCW 66.08.090 and 1933 ex.s. c 62 s 31 are each amended to read as follows:

No employee shall sell liquor in any ~~(other)~~ place, nor at any other time, nor otherwise than as authorized by the board under this title and the regulations.

**Sec. 7.** RCW 66.08.095 and 1993 c 26 s 3 are each amended to read as follows:

The liquor control board may provide ~~(liquor)~~ at no charge ~~(, including)~~ liquor forfeited under chapter 66.32 RCW ~~(,)~~ to recognized law enforcement agencies within the state when the law enforcement agency will be using the liquor for bona fide law enforcement training or investigation purposes.

**Sec. 8.** RCW 66.12.110 and 1999 c 281 s 3 are each amended to read as follows:

A person twenty-one years of age or over may bring into the state from without the United States, free of tax ~~(and markup)~~, for his or her personal or household use such alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent ~~(markup and)~~ tax as would be applicable to the purchase of the same or similar liquor at retail from ~~(a Washington state)~~ an agency liquor ~~(store)~~ vendor. The board shall adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying out the provisions of this section. The board may issue a spirits, beer, and wine private club license to a charitable or nonprofit corporation of the state of Washington, the majority of the officers and directors of which are United States citizens and the minority of the officers and directors of which are citizens of the Dominion of Canada, and where the location of the premises for such spirits, beer, and wine private club license is not more than ten miles south of the border between the United States and the province of British Columbia.

**Sec. 9.** RCW 66.12.120 and 1995 c 100 s 1 are each amended to read as follows:

Notwithstanding any other provision of Title 66 RCW, a person twenty-one years of age or over may, free of tax ~~(and markup)~~, for personal or household use, bring into the state of Washington from another state no more than once per calendar month up to two liters of spirits or wine or two hundred eighty-eight ounces of beer. Additionally, such person may be authorized by the board to bring into the state of Washington from another state a reasonable amount of alcoholic beverages in excess of that provided in this section for personal or household use only upon payment of an equivalent ~~(markup and)~~ tax as would be applicable to the purchase of the same or similar liquor at retail from ~~(a state)~~ an agency liquor ~~(store)~~ vendor. The board shall adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying into effect the provisions of this section.

**Sec. 10.** RCW 66.12.140 and 1982 c 85 s 8 are each amended to read as follows:

(1) Nothing in this title shall prevent the use of beer, wine, and/or spirituous liquor, for cooking purposes only, in conjunction with a culinary or restaurant course offered by a college, university, community college, area vocational technical institute, or private vocational school. Further, nothing in this title shall prohibit the making of beer or wine in food fermentation courses offered by a college, university, community college, area vocational technical institute, or private vocational school.

(2) "Culinary or restaurant course" as used in this section means a course of instruction which includes practical experience in food preparation under the supervision of an instructor who is twenty-one years of age or older.

(3) Persons under twenty-one years of age participating in culinary or restaurant courses may handle beer, wine, or spirituous liquor for purposes of participating in the courses, but nothing in this section shall be construed to authorize consumption of liquor by persons under twenty-one years of age or to authorize possession of liquor by persons under twenty-one years of age at any time or place other than while preparing food under the supervision of the course instructor.

(4) Beer, wine, and/or spirituous liquor to be used in culinary or restaurant courses shall be purchased at retail from ~~((the board or))~~ a retailer licensed under this title. All such liquor shall be securely stored in the food preparation area and shall not be displayed in an area open to the general public.

(5) Colleges, universities, community colleges, area vocational technical institutes, and private vocational schools shall obtain the prior written approval of the board for use of beer, wine, and/or spirituous liquor for cooking purposes in their culinary or restaurant courses.

**Sec. 11.** RCW 66.16.040 and 1996 c 291 s 1 are each amended to read as follows:

Except as otherwise provided by law, an employee ~~((in a state))~~ of an agency liquor ~~((store or agency))~~ vendor may sell liquor to any person of legal age to purchase alcoholic beverages and may also sell to holders of permits such liquor as may be purchased under such permits.

Where there may be a question of a person's right to purchase liquor by reason of age, such person shall be required to present any one of the following officially issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

(1) Liquor control authority card of identification of any state or province of Canada.

(2) Driver's license, instruction permit or identification card of any state or province of Canada, or "identocard" issued by the Washington state department of licensing pursuant to RCW 46.20.117.

(3) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents.

(4) Passport.

(5) Merchant Marine identification card issued by the United States Coast Guard.

The board may adopt such regulations as it deems proper covering the acceptance of such cards of identification.

~~((No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash, except as allowed under RCW 66.16.041. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.))~~

**Sec. 12.** RCW 66.16.100 and 1997 c 321 s 42 are each amended to read as follows:

No ~~((state))~~ agency liquor ~~((store))~~ vendor in a county with a population over three hundred thousand may sell fortified wine if the board finds that the sale would be against the public interest based on the factors in RCW 66.24.360. The burden of establishing that the sale would be against the public interest is on those persons objecting.

**Sec. 13.** RCW 66.16.110 and 1993 c 422 s 2 are each amended to read as follows:

The board shall cause to be posted in conspicuous places, in a number determined by the board, within each ~~((state))~~ licensed retail liquor ~~((store))~~ establishment, notices in print not less than one inch high warning persons that consumption of alcohol shortly before conception or during pregnancy may cause birth defects, including fetal alcohol syndrome and fetal alcohol effects.

**Sec. 14.** RCW 66.20.170 and 1973 1st ex.s. c 209 s 5 are each amended to read as follows:

A card of identification may for the purpose of this title and for the purpose of procuring liquor, be accepted as an identification card by any licensee (~~(or store-employee)~~) and as evidence of legal age of the person presenting such card, provided the licensee (~~(or store-employee)~~) complies with the conditions and procedures prescribed herein and such regulations as may be made by the board.

**Sec. 15.** RCW 66.20.180 and 1973 1st ex.s. c 209 s 6 are each amended to read as follows:

A card of identification shall be presented by the holder thereof upon request of any licensee, (~~store-employee,~~) peace officer, or enforcement officer of the board for the purpose of aiding the licensee, (~~store-employee,~~) peace officer, or enforcement officer of the board to determine whether or not such person is of legal age to purchase liquor when such person desires to procure liquor from a licensed establishment (~~(or state liquor store or agency)~~).

**Sec. 16.** RCW 66.20.190 and 1981 1st ex.s. c 5 s 9 are each amended to read as follows:

In addition to the presentation by the holder and verification by the licensee (~~(or store-employee)~~) of such card of identification, the licensee (~~(or store-employee)~~) who is still in doubt about the true age of the holder shall require the person whose age may be in question to sign a certification card and record an accurate description and serial number of his or her card of identification thereon. Such statement shall be upon a five-inch by eight-inch file card, which card shall be filed alphabetically by the licensee (~~(or store-employee)~~) at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card shall be subject to examination by any peace officer or agent or employee of the board at all times. The certification card shall also contain in bold-face type a statement stating that the signer understands that conviction for unlawful purchase of alcoholic beverages or misuse of the certification card may result in criminal penalties including imprisonment or fine or both.

**Sec. 17.** RCW 66.20.200 and 1994 c 201 s 1 are each amended to read as follows:

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee (~~(or store-employee)~~). Any person who shall permit his or her card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee (~~(or store-employee)~~) or gain admission to a premises or portion of a premises classified by the board as off-limits to persons under twenty-one years of age, shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty-five hours of such service. Any person not entitled thereto who unlawfully procures or has issued or transferred to him or her a card of identification, and any person who possesses a card of identification not issued to him or her, and any person who makes any false statement on any certification card required by RCW 66.20.190, as now or hereafter amended, to be signed by him or her, shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty-five hours of such service.

NEW SECTION. **Sec. 18.** A new section is added to chapter 66.24 RCW to read as follows:

There shall be a license for spirits distributors to sell spirituous liquor, purchased from licensed Washington manufacturers, spirituous liquor certificate of approval holders, licensed liquor importers, or suppliers of foreign liquor located outside the state of Washington, to retailers licensed for off-premises consumption and other spirits distributors and to export spirits from the state of Washington; fee fifteen thousand dollars per year for each distributing unit.

NEW SECTION. **Sec. 19.** A new section is added to chapter 66.24 RCW to read as follows:

A manufacturer of spirits located outside the state of Washington must hold a certificate of approval to

allow sales and shipment of the certificate of approval holder's spirituous liquor to licensed Washington spirits distributors or liquor importers. The certificate of approval shall not be granted unless the manufacturer of spirituous liquor has made a written agreement with the board to furnish to the board, on or before the twentieth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of spirits sold or delivered to each licensed spirits distributor or liquor importer during the preceding month, and has further agreed with the board that the manufacturers, all general sales corporations or agencies maintained by them, and all of their trade representatives, will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and with all rules and regulations of the Washington state liquor control board. A violation of the terms of this agreement will authorize the board to take action to suspend or revoke such certificate.

The fee for the certificate of approval, issued under the provisions of this title shall be one hundred dollars per year, which sum must accompany the application for the certificate.

**Sec. 20.** RCW 66.24.160 and 1981 1st ex.s. c 5 s 30 are each amended to read as follows:

A liquor importer's license may be issued to any qualified person, firm or corporation, entitling the holder thereof to import into the state any liquor other than beer or wine; to store the same within the state, and to sell and export the same from the state; fee six hundred dollars per annum. Such liquor importer's license shall be subject to all conditions and restrictions imposed by this title or by the rules and regulations of the board, and shall be issued only upon such terms and conditions as may be imposed by the board. ~~((No liquor importer's license shall be required in sales to the Washington state liquor control board.))~~

**Sec. 21.** RCW 66.24.210 and 1997 c 321 s 8 are each amended to read as follows:

(1) There is hereby imposed upon all wines except cider sold to wine distributors ~~((and the Washington state liquor control board.))~~ within the state a tax at the rate of twenty and one-fourth cents per liter. There is hereby imposed on all cider sold to wine distributors ~~((and the Washington state liquor control board.))~~ within the state a tax at the rate of three and fifty-nine one-hundredths cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section shall be collected by direct payments based on wine purchased by wine distributors. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. The board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. After June 30, 1996, such additional tax does not apply to cider. An additional tax of five one-hundredths of one cent per liter is imposed on cider sold after June 30, 1996. The additional taxes imposed by this subsection (3) shall cease to be imposed on July 1, 2001. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010(37) when bottled or packaged by the manufacturer, one cent per liter on all other wine except cider, and eighteen one-hundredths of one cent per liter on cider. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW



69.50.520 by the twenty-fifth day of the following month.

(5)(a) An additional tax is imposed on all cider subject to tax under subsection (1) of this section. The additional tax is equal to two and four one-hundredths cents per liter of cider sold after June 30, 1996, and before July 1, 1997, and is equal to four and seven one-hundredths cents per liter of cider sold after June 30, 1997.

(b) All revenues collected from the additional tax imposed under this subsection (5) shall be deposited in the health services account under RCW 43.72.900.

(6) For the purposes of this section, "cider" means table wine that contains not less than one-half of one percent of alcohol by volume and not more than seven percent of alcohol by volume and is made from the normal alcoholic fermentation of the juice of sound, ripe apples or pears. "Cider" includes, but is not limited to, flavored, sparkling, or carbonated cider and cider made from condensed apple or pear must.

**Sec. 22.** RCW 66.24.290 and 1999 c 281 s 14 are each amended to read as follows:

(1) Any microbrewer or domestic brewery or beer distributor licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, (~~other than the board;~~) and every such brewery or beer distributor shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of one dollar and thirty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of one dollar and thirty cents per barrel of thirty-one gallons. Any brewery or beer distributor whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Beer shall be sold by breweries and distributors in sealed barrels or packages. The moneys collected under this subsection shall be distributed as follows: (a) Three-tenths of a percent shall be distributed to border areas under RCW 66.08.195; and (b) of the remaining moneys: (i) Twenty percent shall be distributed to counties in the same manner as under RCW 66.08.200; and (ii) eighty percent shall be distributed to incorporated cities and towns in the same manner as under RCW 66.08.210.

(2) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (3) shall be deposited in the health services account under RCW 43.72.900.

(4) An additional tax is imposed on all beer that is subject to tax under subsection (1) of this section that is in the first sixty thousand barrels of beer by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of the exemption under subsection (3)(b) of this section. The additional tax is equal to one dollar and forty-eight and two-tenths cents per barrel of thirty-one gallons. By the twenty-fifth day of the following month, three percent of the revenues collected from this additional tax shall be distributed to border areas under RCW 66.08.195 and the remaining moneys shall be transferred to the state general fund.

(5) The board may make refunds for all taxes paid on beer exported from the state for use outside the state.

(6) The board may require filing with the board of a bond to be approved by it, in such amount as the board may fix, securing the payment of the tax. If any licensee fails to pay the tax when due, the board may forthwith suspend or cancel his or her license until all taxes are paid.

(7) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

**Sec. 23.** RCW 66.24.310 and 1997 c 321 s 17 are each amended to read as follows:

(1) No person shall canvass for, solicit, receive, or take orders for the purchase or sale of liquor, nor contact any licensees of the board in goodwill activities, unless such person shall be the accredited representative of a person, firm, or corporation holding a certificate of approval issued pursuant to RCW 66.24.270 or 66.24.206, a beer distributor's license, a microbrewer's license, a domestic brewer's license, a beer importer's license, a domestic winery license, a wine importer's license, ~~((or))~~ a wine distributor's license, or a spirits distributor's license within the state of Washington, or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor, or foreign produced beer or wine, and shall have applied for and received a representative's license: PROVIDED, HOWEVER, That the provisions of this section shall not apply to drivers who deliver beer or wine;

(2) Every representative's license issued under this title shall be subject to all conditions and restrictions imposed by this title or by the rules and regulations of the board; the board, for the purpose of maintaining an orderly market, may limit the number of representative's licenses issued for representation of specific classes of eligible employers;

(3) Every application for a representative's license must be approved by a holder of a certificate of approval issued pursuant to RCW 66.24.270 or 66.24.206, a licensed beer distributor, a licensed domestic brewer, a licensed beer importer, a licensed microbrewer, a licensed domestic winery, a licensed wine importer, a licensed wine distributor, or by a distiller, manufacturer, importer, or distributor of spirituous liquor, or foreign produced beer or wine, as the rules and regulations of the board shall require;

(4) The fee for a representative's license shall be twenty-five dollars per year;

(5) An accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor may, after he or she has applied for and received a representative's license, contact ~~((retail licensees))~~ agency liquor vendors of the board only in goodwill activities pertaining to spirituous liquor products.

**Sec. 24.** RCW 66.24.360 and 1997 c 321 s 22 are each amended to read as follows:

There shall be a spirits, beer, and/or wine ~~((retailer's))~~ agency liquor vendor license to be designated as a grocery store license to sell spirits, beer, and/or wine at retail in bottles, cans, and original containers, not to be consumed upon the premises where sold, at any store ~~((other than the state liquor stores))~~.

(1) Licensees obtaining a written endorsement from the board may also sell malt liquor in kegs or other containers capable of holding less than five and one-half gallons of liquid.

(2)(a) The annual fee for the grocery store license is one hundred fifty dollars for each store selling beer or wine but not spirits.

(b) The annual fee for the grocery store license is three thousand dollars for each store selling spirits.

(3) The board shall issue a restricted grocery store license authorizing the licensee to sell beer and only table wine, if the board finds upon issuance or renewal of the license that the sale of fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing fortified wine at the establishment; and

(c) Whether the sale of fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of fortified wine by the licensee would be against the public interest is on those persons objecting.

(4) Licensees holding a grocery store license must maintain a minimum three thousand dollar inventory of food products for human consumption, not including pop, spirits, beer, or wine.

(5) Only grocery store licensees whose contiguous business premises measure five thousand or more square feet of floor space and who meet the requirements of subsection (4) of this section may sell at retail.

spirituous liquor in its original container. The board shall determine by rule, criteria for establishing qualifying floor space.

(6) Until July 1, 2004, the board may issue a retailer's license under this section to agency liquor vendors appointed by the board on or before January 1, 2001. Subsections (4) and (5) of this section do not apply to liquor vendors who qualify under this subsection (6), but such vendors are subject to the remainder of this section.

(7) Upon approval by the board, the grocery store licensee may also receive an endorsement to permit the international export of beer and wine.

(a) Any beer or wine sold under this endorsement must have been purchased from a licensed beer or wine distributor licensed to do business within the state of Washington.

(b) Any beer and wine sold under this endorsement must be intended for consumption outside the state of Washington and the United States and appropriate records must be maintained by the licensee.

(c) A holder of this special endorsement to the grocery store license shall be considered not in violation of RCW 66.28.010.

(d) Any beer or wine sold under this license must be sold at a price no less than the acquisition price paid by the holder of the license.

(e) The annual cost of this endorsement is five hundred dollars and is in addition to the license fees paid by the licensee for a grocery store license.

**Sec. 25.** RCW 66.24.371 and 1997 c 321 s 23 are each amended to read as follows:

(1) There shall be a beer and/or wine (~~retailer's~~) agency liquor vendor license to be designated as a beer and/or wine specialty shop license to sell beer and/or wine at retail in bottles, cans, and original containers, not to be consumed upon the premises where sold, at any store (~~other than the state liquor stores~~). Licensees obtaining a written endorsement from the board may also sell malt liquor in kegs or other containers capable of holding less than five and one-half gallons of liquid. The annual fee for the beer and/or wine specialty shop license is one hundred dollars for each store.

(2) Licensees under this section may provide, free or for a charge, single-serving samples of two ounces or less to customers for the purpose of sales promotion. Sampling activities of licensees under this section are subject to RCW 66.28.010 and 66.28.040 and the cost of sampling under this section may not be borne, directly or indirectly by any manufacturer, importer, or distributor of liquor.

(3) The board shall issue a restricted beer and/or wine specialty shop license, authorizing the licensee to sell beer and only table wine, if the board finds upon issuance or renewal of the license that the sale of fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing fortified wine at the establishment; and

(c) Whether the sale of fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of fortified wine by the licensee would be against the public interest is on those persons objecting.

(4) Licensees holding a beer and/or wine specialty shop license must maintain a minimum three thousand dollar wholesale inventory of beer and/or wine.

**Sec. 26.** RCW 66.24.380 and 1997 c 321 s 24 are each amended to read as follows:

There shall be a retailer's license to be designated as a special occasion license to be issued to a not-for-profit society or organization to sell spirits, beer, and wine by the individual serving for on-premises consumption at a specified event, such as at picnics or other special occasions, at a specified date and place; fee sixty dollars per day.

(1) The not-for-profit society or organization is limited to sales of no more than twelve calendar days per

(2) The licensee may sell beer and/or wine in original, unopened containers for off-premises consumption if permission is obtained from the board prior to the event.

(3) Sale, service, and consumption of spirits, beer, and wine is to be confined to specified premises or designated areas only.

(4) Spirituous liquor sold under this special occasion license must be purchased ~~((at a state liquor store or agency without discount at retail prices, including all taxes))~~ from a licensed spirits distributor.

(5) Any violation of this section is a class 1 civil infraction having a maximum penalty of two hundred fifty dollars as provided for in chapter 7.80 RCW.

**Sec. 27.** RCW 66.24.481 and 1969 ex.s. c 250 s 2 are each amended to read as follows:

No public place or club, or agent, servant or employee thereof, shall keep or allow to be kept, either by itself, its agent, servant or employee, or any other person, any liquor in any place maintained or conducted by such public place or club, nor shall it permit the drinking of any liquor in any such place, unless the sale of liquor in said place is authorized by virtue of a valid and subsisting license issued by the Washington state liquor control board, or the consumption of liquor in said place is authorized by a special banquet permit issued by said board. Every person who violates any provision of this section shall be guilty of a gross misdemeanor.

"Public place," for purposes of this section only, shall mean in addition to the definition set forth in RCW 66.04.010~~((24))~~, any place to which admission is charged or in which any pecuniary gain is realized by the owner or operator of such place in selling or vending food or soft drinks.

**Sec. 28.** RCW 66.24.540 and 1999 c 129 s 1 are each amended to read as follows:

There shall be a retailer's license to be designated as a motel license. The motel license may be issued to a motel regardless of whether it holds any other class of license under this title. No license may be issued to a motel offering rooms to its guests on an hourly basis. The license authorizes the licensee to:

(1) Sell, at retail, in locked honor bars, spirits in individual bottles not to exceed fifty milliliters, beer in individual cans or bottles not to exceed twelve ounces, and wine in individual bottles not to exceed one hundred eighty-seven milliliters, to registered guests of the motel for consumption in guest rooms.

(a) Each honor bar must also contain snack foods. No more than one-half of the guest rooms may have honor bars.

(b) All spirits to be sold under the license must be purchased from ~~((the board))~~ a licensed spirits distributor.

(c) The licensee shall require proof of age from the guest renting a guest room and requesting the use of an honor bar. The guest shall also execute an affidavit verifying that no one under twenty-one years of age shall have access to the spirits, beer, and wine in the honor bar.

(2) Provide without additional charge, to overnight guests of the motel, beer and wine by the individual serving for on-premises consumption at a specified regular date, time, and place as may be fixed by the board. Self-service by attendees is prohibited. All beer and wine service must be done by an alcohol server as defined in RCW 66.20.300 and comply with RCW 66.20.310.

The annual fee for a motel license is five hundred dollars.

"Motel" as used in this section means a transient accommodation licensed under chapter 70.62 RCW.

As used in this section, "spirits," "beer," and "wine" have the meanings defined in RCW 66.04.010.

**NEW SECTION. Sec. 29.** A new section is added to chapter 66.28 RCW to read as follows:

A retail spirits licensee may sell spirits only during the hours of twelve o'clock noon and eight o'clock p.m. each day, except Sundays.

**Sec. 30.** RCW 66.28.030 and 1997 c 321 s 47 are each amended to read as follows:

Every licensed brewer, domestic brewer and microbrewer, domestic winery, manufacturer holding a certificate of approval, licensed wine importer, and licensed beer importer shall be responsible for the conduct of any licensed spirits, beer, or wine distributor in selling, or contracting to sell, to retail licensees, spirits, beer, or

wine manufactured by such brewer, domestic brewer and microbrewer, domestic winery, manufacturer holding a certificate of approval, or imported by such liquor, beer, or wine importer. Where the board finds that any licensed spirits, beer, or wine distributor has violated any of the provisions of this title or of the regulations of the board in selling or contracting to sell spirits, beer, or wine to retail licensees, the board may, in addition to any punishment inflicted or imposed upon such distributor, prohibit the sale of the brand or brands of spirits, beer, or wine involved in such violation to any or all retail licensees within the trade territory usually served by such distributor for such period of time as the board may fix, irrespective of whether the brewer manufacturing such beer or the beer importer importing such beer or the domestic winery manufacturing such wine or the wine importer importing such wine or the certificate of approval holder manufacturing such spirits, beer, or wine actually participated in such violation.

**Sec. 31.** RCW 66.28.040 and 2000 c 179 s 1 are each amended to read as follows:

Except as permitted by the board under RCW 66.20.010, no brewery, distributor, distiller, winery, importer, rectifier, or other manufacturer of liquor shall, within the state, give to any person any liquor; but nothing in this section nor in RCW 66.28.010 shall prevent a brewery, distributor, winery, distiller, or importer from furnishing samples of beer, wine, or spirituous liquor to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor control board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210, and in the case of spirituous liquor, any product used for samples must be purchased at retail from ~~((the board; nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board))~~ an agency liquor vendor; nothing in this section shall prevent a brewery, winery, distillery, or distributor from furnishing beer, wine, or spirituous liquor for instructional purposes under RCW 66.28.150 and 66.28.155; nothing in this section shall prevent a winery or distributor from furnishing wine without charge, subject to the taxes imposed by RCW 66.24.210, to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and that uses wine so furnished solely for such educational purposes or a domestic winery, or an out-of-state certificate of approval holder, from furnishing wine without charge or a domestic brewery, or an out-of-state certificate of approval holder, from furnishing beer without charge, subject to the taxes imposed by RCW 66.24.210 or 66.24.290, to a nonprofit charitable corporation or association exempt from taxation under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) for use consistent with the purpose or purposes entitling it to such exemption; nothing in this section shall prevent a brewer from serving beer without charge, on the brewery premises; nothing in this section shall prevent donations of wine for the purposes of RCW 66.12.180; and nothing in this section shall prevent a domestic winery from serving wine without charge, on the winery premises.

**Sec. 32.** RCW 66.28.060 and 1933 ex.s. c 62 s 26 are each amended to read as follows:

Every distillery licensed under this title shall make monthly reports to the board pursuant to the regulations. No such distillery shall make any sale of spirits within the state of Washington except to ~~((the board))~~ a licensed spirits distributor.

**Sec. 33.** RCW 66.28.070 and 1994 c 201 s 5 and 1994 c 63 s 2 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section, it shall be unlawful for any retail spirits, beer, or wine licensee to purchase spirits, beer, or wine, except from a duly licensed ~~((wholesaler or the board))~~ distributor, and it shall be unlawful for any brewer, winery, or spirits, beer, or wine ~~((wholesaler))~~ distributor to purchase spirits, beer, or wine, except from a duly licensed spirits, beer, or wine ~~((wholesaler))~~ distributor or importer.

(2) A spirits, beer, or wine retailer licensee may purchase spirits, beer, or wine from a government agency which has lawfully seized spirits, beer, or wine from a licensed spirits, beer, or wine retailer, or from a board-authorized retailer, or from a licensed retailer which has discontinued business if the ~~((wholesaler))~~ distributor has refused to accept spirits, beer, or wine from that retailer for return and refund. Spirits, beer, and

wine purchased under this subsection shall meet the quality standards set by its manufacturer.

(3) Special occasion licensees holding (~~either a class G or J~~) a special occasion license may only purchase beer or wine from a beer or wine retailer duly licensed to sell beer or wine for off-premises consumption(~~(, the board,)~~) or from a duly licensed beer or wine (~~wholesaler~~) distributor.

**Sec. 34.** RCW 66.28.180 and 1997 c 321 s 51 are each amended to read as follows:

It is unlawful for a person, firm, or corporation holding a certificate of approval issued under RCW 66.24.270 or 66.24.206, a spirits distributor's license, a beer distributor's license, a domestic brewer's license, a microbrewer's license, a beer importer's license, a beer distributor's license, a domestic winery license, a wine importer's license, or a wine distributor's license within the state of Washington to modify any prices without prior notification to and approval of the board.

(1) Intent. This section is enacted, pursuant to the authority of this state under the twenty-first amendment to the United States Constitution, to promote the public's interest in fostering the orderly and responsible distribution of (~~malt~~) alcoholic beverages (~~and wine~~) towards effective control of consumption; to promote the fair and efficient three-tier system of distribution of such beverages; and to confirm existing board rules as the clear expression of state policy to regulate the manner of selling and pricing of (~~wine and malt~~) alcoholic beverages by licensed suppliers and distributors.

(2) Spirits, beer, and wine distributor price posting.

(a) Every spirits, beer, or wine distributor shall file with the board at its office in Olympia a price posting showing the wholesale prices at which any and all brands of spirits, beer, and wine sold by such (~~beer and/or wine~~) distributor shall be sold to retailers within the state.

(b) Each price posting shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth:

(i) All brands, types, packages, and containers of beer offered for sale by such beer and/or wine distributor;

(ii) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(c) No spirits, beer, and/or wine distributor may sell or offer to sell any package or container of spirits, beer, or wine to any (~~retail licensee~~) agency liquor vendor at a price differing from the price for such package or container as shown in the price posting filed by the (~~beer and/or wine~~) distributor and then in effect, according to rules adopted by the board.

(d) Quantity discounts are prohibited. No price may be posted that is below acquisition cost plus ten percent of acquisition cost. However, the board is empowered to review periodically, as it may deem appropriate, the amount of the percentage of acquisition cost as a minimum mark-up over cost and to modify such percentage by rule of the board, except such percentage shall be not less than ten percent.

(e) Distributor prices on a "close-out" item shall be accepted by the board if the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the distributor who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(f) The board may reject any price posting that it deems to be in violation of this section or any rule, or portion thereof, or that would tend to disrupt the orderly sale and distribution of beer, spirits, and wine. Whenever the board rejects any posting, the licensee submitting the posting may be heard by the board and shall have the burden of showing that the posting is not in violation of this section or a rule or does not tend to disrupt the orderly sale and distribution of spirits, beer, and wine. If the posting is accepted, it shall become effective at the time fixed by the board. If the posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this section.

(g) All price postings filed as required by this section shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

(h) Any spirits, beer, and/or wine distributor or employee authorized by the distributor-employer may sell spirits, beer, and/or wine at the distributor's posted prices to (~~any annual~~) an agency liquor vendor or special occasion retail licensee upon presentation to the distributor or employee at the time of purchase of a special

permit issued by the board to such licensee.

(i) Every ~~((annual))~~ agency liquor vendor or special occasion retail licensee, upon purchasing any beer and/or wine from a distributor, shall immediately cause such beer or wine to be delivered to the licensed premises, and the licensee shall not thereafter permit such beer to be disposed of in any manner except as authorized by the license.

(ii) Spirits, beer, and wine sold as provided in this section shall be delivered by the distributor or an authorized employee either to the ~~((retailer's))~~ agency liquor vendor's licensed premises or directly to the ~~((retailer))~~ vendor at the distributor's licensed premises. A distributor's prices to ~~((retail licensees))~~ agency liquor vendors shall be the same at both such places of delivery.

(3) Beer and wine suppliers' price filings, contracts, and memoranda.

(a) Every brewery and winery offering beer and/or wine for sale within the state shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewery or winery may have with any beer or wine distributor, which contracts or memoranda shall contain a schedule of prices charged to distributors for all items and all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances, and incentive programs; and all commissions, bonuses or gifts, and any and all other discounts or allowances. Whenever changed or modified, such revised contracts or memoranda shall forthwith be filed with the board as provided for by rule. The provisions of this section also apply to certificate of approval holders, beer and/or wine importers, and beer and/or wine distributors who sell to other beer and/or wine distributors.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages, and containers of beer or wine offered for sale by such licensed brewery or winery; all additional information required may be filed as a supplement to the price schedule forms.

(b) Prices filed by a brewery or winery shall be uniform prices to all distributors on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed that is below acquisition/production cost plus ten percent of that cost, except that acquisition cost plus ten percent of acquisition cost does not apply to sales of beer or wine between a beer or wine importer who sells beer or wine to another beer or wine importer or to a beer or wine distributor, or to a beer or wine distributor who sells beer or wine to another beer or wine distributor. However, the board is empowered to review periodically, as it may deem appropriate, the amount of the percentage of acquisition/production cost as a minimum mark-up over cost and to modify such percentage by rule of the board, except such percentage shall be not less than ten percent.

(c) No brewery, winery, certificate of approval holder, beer or wine importer, or beer or wine distributor may sell or offer to sell any beer or wine to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(d) No brewery or winery may sell or offer to sell any package or container of beer or wine to any distributor at a price differing from the price for such package or container as shown in the schedule of prices filed by the brewery or winery and then in effect, according to rules adopted by the board.

(e) The board may reject any supplier's price filing, contract, or memorandum of oral agreement, or portion thereof that it deems to be in violation of this section or any rule or that would tend to disrupt the orderly sale and distribution of beer or wine. Whenever the board rejects any such price filing, contract, or memorandum, the licensee submitting the price filing, contract, or memorandum may be heard by the board and shall have the burden of showing that the price filing, contract, or memorandum is not in violation of this section or a rule or does not tend to disrupt the orderly sale and distribution of beer or wine. If the price filing, contract, or memorandum is accepted, it shall become effective at a time fixed by the board. If the price filing, contract, or memorandum, or portion thereof, is rejected, the last effective price filing, contract, or memorandum shall remain in effect until such time as an amended price filing, contract, or memorandum is filed and approved, in accordance with the provisions of this section.

(f) All prices, contracts, and memoranda filed as required by this section shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

**Sec. 35.** RCW 66.28.190 and 1997 c 321 s 52 are each amended to read as follows:

RCW 66.28.010 notwithstanding, persons licensed under RCW 66.24.200 as wine distributors ~~((and)),~~ persons licensed under RCW 66.24.250 as beer distributors, and persons licensed under section 18 of this act may sell at wholesale nonliquor food products on thirty-day credit terms to persons licensed as retailers under this title, but complete and separate accounting records shall be maintained on all sales of nonliquor food products to ensure that such persons are in compliance with RCW 66.28.010.

For the purpose of this section, "nonliquor food products" includes all food products for human consumption as defined in RCW 82.08.0293 as it exists on July 1, 1987, except that for the purposes of this section bottled water and carbonated beverages, whether liquid or frozen, shall be considered food products.

**Sec. 36.** RCW 66.40.140 and 1933 ex.s. c 62 s 88 are each amended to read as follows:

Whenever a majority of qualified voters voting upon said question in any such unit shall have voted "Against sale of liquor", the county auditor shall file with the liquor control board a certificate showing the result of the canvass at such election; and thereafter, except as hereinafter provided, it shall not be lawful for ~~((a liquor store to be operated therein nor for))~~ licensees to maintain and operate licensed premises therein except as hereinafter provided:

~~((1))~~ ~~((As to any stores maintained by the board within any such unit at the time of such licensing, the board shall have a period of thirty days from and after the date of the canvass of the vote upon such election to continue operation of its store or stores therein.~~

~~—————~~ ~~((2))~~ As to any premises licensed hereunder within any such unit at the time of such election, such licensee shall have a period of sixty days from and after the date of the canvass of the vote upon such election in which to discontinue operation of its store or stores therein.

~~((3))~~ ~~((2))~~ Nothing herein contained shall prevent any distillery, brewery, rectifying plant or winery or the licensed operators thereof from selling its manufactured product, manufactured within such unit, outside the boundaries thereof.

~~((4))~~ ~~((3))~~ Nothing herein contained shall prevent any person residing in any unit in which the sale of liquor shall have been forbidden by popular vote as herein provided, who is otherwise qualified to receive and hold a permit under this title, from lawfully purchasing without the unit and transporting into or receiving within the unit, liquor lawfully purchased by him outside the boundaries of such unit.

**Sec. 37.** RCW 66.44.150 and 1955 c 289 s 5 are each amended to read as follows:

~~((F))~~ ~~Any~~ person in this state who buys alcoholic beverages from any person other than ~~((the board,))~~ a ~~((state liquor store,))~~ licensee or some person authorized by the board to sell ~~((them, he shall be))~~ it is guilty of a misdemeanor.

**Sec. 38.** RCW 66.44.160 and 1955 c 289 s 6 are each amended to read as follows:

Except as otherwise provided in this title, any person who has or keeps or transports alcoholic beverages other than those purchased from ~~((the board,))~~ a ~~((state liquor store,))~~ licensee or some person authorized by the board to sell ~~((them, shall be))~~ it is guilty of a violation of this title.

**Sec. 39.** RCW 66.44.318 and 1995 c 100 s 2 are each amended to read as follows:

Licensees holding nonretail class liquor licenses are permitted to allow their employees between ~~((the))~~ the ages of eighteen and twenty-one to stock, merchandise, and handle spirits, beer, or wine on or about the nonretail premises if there is an adult twenty-one years of age or older on duty supervising such activities on the premises.

**Sec. 40.** RCW 66.44.340 and 1999 c 281 s 11 are each amended to read as follows:

Employers holding ~~((grocery store or beer and/or wine specialty shop))~~ retail liquor licenses exclusively for off-premises consumption are permitted to allow their employees, between the ages of eighteen and twenty-one years, to sell, stock, and handle spirits, beer, or wine in, on, or about any establishment holding ~~((a grocery store or beer and/or wine specialty shop))~~ such license exclusively: PROVIDED, That there is an adult



twenty-one years of age or older on duty supervising the sale of liquor at the licensed premises: PROVIDED, That minor employees may make deliveries of spirits, beer, and/or wine purchased from licensees holding ~~((grocery store or beer and/or wine specialty shop))~~ agency liquor vendor licenses exclusively for off-premises consumption, when delivery is made to cars of customers adjacent to such licensed premises but only, however, when the minor employee is accompanied by the purchaser.

NEW SECTION. Sec. 41. A new section is added to chapter 66.44 RCW to read as follows:

It shall be unlawful for any person, firm, or corporation to advertise any spirituous liquor beverage product through outdoor advertising or print media within the state of Washington. However, one sign at the retail outlet for such products using the words retail, alcohol, liquor, store, or any combination of such words may be allowed. For purposes of this section, "outdoor advertising" means all signs, visible to the general public, whether permanent or temporary, advertising spirituous liquor, except for the one sign allowed for each retail outlet.

NEW SECTION. Sec. 42. A new section is added to chapter 66.24 RCW to read as follows:

There is hereby imposed upon all spirits sold by spirits distributors licensed under this title, a tax at the rate of one dollar and sixty-two cents per liter. The tax provided for in this section shall be collected by direct payments based on spirits sold by spirits distributors. Every person selling spirits under the provisions of this section shall on or before the twentieth day of each month report to the board all sales during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the sales covered by such report unless the same has previously been paid. Any such seller of spirits whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. The board may require that every such person execute and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid. All revenues collected under this section shall be deposited in the liquor revolving fund.

NEW SECTION. Sec. 43. A new section is added to chapter 66.08 RCW to read as follows:

(1) A consumption surcharge is established to be paid by spirits distributors on the sale or transfer of spirits from the distributor to the retailer.

(2) The board shall establish the annual base consumption rate determined by the total liter volume per capita of spirits sold through state liquor stores and vendor agencies and to spirits, beer, and wine restaurant licensees during calendar year 2000.

(3) Beginning on January 1, 2003, and each year thereafter, the board shall monitor sales and transfers of spirits by spirits distributors. If during calendar year 2003 the total liter volume per capita of spirits sold or transferred reaches the 2000 annual liter volume per capita, the board shall collect from each spirits distributor, beginning April 1, 2004, a surcharge of two dollars per liter of spirits sold or transferred between April 1, 2004, and March 31, 2005.

(4) If the total liter volume per capita of spirits sold or transferred during calendar year 2004 falls below the base consumption rate established in 2000, imposition of the consumption surcharge shall be terminated beginning April 1, 2005.

(5) Beginning with calendar year 2006, and each year thereafter, if the total liter volume per capita of spirits exceeds the total liter volume per capita of spirits sold or transferred in the base consumption year of 2000, the board shall impose a surcharge, beginning on April 1st of the following year, on the sale or transfer of spirits by spirit distributors to spirit retailers for a period of three hundred fifty-two days.

(6) Revenue generated by the consumption surcharge shall be deposited in the liquor revolving fund and the surcharge, when imposed, shall be collected by the board annually from distributors.

NEW SECTION. Sec. 44. A new section is added to chapter 66.08 RCW to read as follows:

The liquor control board must determined annually per capita consumption levels and total volume by

liter of spirits sold or transferred during the calendar year by a spirits distributor to an agency liquor vendor authorized to sell spirits. The board may recommend consumption surcharge adjustments to respond to any increase in consumption above the base level established for 2000. It is the intent of the legislature that as consumption increases over the level established by the board for calendar year 2000, a surcharge be imposed that increases the cost of the product as a means of controlling consumption.

**Sec. 45.** RCW 66.08.170 and 1961 ex.s. c 6 s 1 are each amended to read as follows:

There shall be a fund, known as the "liquor revolving fund", which shall consist of all license fees, permit fees, penalties, forfeitures, consumption surcharge revenues, and all other moneys, income, or revenue received by the board. The state treasurer shall be custodian of the fund. All moneys received by the board or any employee thereof, except for change funds and an amount of petty cash as fixed by the board within the authority of law shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the liquor revolving fund. Disbursements from the revolving fund shall be on authorization of the board or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the liquor revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund.

**NEW SECTION. Sec. 46.** A new section is added to chapter 66.08 RCW to read as follows:

(1) Any licensee that employs a former state liquor store employee during calendar year 2003 may deduct from his or her annual license fee for the subsequent year one dollar for each hour the employee is employed by the licensee up to the license fee amount.

(2) For purposes of this section, "former state liquor store employee" means an individual employed full time by the liquor control board at a state liquor store for at least six months prior to the effective date of this section.

**NEW SECTION. Sec. 47.** (1) The liquor control board shall begin the process of terminating its operations involving the retail sale and wholesale distribution of liquor. The board and the office of financial management shall determine those actions necessary to terminate the board's direct involvement in the retail sale and wholesale distribution of liquor by July 1, 2003, and make recommendations to the legislature by December 1, 2001, on the following:

(a) Disposition of equipment and inventory under the control of the liquor control board used in the operation of state liquor stores and agency vendor stores;

(b) Disposition of all warehousing facilities and other equipment and vehicles used in the wholesale distribution of liquor;

(c) The status of contracts and other obligations;

(d) Determine the impact on sales and availability of spirits to the public during the period of decreasing state liquor store operation and the implementation of private retail and wholesaling of spirits;

(e) Identification of issues and a plan for treatment of personnel; and

(f) Any other actions determined necessary by the reporting agencies.

(2) The board is authorized to take actions necessary to implement the spirits distributor's license and the spirits retail license for grocery stores by July 1, 2003.

(3) The board shall exercise due diligence to reduce any liabilities associated with discontinuing board retailing and wholesaling operations including contract commitments for the acquisition of alcoholic beverages or interests in real estate used for the retailing and wholesaling of alcoholic beverages past July 1, 2003.

**NEW SECTION. Sec. 48.** The following acts or parts of acts are each repealed:

(1) RCW 66.08.070 (Purchase of liquor by board--Consignment not prohibited--Warranty or affirmation not required for wine or malt purchases) and 1985 c 226 s 2, 1973 1st ex.s. c 209 s 1, & 1933 ex.s. c 62 s 67;

(2) RCW 66.08.160 (Acquisition of warehouse authorized) and 1947 c 134 s 1;

(3) RCW 66.08.235 (Liquor control board construction and maintenance account) and 1997 c 75 s 1;

(4) RCW 66.12.020 (Sales of liquor to board) and 1933 ex.s. c 62 s 48;

- (5) RCW 66.16.010 (Board may establish--Price standards--Prices in special instances) and 1939 c 172 s 10, 1937 c 62 s 1, & 1933 ex.s. c 62 s 4;
- (6) RCW 66.16.030 (Vendor to be in charge) and 1933 ex.s. c 62 s 6;
- (7) RCW 66.16.041 (Credit and debit card purchases--Rules--Provision, installation, maintenance of equipment by board--Consideration of offsetting liquor revolving fund balance reduction--Report to legislature) and 1998 c 265 s 3, 1997 c 148 s 2, & 1996 c 291 s 2;
- (8) RCW 66.16.050 (Sale of beer and wine to person licensed to sell) and 1933 ex.s. c 62 s 8;
- (9) RCW 66.16.060 (Sealed packages may be required, exception) and 1943 c 216 s 1 & 1933 ex.s. c 62 s 9;
- (10) RCW 66.16.070 (Liquor cannot be opened or consumed on store premises) and 1933 ex.s. c 62 s 10;
- (11) RCW 66.16.080 (Sunday closing) and 1988 c 101 s 1 & 1933 ex.s. c 62 s 11;
- (12) RCW 66.16.090 (Record of individual purchases confidential--Penalty for disclosure) and 1933 ex.s. c 62 s 89;
- (13) RCW 66.20.160 ("Card of identification", "licensee", "store employee" defined for certain purposes) and 1973 1st ex.s. c 209 s 4, 1971 ex.s. c 15 s 2, 1959 c 111 s 4, & 1949 c 67 s 1;
- (14) RCW 66.24.440 (Liquor by the drink, spirits, beer, and wine restaurant, spirits, beer, and wine private club, and sports entertainment facility license--Purchase of liquor by licensees--Discount) and 1998 c 126 s 8, 1997 c 321 s 29, & 1949 c 5 s 5;
- (15) RCW 66.32.010 (Possession of contraband liquor) and 1955 c 39 s 3; and
- (16) RCW 66.44.120 (Unlawful use of seal) and 1992 c 7 s 42 & 1933 ex.s. c 62 s 47.

NEW SECTION. **Sec. 49.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 50.** Sections 1 through 46 and 48 of this act take effect July 1, 2003."

Correct the title.

### POINT OF ORDER

Representative Kessler requested a scope and object ruling on the amendment (077) to Substitute House Bill No. 1781.

### SPEAKERS' RULING

Speaker Ballard: "Substitute House Bill No. 1781 is entitled 'AN ACT related to payment of agency commissions for agency liquor vendor stores'. The bill has a limited purpose - authorizing the use of the liquor revolving fund to pay agency commissions for vendor stores. Amendment No. 077 restructures the entire liquor code. It is clearly beyond the scope and object of the bill.

Representative Kessler, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Sehlin spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1781.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1781 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1781, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1793 by Representatives Hatfield and McDermott**

#### **Revising court filing fees for tax warrants and recovery of state agency overpayments.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1793 was substituted for House Bill No. 1793 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1793 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Hatfield spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1793.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1793 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Voting nay: Representative Van Luven - 1.

Substitute House Bill No. 1793, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2191 by Representatives Morris, Sehlin, Lisk and Fromhold****Providing property tax exemptions for certain property leased by public entities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2191 was substituted for House Bill No. 2191 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2191 was read the second time.

Speaker Ballard announced that House Bill No. 2191 was co-prime sponsored by Representatives Carrell and Morris.

Representative Carrell moved the adoption of the following amendment (052):

On page 2, line 27, after "property" strike everything through "services" and insert "actively utilized by currently enrolled students"

Representatives Carrell and Morris spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin, Morris and G. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2191.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2191 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Engrossed Substitute House Bill No. 2191, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2005 by Representatives Morris, Schoesler, Grant, Barlean, Kessler, Doumit, Poulsen and Linville**

**Changing the taxation of property previously owned by the federal government.**

The bill was read the second time.

Representative Cairnes moved the adoption of the following amendment (089):

On page 1, line 6, after "property" strike "belonging" and insert "that is used for the purpose of generating or transmitting electricity and that belongs"

Representatives Cairnes and Morris spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 2005.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2005 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Engrossed House Bill No. 2005, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1234,  
HOUSE BILL NO. 1590,  
HOUSE BILL NO. 1597,  
HOUSE BILL NO. 1708,  
HOUSE BILL NO. 1728,  
HOUSE BILL NO. 1783,  
HOUSE BILL NO. 2034,  
HOUSE BILL NO. 2079,

**HOUSE BILL NO. 1590 by Representatives Cody, Clements, Conway, Skinner, Gombosky, Mitchell, Edmonds, Hatfield, Keiser, Kenney, Kagi, McIntire, Wood, Ruderman, Santos and Hurst****Supporting the practice of breastfeeding.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1590 was substituted for House Bill No. 1590 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1590 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Second Substitute House Bill No. 1590.

There being no objection, Representatives Doumit, Edwards and Poulsen were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1590 and the bill passed the House by the following vote: Yeas - 86, Nays - 9, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Cairnes, Campbell, Carrell, Casada, G. Chandler, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 86.

Voting nay: Representatives Boldt, Bush, B. Chandler, Cox, Crouse, Lisk, Mulliken, Schindler and Sump - 9.

Excused: Representatives Doumit, Edwards and Poulsen - 3.

Second Substitute House Bill No. 1590, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on Second Substitute House Bill No. 1590.

MARK DOUMIT, 19<sup>th</sup> District

**HOUSE BILL NO. 1728 by Representatives Campbell, Schual-Berke, Skinner and Cody****Regulating the activities of insurance third-party administrators.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1728

was substituted for House Bill No. 1728 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1728 was read the second time.

With the consent of the House, amendment (085) was withdrawn.

Representative Campbell moved the adoption of the following amendment (086):

On page 1, line 3, strike everything after the enacting clause, and insert the following:

**"NEW SECTION. Sec. 1.** (1) The insurance commissioner shall establish the task force on third party administrator regulation. The task force shall consist of thirteen members. The co-speakers of the house of representatives shall select two member from the house of representatives, one from each political caucus, and the president of the senate shall select two members from the senate, one from each political caucus. The commissioner shall select two members representing health carriers, one member representing third party administrators with a contractual relationship with a health carrier, one member representing health care purchasers, two members representing licensed health care providers, two member representing consumers, and one representative of the office of insurance commissioner, who shall act in an ex officio capacity.

(2) The task force shall review the need for regulation of third party administrators, including:

(a) network adequacy and disclosure of network adequacy standards;

(b) provider application and credentialing processes;

(c) the consistency of third party administrator standards and benefit packages sold by health carriers, including utilization guidelines;

(d) the revocation of prior authorization;

(e) the receipt of provider claims; and

(f) the classes of third party administrators that should be subject to state regulation.

(3) The task force shall report its findings and recommendations to the legislature no later than December 15, 2001. In conducting its work, the task force shall monitor the development of the National Association of Insurance Commissioners proposal to develop a model state statute on the regulation of third party administrators, and incorporate appropriate elements of the model statute in its recommendation to the legislature.

**NEW SECTION. Sec.2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its specific public institutions, and takes effect immediately."

Representatives Campbell and Cody spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Campbell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Second Substitute House Bill No. 1728.

There being no objection, Representative Edwards was excused.



**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1728 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Voting nay: Representatives Anderson, and Pflug - 2.

Excused: Representative Edwards - 1.

Second Substitute House Bill No. 1728, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2034 by Representatives Campbell, Hankins, O'Brien, Kagi, Reardon, Lambert, Boldt, Schoesler, Linville, Van Luven, Morris, Mastin, Murray, Santos, Talcott, Grant, Morell, Lisk, Dickerson, Carrell, Quall, Delvin, Miloscia, Conway, Buck, Kenney, Esser, Mulliken, G. Chandler, Bush, Ruderman, Benson, Haigh, Rockefeller, McDermott, Tokuda, Lovick, B. Chandler, Veloria, Dunn, Casada, Mielke, Pearson, Roach, Cooper, Simpson, Jackley, Ogden, Kessler, Anderson, DeBolt, Crouse, Pennington, Mitchell, Cairnes, Schmidt, Ericksen, Barlean, Pflug, Ahern, Cox, Hatfield, Doumit, Dunshee, Eickmeyer, Keiser, Poulsen, Gombosky, Romero, Fisher, Kirby and Hurst**

**Authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2034 was substituted for House Bill No. 2034 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2034 was read the second time.

Representative Campbell moved the adoption of the following amendment (079):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.53.010 and 1989 c 36 s 1 are each amended to read as follows:

(1) The practice of optometry is defined as the examination of the human eye, the examination and ascertaining any defects of the human vision system and the analysis of the process of vision. The practice of optometry may include, but not necessarily be limited to, the following:

(a) The employment of any objective or subjective means or method, including the use of drugs (~~((topically applied to the eye))~~), for diagnostic and therapeutic purposes by those licensed under this chapter and who meet the requirements of subsections (2) and (3) of this section, and the use of any diagnostic instruments or devices for the examination or analysis of the human vision system, the measurement of the powers or range of human vision, or the determination of the refractive powers of the human eye or its functions in general; and

(b) The prescription and fitting of lenses, prisms, therapeutic or refractive contact lenses and the adaption or adjustment of frames and lenses used in connection therewith; and

(c) The prescription and provision of visual therapy, therapeutic aids, and other optical devices (~~((--and the~~

treatment with topically applied drugs by those licensed under this chapter and who meet the requirements of subsections (2) and (3) of this section)); and

(d) The ascertainment of the perceptible, neural, muscular, or pathological condition of the visual system; and

(e) The adaptation of prosthetic eyes.

(2)(a) Those persons using drugs for diagnostic purposes in the practice of optometry shall have a minimum of sixty hours of didactic and supervised clinical instruction in general and ocular pharmacology as applied to optometry, ~~((and for therapeutic purposes, an additional minimum of seventy five hours of didactic and clinical instruction))~~ as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for diagnostic and therapeutic purposes.

(b) Those persons using or prescribing topical drugs for therapeutic purposes in the practice of optometry shall be certified under (a) of this subsection, and shall have an additional minimum of seventy-five hours of didactic and supervised clinical instruction as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for therapeutic purposes.

(c) Those persons using or prescribing drugs administered orally for therapeutic purposes in the practice of optometry shall be certified under (b) of this subsection, and shall have an additional minimum of sixteen hours of didactic and eight hours of supervised clinical instruction as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to administer, dispense, or prescribe oral drugs for therapeutic purposes.

(d) Those persons administering epinephrine by injection for treatment of anaphylactic shock in the practice of optometry must be certified under (b) of this subsection and must have an additional minimum of four hours of didactic and supervised clinical instruction, as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board to administer epinephrine by injection.

(e) Such course or courses shall be the fiscal responsibility of the participating and attending optometrist.

(3) The board shall establish a schedule of drugs for diagnostic and treatment purposes limited to the practice of optometry, and no person licensed pursuant to this chapter shall prescribe, dispense, purchase, possess, or administer drugs except as authorized and to the extent permitted by the board.

(4) The board shall establish a list of legend drugs and Schedule III through V controlled substances, in consultation and with the approval of the board of pharmacy, and no person licensed under this chapter shall prescribe, dispense, purchase, possess, or administer these drugs except as authorized and to the extent permitted by the board.

(a) The board, in consultation and with the approval of the board of pharmacy, shall establish by rule, specific guidelines for the prescription and administration of drugs by optometrists, so that licensed optometrists and persons filling their prescriptions have a clear understanding of which drugs and which dosages or forms are included in the authority granted by this section.

(b) No optometrist shall prescribe, dispense, or administer a controlled substance for more than seven days in treating a particular patient for a single trauma, episode, or condition.

(c) No optometrist may prescribe, dispense, or administer a controlled substance for treating pain associated with an operative procedure during ninety days of postoperative care, unless in consultation with the practitioner who performed the operative procedure.

(d) The prescription or administration of drugs as authorized in this section is specifically limited to those drugs appropriate to treatment of diseases or conditions of the human eye and its associated structure that are within the scope of practice of optometry. The prescription or administration of drugs for any other purpose is not authorized by this section.

(5) The board shall develop a means of identification and verification of optometrists certified to use therapeutic drugs for the purpose of issuing prescriptions as authorized by this section.

(6) Nothing in this chapter shall be construed to authorize: Administration of a drug by injection, except epinephrine for treatment of anaphylactic shock; retinal repair surgery, eximer laser, or laser in situ keratomileusis surgery; or the use, prescription, dispensing, purchase, possession, or administration of any Schedule I and II controlled substances. The provisions of this section shall be strictly construed.

**Sec. 2.** RCW 18.53.140 and 1991 c 3 s 138 are each amended to read as follows:

It shall be unlawful for any person:

- (1) To sell or barter, or offer to sell or barter any license issued by the secretary; or
- (2) To purchase or procure by barter any license with the intent to use the same as evidence of the holder's qualification to practice optometry; or
- (3) To alter with fraudulent intent in any material regard such license; or
- (4) To use or attempt to use any such license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid license; or
- (5) To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the licensee has no connection: PROVIDED, Nothing in this chapter nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the name of any lawfully licensed optometrist who may transfer by inheritance or otherwise the right to use such name; or
- (6) To practice optometry in this state either for him or herself or any other individual, corporation, partnership, group, public or private entity, or any member of the licensed healing arts without having at the time of so doing a valid license issued by the secretary of health; or
- (7) To in any manner barter or give away as premiums either on his own account or as agent or representative for any other purpose, firm or corporation, any eyeglasses, spectacles, lenses or frames; or
- (8) To use drugs in the practice of optometry, except ~~((those topically applied for diagnostic or therapeutic purposes))~~ as authorized under RCW 18.53.010; or
- (9) To use advertising whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trademark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or
- (10) To advertise the "free examination of eyes," "free consultation," "consultation without obligation," "free advice," or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of "bait advertising;" or
- (11) To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with lenses included, at a price either alone or in conjunction with professional services; or
- (12) To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or
- (13) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or
- (14) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time.

**Sec. 3.** RCW 69.41.030 and 1996 c 178 s 17 are each amended to read as follows:

It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the medical quality assurance commission, a physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine, in any province of Canada which shares a common border with the state of Washington or in any state of the United States: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the department of social and health services from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners.

**Sec. 4.** RCW 69.50.101 and 1998 c 222 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated where used in this chapter:

- (a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:
  - (1) a practitioner authorized to prescribe (or by the practitioner's authorized agent); or
  - (2) the patient or research subject at the direction and in the presence of the practitioner.
- (b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.
- (c) "Board" means the state board of pharmacy.
- (d) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or board rules.
- (e)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:
  - (i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or
  - (ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.
- (2) The term does not include:
  - (i) a controlled substance;
  - (ii) a substance for which there is an approved new drug application;
  - (iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(f) "Deliver" or "delivery," means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(m) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(n) "Immediate precursor" means a substance:

(1) that the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5), 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(p) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(q) "Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(r) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts,

isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

(s) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(t) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(u) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(v) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(w) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, a physician assistant under chapter 18.71A RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(x) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(y) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(z) "Secretary" means the secretary of health or the secretary's designee.

(aa) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(bb) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal

owned by the individual or by a member of the individual's household.

(cc) "Electronic communication of prescription information" means the communication of prescription information by computer, or the transmission of an exact visual image of a prescription by facsimile, or other electronic means for original prescription information or prescription refill information for a Schedule III-V controlled substance between an authorized practitioner and a pharmacy or the transfer of prescription information for a controlled substance from one pharmacy to another pharmacy.

NEW SECTION. **Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

With the consent of the House, amendments (102, 098 and 097) to the striking amendment (079) were withdrawn.

Representative Schual-Berke moved the adoption of the following amendment (101) to the striking amendment (079):

On page 3, line 4 of the amendment, strike "III through"

On page 3, line 36 of the amendment, after "Schedule" strike "I and II" and insert "I, II, III, or IV"

Representative Schual-Berke spoke in favor of adoption of the amendment.

Representatives Campbell and Cody spoke against adoption of the amendment.

The amendment was not adopted.

Representative Schual-Berke moved the adoption of the following amendment (099) to the striking amendment (079):

On page 3, line 8 of the amendment, after "board." insert "This list shall not include orally administered steroids."

Representative Schual-Berke spoke in favor of adoption of the amendment.

Representatives Campbell and Cody spoke against adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (100) was withdrawn.

Representative Schual-Berke moved the adoption of the following amendment (103) to the striking amendment (079):

On page 3, beginning on line 18 of the amendment, after "administer" strike "a controlled substance for treating pain" and insert "an oral legend drug for any condition or pain"

On page 3, line 20 of the amendment, after "care" insert "or for any postoperative complication"

On page 3, line 21 of the amendment, after "consultation" insert "and" and after "with" insert "the"

approval of"

Representative Schual-Berke spoke in favor of adoption of the amendment.

Representatives Campbell and Cody spoke against adoption of the amendment.

Representative Schual-Berke spoke again in favor of adoption of the amendment.

The amendment was not adopted.

Representative Schual-Berke moved the adoption of the following amendment (096) to (097):

On page 3, line 34 of the amendment, after "shock;" insert "surgery, including but not limited to"

On page 3, line 37 of the amendment, after "substances." insert "This prohibition shall not include the following treatments: Removal of foreign bodies from the eye and surrounding areas, treatment of lesions of the eyelid, and the placement of temporary or permanent punctal or lacrimal plugs."

Representative Schual-Berke spoke in favor of adoption of the amendment.

Representative Campbell spoke against adoption of the amendment.

Representative Schual-Berke spoke again in favor of the adoption of the amendment.

The amendment was not adopted.

There being no objection, amendment the striking amendment (079) to Substitute House Bill No. 2924 was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell, Cody and Lambert spoke in favor of passage of the bill.

Representatives Schual-Berke and Alexander spoke against passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2034.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2034 and the bill passed the House by the following vote: Yeas - 80, Nays - 17, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Jackley, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, and Speaker Chopp - 80.

Voting nay: Representatives Alexander, Armstrong, Ballasiotes, Clements, Darneille, Fromhold, Hunt,



Jarrett, Lantz, McIntire, Mitchell, Ogden, Schindler, Schual-Berke, Skinner, Woods, and Ballard - 17.  
Excused: Representative Edwards - 1.

Engrossed Substitute House Bill No. 2034, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2079 by Representatives Schual-Berke and Campbell**

**Creating a program to certify refracting opticians.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2079 was substituted for House Bill No. 2079 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2079 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Campbell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 2079.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2079 and the bill passed the House by the following vote: Yeas - 61, Nays - 36, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, Cody, Conway, Cooper, Crouse, Darneille, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Gombosky, Haigh, Hatfield, Hunt, Jackley, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lovick, McDermott, McMorris, Mielke, Miloscia, Morell, Murray, O'Brien, Ogden, Pearson, Pennington, Reardon, Rockefeller, Romero, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, and Wood - 61.

Voting nay: Representatives Fromhold, Alexander, Anderson, Armstrong, Ballasiotes, Buck, B. Chandler, G. Chandler, Clements, Cox, DeBolt, Delvin, Fisher, Grant, Hankins, Hurst, Jarrett, Kagi, Kessler, Lisk, Marine, Mastin, McIntire, Mitchell, Morris, Mulliken, Pflug, Poulsen, Quall, Roach, Ruderman, Schindler, Schoesler, Woods, Speaker Ballard, and Speaker Chopp - 36.

Excused: Representative Edwards - 1.

Substitute House Bill No. 2079, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1418 by Representatives Gombosky, McMorris, Mulliken, Pennington, Ahern, Wood, Ogden, Benson, Reardon, Linville, Haigh, Miloscia, Simpson, McIntire, Santos, Rockefeller and Kessler**

**Promoting community revitalization.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1418 was substituted for House Bill No. 1418 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1418 was read the second time.

With the consent of the House, amendments (051 and 068) were withdrawn.

Representative Benson moved the adoption of the following amendment (104):

On page 6, after line 12, insert:

"NEW SECTION. Sec. 6. An increment area may only be created if voters of the local government creating the increment area approve a ballot proposition authorizing the creation of the increment area. The ballot proposition shall be submitted to these voters at a special election called under RCW 29.13.020."

Renumber the following sections consecutively and correct internal references accordingly.

On page 6, line 13, beginning with "Within" strike all the matter through "financing" on line 15, and insert "Within twenty-five days after voters of the local government approve a ballot proposition authorizing creation of the increment area"

On page 8, after line 20, strike the remainder of the section

Representatives Benson and Gombosky spoke in favor of adoption of the amendment.

Representative Keiser spoke against adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky and Benson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1418.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1418 and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Carrell, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Linville, Lovick, Marine, Mastin, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 77.

Voting nay: Representatives Esser, Ballasiotes, Bush, Campbell, Casada, B. Chandler, Crouse, Keiser, Lantz, Lisk, McDermott, Miloscia, Morell, Pearson, Poulsen, Roach, Santos, Schindler, Schual-Berke, and Ballard - 20.

Excused: Representative Edwards - 1.

Engrossed Substitute House Bill No. 1418, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1234 by Representatives Clements, Conway, Lisk, Wood, B. Chandler, Kessler, Kenney, Hurst, Keiser, Simpson, Ogden, Lovick, Morris, McIntire, Schmidt, Ruderman, O'Brien, Schual-Berke, Edwards, Kagi, Cody and Edmonds**

**Revising apprenticeship law to respond to a 1999 United States department of labor audit.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1234 was substituted for House Bill No. 1234 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1234 was read the second time.

Speaker Ballard announced that House Bill No. 1234 was co-prime sponsored by Representatives Clements and Conway.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Conway spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1234.

There being no objection, Representatives McIntire and Mielke were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1234 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Eickmeyer, Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire, and Mielke - 3.

Substitute House Bill No. 1234, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1953 by Representatives Kessler and Buck****Describing what is not an alteration of a mobile home.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1953 was substituted for House Bill No. 1953 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1953 was read the second time.

Representative Kessler moved the adoption of the following amendment (076):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.27.015 and 1996 c 157 s 1 are each amended to read as follows:

~~((As used in this chapter.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means a city or town~~((;))~~.

(2) "Manufactured home" means a single-family dwelling built in accordance with regulations adopted under the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.) and installed in accordance with standards adopted under RCW 43.22.440.

(3) "Mobile home" means a factory-built dwelling built before June 15, 1976, to standards other than the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.), and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state, and installed in accordance with standards adopted under RCW 43.22.440.

(4) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units~~((; and))~~.

~~((;))~~ (5) "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

**Sec. 2.** RCW 19.27.020 and 1985 c 360 s 6 are each amended to read as follows:

The purpose of this chapter is to promote the health, safety and welfare of the occupants or users of buildings ~~((and))~~, structures, and manufactured and mobile homes, and the general public by the provision of building codes throughout the state. Accordingly, this chapter is designed to effectuate the following purposes, objectives, and standards:

(1) To require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety.

(2) To require standards and requirements in terms of performance and nationally accepted standards.

(3) To permit the use of modern technical methods, devices and improvements.

(4) To eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.

(5) To provide for standards and specifications for making buildings and facilities accessible to and usable by physically disabled persons.

(6) To consolidate within each authorized enforcement jurisdiction, the administration and enforcement of building codes.

**Sec. 3.** RCW 19.27.031 and 1995 c 343 s 1 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Uniform Building Code Standards, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, including Chapter 13, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

(3) The Uniform Fire Code and Uniform Fire Code Standards, published by the International Fire Code Institute: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) Except as provided in RCW 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted;~~((and))~~

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided in RCW 70.92.100 through 70.92.160; and

(6) With respect to alterations of manufactured homes, regulations adopted under the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.), as applicable.

In case of conflict among the codes enumerated in subsections (1), (2), (3),~~((and))~~ (4), and (6) of this section, the first named code shall govern over those following.

The codes enumerated in this section shall be adopted by the council as provided in RCW 19.27.074.

The council may issue opinions relating to the codes at the request of a local official charged with the duty to enforce the enumerated codes.

**Sec. 4.** RCW 19.27.060 and 1989 c 266 s 2 and 1989 c 246 s 1 are each reenacted and amended to read as follows:

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as amended and adopted by the state building code council as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code.

(a) No amendment to a code enumerated in RCW 19.27.031 as amended and adopted by the state building code council that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b).

(b) Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures, and to all alterations of manufactured and mobile homes, including those buildings, structures, and manufactured and mobile homes owned by the state or by any governmental subdivision or unit of local government.

(3) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single family or multifamily residential buildings: PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with a B occupancy as defined by the uniform building code, 1982 edition, and with a city fire insurance rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) No provision of the uniform fire code concerning roadways shall be part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code may be preempted by any city or county to the extent that the code provisions relating to the installation or use of sprinklers in jail cells conflict with the secure and humane operation of jails.

(7)(a) Effective one year after July 23, 1989, the governing bodies of counties and cities may adopt an ordinance or resolution to exempt from permit requirements certain construction or alteration of either group R, division 3, or group M, division 1 occupancies, or both, as defined in the uniform building code, 1988 edition, for which the total cost of fair market value of the construction or alteration does not exceed fifteen hundred dollars. The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.031, as amended and maintained by the state building code council under RCW 19.27.070.

(b) Prior to July 23, 1989, the state building code council shall adopt by rule, guidelines exempting from permit requirements certain construction and alteration activities under (a) of this subsection.

(8) Before December 1, 2001, the state building code council shall, for purposes of alterations of manufactured homes, adopt by rule regulations adopted under the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.), and requirements for maintaining the certification label or other label that must be permanently affixed to a manufactured home under federal law.

**Sec. 5.** RCW 43.22.335 and 1999 c 22 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.22.340 through 43.22.420.

(1) (~~"Park trailer" means a park trailer as defined in the American National Standards Institute A119.5 standard for park trailers.~~

~~———— (2) "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.~~

~~———— (3)) "Conversion vendor units" means a motor vehicle or recreational vehicle that has been converted or built for the purpose of being used for commercial sales at temporary locations. The units must be less than eight feet six inches wide in the set-up position and the inside working area must be less than forty feet in length.~~

~~((4)) (2) "Installed manufactured home" means a manufactured home installed in accordance with the standards adopted under RCW 43.22.440.~~

(3) "Manufactured home" means a single-family dwelling required to be built in accordance with regulations adopted under the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.).

(4) "Medical unit" means a self-propelled unit used to provide medical examinations, treatments, and medical and dental services or procedures, not including emergency response vehicles.

(5) "Mobile home" means a factory-built dwelling built before June 15, 1976, to standards other than the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.), and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state.

(6) "Park trailer" means a park trailer as defined in the American national standards institute A119.5 standard for park trailers.

(7) "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

**Sec. 6.** RCW 43.22.340 and 1999 c 22 s 2 are each amended to read as follows:

(1) The director shall adopt specific rules for conversion vending units and medical units. The rules for conversion vending units and medical units shall be established to protect the occupants from fire; to address other life safety issues; and to ensure that the design and construction are capable of supporting any concentrated load of five hundred pounds or more.

(2) The director of labor and industries shall adopt rules governing safety of body and frame design, and the installation of plumbing, heating, and electrical equipment in manufactured and mobile homes, commercial coaches, recreational vehicles, and/or park trailers subject to the following: ((PROVIDED, That))

(a) The director shall not prescribe or enforce rules governing the body and frame design of recreational vehicles and park trailers until after the American national standards institute shall have published standards and specifications upon this subject.

(b) The rules shall be reasonably consistent with recognized and accepted principles of safety for body and frame design and plumbing, heating, and electrical installations, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe body and frame design, construction, plumbing, heating, electrical, and other equipment and shall correlate with and, so far as practicable, conform to the then current standards and specifications of the American national standards institute standards A119.1 for mobile homes and commercial coaches, A119.2 for recreational vehicles, and A119.5 for park trailers.

(c) Beginning on the effective date of rules adopted by the state building code council under RCW 19.27.060(8), alterations of installed manufactured or mobile homes are subject to the codes adopted under chapters 19.27 and 19.28 RCW, to be enforced and fees charged by a local building official or by the department of labor and industries under chapter 19.28 RCW, as applicable.

(3)(a) Except as provided in (b) of this subsection, it shall be unlawful for any person to lease, sell or offer for sale, within this state, any manufactured or mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers manufactured after January 1, 1968, containing plumbing, heating, electrical, or other equipment, and after July 1, 1970 body and frame design or construction unless such equipment meets the requirements of the rules provided for in this section.

(b) With respect to installed manufactured or mobile homes, this subsection applies only if an alteration of the home is a serious noncompliance with the rules provided for in this section and the use of the home constitutes a hazard to safety, health, or public welfare.

**Sec. 7.** RCW 43.22.360 and 1999 c 22 s 4 are each amended to read as follows:

(1) Plans and specifications of each model or production prototype of a manufactured or mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and/or park trailer showing body and frame design, construction, plumbing, heating and electrical specifications and data shall be submitted to the department of labor and industries for approval and recommendations with respect to compliance with the rules and standards of each of such agencies. When plans have been submitted and approved as required, no ~~((changes or))~~ alterations shall be made to body and frame design, construction, plumbing, heating or electrical installations or specifications shown thereon in any uninstalled manufactured or mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, or park trailer without prior written approval of the department of labor and industries.

(2) The director may adopt rules that provide for approval of a plan that is certified as meeting state requirements or the equivalent by a professional who is licensed or certified in a state whose licensure or certification requirements meet or exceed Washington requirements.

**Sec. 8.** RCW 43.22.390 and 1999 c 22 s 7 are each amended to read as follows:

Manufactured and mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers subject to the provisions of RCW 43.22.340 through 43.22.410, and uninstalled manufactured and mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers upon which alterations of body and frame design, construction or installations of plumbing, heating or electrical equipment referred to in RCW 43.22.360 are made after July 1, 1968, shall have affixed thereto such insigne of approval.

**Sec. 9.** RCW 43.22.350 and 1999 c 22 s 3 are each amended to read as follows:

(1) In compliance with any applicable provisions of this chapter, the director of the department of labor and industries shall establish a schedule of fees, whether on the basis of plan approval or inspection, for the issuance of an insigne which indicates that the manufactured or mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and/or park trailer complies with the provisions of RCW 43.22.340 through 43.22.410 or for any other purpose specifically authorized by any applicable provision of this chapter.

(2) Insignia are not required on manufactured or mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers manufactured within this state for sale outside this state which are sold to persons outside this state.

**Sec. 10.** RCW 43.22.370 and 1999 c 22 s 5 are each amended to read as follows:

Any manufactured or mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and/or park trailer leased or sold in Washington and manufactured prior to July 1, 1968, which has not been inspected prior to its sale and which does not meet the requirements prescribed will not be required to comply with those requirements except for alterations or installations referred to in RCW 43.22.360.

**Sec. 11.** RCW 43.22.380 and 1999 c 22 s 6 are each amended to read as follows:

Used manufactured and mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers manufactured for use outside this state which do not meet the requirements prescribed and have been used for six months or more will not be required to comply with those requirements except for alterations or installations referred to in RCW 43.22.360.

**Sec. 12.** RCW 43.22.400 and 1995 c 280 s 11 are each amended to read as follows:

If the director of the department of labor and industries determines that the standards for body and frame design, construction and the plumbing, heating and electrical equipment installed in manufactured or mobile homes, commercial coaches, recreational vehicles, and/or park trailers by the statutes or rules and regulations of other states are at least equal to the standards prescribed by this state, he or she may so provide by regulation. Any manufactured or mobile home, commercial coach, recreational vehicle, and/or park trailer which a state listed in such regulations has approved as meeting its standards for body and frame design, construction and plumbing, heating and electrical equipment shall be deemed to meet the standards of the director of the department of labor and industries, if he or she determines that the standards of such state are actually being

enforced.

**Sec. 13.** RCW 43.22.410 and 1999 c 22 s 8 are each amended to read as follows:

Any manufactured or mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and/or park trailer that meets the requirements prescribed under RCW 43.22.340 shall not be required to comply with any ordinances of a city or county prescribing requirements for body and frame design, construction or plumbing, heating and electrical equipment installed in manufactured or mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers.

**Sec. 14.** RCW 43.22.420 and 1999 c 22 s 9 are each amended to read as follows:

There is hereby created a factory assembled structures advisory board consisting of nine members to be appointed by the director of labor and industries. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules pertaining to the manufacture of factory assembled structures, (~~mobile~~) manufactured homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers. The advisory board shall periodically review the rules adopted under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department if it deems changes advisable.

The members of the advisory board shall be representative of consumers, the regulated industries, and allied professionals. The term of each member shall be four years. However, the director may appoint the initial members of the advisory board to staggered terms not exceeding four years.

The chief inspector or any person acting as chief inspector for the factory assembled structures, manufactured or mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and park trailer section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries, but at least quarterly. Each member of the board shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries or his or her designee.

**Sec. 15.** RCW 43.22.431 and 1977 ex.s. c 21 s 1 are each amended to read as follows:

The director of the department of labor and industries may enforce (~~mobile~~) manufactured home safety and construction standards adopted by the secretary of housing and urban development under the national (~~Mobile~~) manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government and private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the national (~~Mobile~~) manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

**Sec. 16.** RCW 43.22.432 and 1977 ex.s. c 21 s 2 are each amended to read as follows:

The department may adopt all standards and regulations adopted by the secretary under the national (~~Mobile~~) manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for (~~mobile~~) manufactured home construction and safety standards. If any deletions or amendments to the federal standards or regulations are thereafter made and notice thereof is given to the department, the standards or regulations shall be considered automatically adopted by the state under this chapter after the expiration of thirty days from publication in the federal register of a final order describing the deletions or amendments unless within that thirty day period the department objects to the deletion or amendment. In case of objection, the department shall proceed under the rule making procedure of chapter 34.05 RCW.

**Sec. 17.** RCW 43.22.434 and 1999 c 22 s 10 are each amended to read as follows:

(1) The director or the director's authorized representative may conduct such inspections, investigations, and audits as may be necessary to adopt or enforce manufactured and mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, park trailer, factory built housing, and factory built commercial structure rules adopted under the authority of this chapter or to carry out the director's duties under this chapter.



(2) For purposes of enforcement of this chapter, persons duly designated by the director upon presenting appropriate credentials to the owner, operator, or agent in charge may:

(a) At reasonable times and without advance notice enter any factory, warehouse, or establishment in which manufactured and mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, park trailers, factory built housing, and factory built commercial structures are manufactured, stored, or held for sale;

(b) At reasonable times, within reasonable limits, and in a reasonable manner inspect any factory, warehouse, or establishment as required to comply with the standards adopted by the secretary of housing and urban development under the national ((mobile)) manufactured home construction and safety standards act of 1974. Each inspection shall be commenced and completed with reasonable promptness; and

(c) As requested by an owner of a conversion vending unit or medical unit, inspect an alteration.

(3) The department shall set a schedule of fees by rule which will cover the costs incurred by the department in the administration of RCW 43.22.335 through 43.22.490.

**Sec. 18.** RCW 43.22.440 and 1988 c 239 s 5 are each amended to read as follows:

(1) The legislature finds that inspections of manufactured and mobile home installation are not done on a consistent basis. Manufactured and mobile homes provide housing for many people in the state, and improperly installed manufactured or mobile homes are a serious health and safety risk. Where possible and practical, manufactured and mobile homes should be treated the same as any housing inhabited or to be inhabited by persons in this state, including housing built according to the state building code.

(2) In consultation with the factory assembled structures advisory board for ((mobile)) manufactured homes, the director of labor and industries shall by rule establish uniform standards for the performance and workmanship of installation service and warranty service by persons or entities engaged in performing the services within this state for all manufactured and mobile homes, as defined in RCW 46.04.302. The standards shall conform, where applicable, with statutes, rules, and recommendations established under the ((federal)) national ((mobile)) manufactured home construction and safety standards act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the installation of manufactured and mobile homes shall be enforced and fees charged by the counties and cities in the same manner the state building code is enforced under RCW 19.27.050.

(3) In addition to and in conjunction with the remedies provided in this chapter, failure to remedy any breach of the standards and rules so established, upon adequate notice and within a reasonable time, is a violation of the consumer protection act, chapter 19.86 RCW and subject to the remedies provided in that chapter.

**Sec. 19.** RCW 43.22.442 and 1980 c 153 s 2 are each amended to read as follows:

A manufacturer of ((mobile)) manufactured homes who designates a representative within this state to provide consumers with warranty service for ((mobile)) manufactured homes on behalf of the manufacturer shall make reasonable and timely compensation to the representative for performance of the warranty service.

**Sec. 20.** RCW 43.22.450 and 1973 1st ex.s. c 22 s 1 are each amended to read as follows:

Whenever used in RCW 43.22.450 through 43.22.490:

(1) "Department" means the Washington state department of labor and industries;

(2) "Approved" means approved by the department;

(3) "Factory built housing" means any structure designed primarily for human occupancy other than a manufactured or mobile home the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site;

(4) "Install" means the assembly of factory built housing or factory built commercial structures at a building site;

(5) "Building site" means any tract, parcel or subdivision of land upon which factory built housing or a factory built commercial structure is installed or is to be installed;

(6) "Local enforcement agency" means any agency of the governing body of any city or county which enforces laws or ordinances governing the construction of buildings;

(7) "Commercial structure" means a structure designed or used for human habitation, or human occupancy for industrial, educational, assembly, professional or commercial purposes.

**NEW SECTION. Sec. 21.** This act applies to installed manufactured and mobile homes without regard

to the date of installation."

Correct the title.

Representatives Kessler and Buck spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Buck and Clements spoke in favor of passage of the bill.

Representative Conway spoke against passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1953.

There being no objection, Representatives Cairnes and Simpson were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1953 and the bill passed the House by the following vote: Yeas - 75, Nays - 19, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Gombosky, Grant, Haigh, Hankins, Hatfield, Jarrett, Kagi, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods, Speaker Ballard, and Speaker Chopp - 75.

Voting nay: Representatives Edmonds, Berkey, Cody, Conway, Cooper, Darneille, Fisher, Fromhold, Hunt, Hurst, Jackley, Keiser, Kenney, Ogden, Schual-Berke, Sommers, Tokuda, Veloria, and Wood - 19.

Excused: Representatives Cairnes, Edwards, McIntire, and Simpson - 4.

Engrossed Substitute House Bill No. 1953, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1012 by Representatives Mitchell, Fisher, Poulsen, McDermott, Ogden and Dunn**

#### **Allowing Washington state ferry fares to be increased in excess of the fiscal growth factor.**

The bill was read the second time.

Representative Marine moved the adoption of the following amendment (107):

On page 3, after line 6, insert the following:

"NEW SECTION. **Sec. 2** Upon any increase of ferry tolls in excess of the fiscal growth factor as provided for in section 1 of this act, the department shall use no more than \$10,000 of the revenues generated by

the increased fares to conduct a study of the local roadway and parking impacts of vehicular ferry traffic on municipalities in which ferry terminals are located. The department shall report its findings and make recommendations for mitigating the identified impacts to the legislature on or before January 1, 2002. The department shall issue its report electronically, posting it on the department's web site for the public, and transmitting the report to the legislature through the use of electronic mail."

Renumber the remaining section consecutively.

Representatives Marine, Fisher, Morris and Mitchell spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell, Fisher, Erickson and Cooper spoke in favor of passage of the bill.

Representatives Morris and Quall spoke against passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 1012.

There being no objection, Representative Carrell was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1012 and the bill passed the House by the following vote: Yeas - 68, Nays - 27, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Benson, Boldt, Cairnes, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jarrett, Kagi, Kenney, Kirby, Lambert, Linville, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Mulliken, Murray, Ogden, Pennington, Pflug, Poulsen, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Speaker Ballard, and Speaker Chopp - 68.

Voting nay: Representatives Barlean, Berkey, Buck, Bush, Campbell, Casada, Dunshee, Eickmeyer, Haigh, Hurst, Jackley, Keiser, Kessler, Lantz, Lovick, McDermott, Miloscia, Morell, Morris, O'Brien, Pearson, Quall, Reardon, Roach, Rockefeller, Simpson, and Woods - 27.

Excused: Representatives Carrell, Edwards and McIntire - 3.

Engrossed House Bill No. 1012, having received the necessary constitutional majority, was declared passed.

There being no objection, the remaining bills on the Second Reading calendar were referred to the Rules Committee.

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

There being no objection, the House adjourned until 10:00 a.m., March 15, 2001, the 67<sup>th</sup> Legislative Day.



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MORNING SESSION

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House Chamber, Olympia, Friday, March 15, 2001

The House was called to order at 10:00 a.m. by the Speaker (Representative Ogden presiding).

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

**MESSAGE FROM THE SENATE**

Friday, March 14, 2001

Mr. Speakers:

The Senate has passed:

SENATE BILL NO. 5147,  
SUBSTITUTE SENATE BILL NO. 5205,  
SENATE BILL NO. 5308,  
SUBSTITUTE SENATE BILL NO. 5488,  
SUBSTITUTE SENATE BILL NO. 5494,  
SENATE BILL NO. 5692,  
SUBSTITUTE SENATE BILL NO. 5862,  
SENATE BILL NO. 5903,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5906,  
SUBSTITUTE SENATE BILL NO. 5940,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5970,  
SENATE BILL NO. 5972,  
SUBSTITUTE SENATE BILL NO. 5986,  
SUBSTITUTE SENATE BILL NO. 5988,  
SUBSTITUTE SENATE BILL NO. 6055,  
SUBSTITUTE SENATE BILL NO. 6098,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8000,  
SENATE JOINT MEMORIAL NO. 8006,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8016,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 14, 2001

Mr. Speakers:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,  
ENGROSSED SENATE BILL NO. 5058,  
SUBSTITUTE SENATE BILL NO. 5085,  
SUBSTITUTE SENATE BILL NO. 5240,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5264,  
SENATE BILL NO. 5273,  
SENATE BILL NO. 5275,  
SUBSTITUTE SENATE BILL NO. 5329,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5336,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5610,

SENATE BILL NO. 5832,  
 SENATE BILL NO. 5836,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5845,  
 SECOND SUBSTITUTE SENATE BILL NO. 5912,  
 SUBSTITUTE SENATE BILL NO. 5914,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5937,  
 SECOND SUBSTITUTE SENATE BILL NO. 6027,  
 SENATE BILL NO. 6109,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### INTRODUCTIONS AND FIRST READING

#### SB 5022by Senators Jacobsen and Oke

AN ACT Relating to the salmon recovery funding board's reporting of financial affairs; and amending RCW 42.17.2401.

Referred to Committee on Natural Resources.

#### ESSB 5024by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to policies of the parks and recreation commission; adding a new section to chapter 79A.05 RCW; and creating a new section.

Referred to Committee on Natural Resources.

#### ESB 5058by Senators Gardner, Hale, Haugen, Horn, Costa, Patterson, Kline and McCaslin

AN ACT Relating to public record protection; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

#### ESSB 5060by Senate Committee on State & Local Government

AN ACT Relating to alternative public works contracting procedures; amending RCW 39.10.010, 39.10.020, 39.10.050, 39.10.110, 39.10.115, and 39.10.902; amending 2000 c 138 s 106 (uncodified); reenacting and amending RCW 39.10.060 and 39.10.120; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

#### SB 5061by Senators Winsley and Patterson

AN ACT Relating to awarding contracts for building engineering systems; and adding a new section to chapter 39.04 RCW.

Referred to Committee on State Government.

#### SB 5063by Senators Patterson and Winsley

AN ACT Relating to limited public works; and amending RCW 39.04.155.

Referred to Committee on State Government.

SSB 5085by Senate Committee on Education

AN ACT Relating to administering emergency services to school students experiencing severe hypoglycemia; adding new sections to chapter 28A.210 RCW; and adding a new section to chapter 18.79 RCW.

Referred to Committee on Health Care.

SB 5091by Senators Haugen, Oke, Spanel, Gardner and Kohl-Welles

AN ACT Relating to vehicles boarding ferries; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

SSB 5097by Senate Committee on State & Local Government

AN ACT Relating to displaying flags; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

SSB 5100by Senate Committee on Environment, Energy & Water

AN ACT Relating to expediting the processing of pending applications relating to existing water rights by clarifying when pending applications for new water rights are not existing rights, allowing pending applications relating to existing water rights to be processed independently of pending applications for new water rights, allowing applications to be processed ahead of previously filed applications that have insufficient information, and calculating annual consumptive quantity using the average of the two years of greatest use within the most recent five years; amending RCW 90.03.380; adding a new section to chapter 90.03 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

SSB 5101by Senate Committee on Labor, Commerce & Financial Institutions; by request of Department of Labor and Industries

AN ACT Relating to consumer protection regarding contractors; amending RCW 18.27.010, 18.27.030, 18.27.040, 18.27.050, 18.27.090, 18.27.100, 18.27.110, 18.27.114, 60.04.031, 18.27.310, 18.27.320, 18.27.340, 43.84.092, 43.84.092, and 18.27.075; reenacting and amending RCW 18.27.060; adding new sections to chapter 18.27 RCW; adding a new section to chapter 82.01 RCW; adding a new section to chapter 50.08 RCW; adding a new section to chapter 43.22 RCW; prescribing penalties; providing an effective date; and providing expiration dates.

Referred to Committee on Commerce & Labor.

SSB 5104by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to using revenues under the county conservation futures levy; and amending RCW 84.34.230 and 84.34.240.

Referred to Committee on Natural Resources.

SSB 5107by Senate Committee on State & Local Government

AN ACT Relating to rural county planning goals under the growth management act; and adding a new

section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

ESSB 5113by Senate Committee on Transportation

AN ACT Relating to the regulation of the use of motorized scooters; amending RCW amending RCW 46.20.500, 46.37.535, and 46.61.710; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SB 5145by Senators Long, Franklin, Carlson, Winsley, Honeyford and Fraser; by request of Joint Committee on Pension Policy

AN ACT Relating to exempting trainers and trainees in housing authority resident training programs from membership in the public employees' retirement system; and reenacting and amending RCW 41.40.023.

Referred to Committee on Appropriations.

SB 5147by Senators Winsley, Carlson, Long, Franklin, Honeyford and Fraser; by request of Joint Committee on Pension Policy

AN ACT Relating to correcting statutes pertaining to the public employees' and school employees' retirement systems; amending RCW 41.34.060, 41.35.010, and 41.04.270; reenacting and amending RCW 41.45.061; decodifying RCW 41.54.050; and providing an effective date.

Referred to Committee on Appropriations.

SSB 5166by Senate Committee on Higher Education

AN ACT Relating to branches of member institutions of accrediting associations recognized by rule of the higher education coordinating board; and amending RCW 28B.10.802 and 28B.12.030.

Referred to Committee on Higher Education.

SSB 5176by Senate Committee on Health & Long-Term Care

AN ACT Relating to rules to implement the medical marijuana law; and amending RCW 69.51A.040.

Held on First Reading.

SSB 5182by Senate Committee on Environment, Energy & Water; by request of Utilities and Transportation Commissions

AN ACT Relating to funding hazardous liquid and gas pipeline safety; amending RCW 19.122.055, 81.88.010, 81.88.060, and 81.88.090; adding a new section to chapter 80.24 RCW; adding a new section to chapter 81.24 RCW; adding a new section to chapter 81.88 RCW; creating a new section; repealing RCW 81.88.050 and 81.88.130; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

SSB 5184by Senate Committee on Health & Long-Term Care; by request of Department of Social & Health Services



AN ACT Relating to requiring the department of social and health services to notify relevant agencies of investigative outcomes; adding a new section to chapter 74.34 RCW; and creating a new section.

Referred to Committee on Health Care.

SSB 5205 by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to providing information for independent medical examinations; and amending RCW 51.14.120 and 51.36.070.

Referred to Committee on Commerce & Labor.

SSB 5207 by Senate Committee on Human Services & Corrections

AN ACT Relating to individually identifiable DNA testing information; amending RCW 70.02.010 and 70.83.050; and adding a new chapter to Title 70 RCW.

Referred to Committee on Criminal Justice & Corrections.

SSB 5211 by Senate Committee on Health & Long-Term Care

AN ACT Relating to comparable mental health benefits; amending RCW 48.21.240, 48.44.340, and 48.46.290; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health Care.

SB 5223 by Senators Gardner, Oke, Haugen and Horn

AN ACT Relating to transportation safety and planning; and amending RCW 81.104.115.

Referred to Committee on Transportation.

SSB 5240 by Senate Committee on Environment, Energy & Water; by request of Department of Ecology

AN ACT Relating to motor vehicle emission inspection fee adjustments; and amending RCW 70.120.170.

Referred to Committee on Agriculture & Ecology.

SSB 5255 by Senate Committee on Judiciary

AN ACT Relating to the public disclosure of specific and unique information related to criminal acts of terrorism; reenacting and amending RCW 42.17.310; and creating a new section.

Referred to Committee on State Government.

ESB 5258 by Senators Costa, Winsley, Franklin, Thibaudeau and Kohl-Welles

AN ACT Relating to disclosure of health care information; and amending RCW 70.24.084 and 70.02.150.

Referred to Committee on Health Care.

ESSB 5264by Senate Committee on Ways & Means

AN ACT Relating to unfair practices by public employers with respect to eligibility for employment-based benefits; adding a new section to chapter 49.44 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

SB 5273by Senators Gardner, McCaslin, Haugen and Winsley

AN ACT Relating to election filing dates; and amending RCW 29.15.170, 29.15.180, 29.15.230, and 29.18.160.

Referred to Committee on State Government.

SSB 5274by Senate Committee on Transportation

AN ACT Relating to motor vehicle licensing subagents; and amending RCW 46.01.140.

Referred to Committee on Transportation.

SB 5275by Senators Gardner, McCaslin, Haugen, Costa and Kohl-Welles

AN ACT Relating to ballots cast by mail; amending RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.100, 29.36.150, 29.36.160, 29.36.121, 29.36.124, 29.36.126, 29.36.130, 29.04.055, and 29.62.090; reenacting and amending RCW 29.36.120; adding new sections to chapter 29.36 RCW; adding a new section to chapter 29.51 RCW; adding a new chapter to Title 29 RCW; creating a new section; recodifying RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.30.075, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, 29.36.160, 29.36.120, 29.36.121, 29.36.124, 29.36.126, 29.36.130, and 29.36.050; repealing RCW 29.36.122 and 29.36.139; and prescribing penalties.

Referred to Committee on State Government.

SSB 5282by Senate Committee on Human Services & Corrections

AN ACT Relating to use of DNA in insurance transactions; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Criminal Justice & Corrections.

SSB 5283by Senate Committee on Human Services & Corrections

AN ACT Relating to discriminatory use of DNA in employment matters; and amending RCW 49.60.030.

Referred to Committee on Criminal Justice & Corrections.

SSB 5284by Senate Committee on Human Services & Corrections

AN ACT Relating to informed consent in the use of DNA; and adding a new chapter to Title 7 RCW.

Referred to Committee on Criminal Justice & Corrections.

ESSB 5291 by Senate Committee on Health & Long-Term Care

AN ACT Relating to immunizations at long-term care facilities; adding a new section to chapter 74.39 RCW; and creating new sections.

Referred to Committee on Health Care.

SSB 5292 by Senate Committee on Environment, Energy & Water

AN ACT Relating to modifying definitions of public energy projects; amending RCW 80.52.030; and adding a new section to chapter 80.52 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

SB 5308 by Senators Constantine and McCaslin; by request of Office of the Code Revisor

AN ACT Relating to making technical corrections concerning electricians and electrical installations under the authority of RCW 1.08.025; and amending RCW 19.28.006, 19.28.010, 19.28.041, 19.28.051, 19.28.071, 19.28.091, 19.28.121, 19.28.131, 19.28.141, 19.28.151, 19.28.171, 19.28.181, 19.28.201, 19.28.211, 19.28.221, 19.28.231, 19.28.241, 19.28.251, 19.28.261, 19.28.271, and 19.28.321.

Referred to Committee on Judiciary.

SSB 5309 by Senate Committee on Ways & Means (originally sponsored by Senators Constantine, Sheahan, Hewitt, Costa, Parlette, Carlson, Regala, T. Sheldon, Swecker, Jacobsen, B. Sheldon, Kastama, Gardner and Oke)

AN ACT Relating to funding for local government criminal justice; amending RCW 3.62.090, 46.63.110, and 43.08.250; adding a new section to chapter 46.64 RCW; and prescribing penalties.

Referred to Committee on Appropriations.

SB 5316 by Senators Prentice and Winsley; by request of Employment Security

AN ACT Relating to reasonable assurance of employment for employees of educational institutions; amending RCW 50.44.053 and 50.44.080; adding a new section to chapter 50.44 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 5317 by Senators Prentice and Winsley; by request of Employment Security

AN ACT Relating to use of school hours and wages for unemployment compensation claims for educational employees; amending RCW 50.44.050; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SSB 5329 by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to leave from employment for crime victims; adding new sections to chapter 49.12 RCW; creating a new section; prescribing penalties; and providing an effective date.

Held on First Reading.

SB 5331by Senators Kline, McCaslin, Johnson and Long

AN ACT Relating to collection of business to business debts; and amending RCW 19.16.100 and 19.16.250.

Referred to Committee on Financial Institutions & Insurance.

SB 5333by Senators Honeyford, Hale, Morton, Hochstatter, Hewitt, Swecker and Sheahan

AN ACT Relating to preliminary permit timelines; and amending RCW 90.03.290.

Referred to Committee on Agriculture & Ecology.

ESSB 5336by Senate Committee on Higher Education

AN ACT Relating to a loan repayment endowment program for attorneys who provide legal services in public interest areas of the law; amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 5348by Senators Costa, Long, Patterson, Kastama, Hargrove, Sheahan, McCaslin, Prentice, Kohl-Welles, Haugen, Kline, Johnson, Zarelli and Oke

AN ACT Relating to the uniform child custody jurisdiction and enforcement act; adding new sections to chapter 26.27 RCW; and repealing RCW 26.27.010, 26.27.020, 26.27.030, 26.27.040, 26.27.050, 26.27.060, 26.27.070, 26.27.080, 26.27.090, 26.27.100, 26.27.110, 26.27.120, 26.27.130, 26.27.140, 26.27.150, 26.27.160, 26.27.170, 26.27.180, 26.27.190, 26.27.200, 26.27.210, 26.27.220, 26.27.230, 26.27.900, 26.27.910, 26.27.920, and 26.27.930.

Referred to Committee on Judiciary.

SSB 5355by Senate Committee on Human Services & Corrections

AN ACT Relating to the exercise of reasonable care by state employees and its agents at the department of social and health services and the department of corrections; adding new sections to chapter 43.20A RCW; and adding new sections to chapter 72.09 RCW.

Held on First Reading.

SSB 5370by Senate Committee on Ways & Means; by request of Governor Locke

AN ACT Relating to splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development; amending RCW 43.330.020, 43.63A.021, 43.330.040, 43.330.050, 43.330.070, 43.330.125, 43.330.135, 43.63A.066, 43.63A.115, 43.63A.155, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.460, 43.63A.600, 43.330.152, 43.330.155, 43.330.156, 43.330.904, 41.06.072, 43.330.065, 43.330.080, 43.31.057, 43.31.093, 43.31.205, 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.641, 43.31.830, 43.31.840, 43.31.960, 19.27.070, 19.27.097, 19.27.150, 19.27.190, 27.34.020, 27.34.310, 27.53.030, 28A.215.110, 28A.215.120, 28A.300.160, 28B.06.030, 34.05.330, 35.02.260, 35.21.300, 35.21.687, 35.21.779, 36.27.100, 36.34.137, 36.70A.030, 36.70A.040, 36.70A.131, 39.44.210, 39.44.230, 39.84.090, 43.08.260, 43.19.1920, 43.19.19201, 43.20A.037, 43.21A.612, 43.21C.110, 43.22.495, 43.63B.010, 43.70.530, 43.70.540, 43.79.201, 43.132.030, 43.133.030, 43.133.050, 43.150.040, 43.155.020, 43.168.010, 43.168.020, 43.168.031, 43.168.040, 43.168.050, 43.180.040, 43.180.200, 43.180.220, 43.185.020, 43.185A.010, 43.185B.010, 43.190.030,

43.280.011, 43.280.020, 43.280.060, 43.280.070, 43.280.080, 43.280.090, 43.310.020, 43.330.110, 43.330.130, 43.330.210, 46.12.295, 47.12.064, 47.50.090, 53.36.030, 54.16.285, 54.52.010, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.21.010, 59.22.020, 59.22.090, 59.24.020, 59.24.050, 59.24.060, 59.28.040, 59.28.050, 59.28.060, 66.08.195, 66.08.198, 67.38.070, 68.60.030, 70.05.125, 70.94.537, 70.95.260, 70.95.265, 70.95.810, 70.105.020, 70.114A.070, 70.119A.170, 70.125.030, 70.164.020, 70.190.010, 72.09.055, 72.65.210, 74.08A.010, 74.14B.060, 79A.30.050, 79A.50.100, 80.28.010, 82.14.330, 82.14.335, 84.36.560, 88.02.053, 90.03.247, 90.71.020, 19.27A.020, 19.29A.010, 24.46.010, 28A.515.320, 28B.20.283, 28B.20.289, 28B.20.293, 28B.30.537, 28B.30.900, 28B.38.020, 28B.38.050, 28B.50.262, 28B.65.040, 28B.65.050, 28B.65.060, 28B.109.020, 28C.18.060, 36.01.120, 36.110.030, 39.86.110, 43.17.065, 43.20A.750, 43.21A.510, 43.21A.515, 43.21F.025, 43.21F.090, 43.21G.010, 43.23.035, 43.31.805, 43.63A.230, 43.88.093, 43.88.094, 43.160.020, 43.160.115, 43.160.180, 43.163.020, 43.163.120, 43.170.020, 43.172.011, 43.210.030, 43.210.050, 43.210.060, 43.330.092, 43.330.094, 50.67.030, 50.72.030, 67.28.8001, 70.95H.007, 70.95H.050, 74.13.090, 76.09.030, 76.56.020, 77.12.710, 79A.60.480, 81.80.450, 82.35.080, 41.06.070, 43.06.115, 43.17.020, 19.02.050, 43.21J.030, 43.157.010, 43.157.030, 43.160.030, 43.163.060, 47.39.090, 47.76.230, 50.38.030, 80.50.030, 46.16.340, 43.220.070, and 90.56.280; reenacting and amending RCW 43.105.020 and 43.17.010; adding new sections to chapter 43.330 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 41.06 RCW; creating new sections; recodifying RCW 43.63A.021, 43.63A.066, 43.63A.067, 43.63A.075, 43.63A.105, 43.63A.115, 43.63A.125, 43.63A.150, 43.63A.155, 43.63A.190, 43.63A.215, 43.63A.240, 43.63A.245, 43.63A.247, 43.63A.249, 43.63A.265, 43.63A.270, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.420, 43.63A.440, 43.63A.460, 43.63A.465, 43.63A.4651, 43.63A.470, 43.63A.475, 43.63A.480, 43.63A.485, 43.63A.490, 43.63A.500, 43.63A.510, 43.63A.550, 43.63A.600, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.650, 43.63A.660, 43.63A.670, 43.63A.680, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, 43.63A.740, 43.63A.900, 43.63A.901, 43.63A.902, 43.63A.903, 43.330.150, 43.330.152, 43.330.155, 43.330.156, 43.330.190, 43.330.200, 43.330.210, 43.330.220, 43.330.230, 43.63A.230, 43.63A.715, 43.330.060, 43.330.065, 43.330.080, 43.330.090, 43.330.092, 43.330.094, 43.330.095, 43.330.096, 43.63A.690, and 43.330.180; decodifying RCW 35.22.660, 35.22.680, 35A.63.149, 35A.63.210, 36.32.520, 36.32.560, 36.70.675, 36.70.755, 70.95H.005, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.900, and 70.95H.901; repealing RCW 43.330.005, 43.330.007, 43.330.010, 43.330.900, 43.31.800, and 43.31.409; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

ESSB 5372 by Senate Committee on Ways & Means; by request of Department of Revenue

AN ACT Relating to cooperative agreements concerning the taxation of cigarettes sold on Indian lands; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.24 RCW; creating a new section; repealing RCW 82.24.070; and providing an effective date.

Referred to Committee on Finance.

SB 5373 by Senators Sheahan, Kline, McCaslin, Thibaudeau, Kastama, Long, Roach, Johnson and Constantine

AN ACT Relating to mandatory arbitration of civil actions; amending RCW 7.06.050 and 7.06.060; and adding a new section to chapter 7.06 RCW.

Referred to Committee on Judiciary.

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines; by request of Governor Locke

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Held on First Reading.

ESB 5394 by Senators Kline, Long and Constantine; by request of Administrator for the Courts

AN ACT Relating to judges pro tempore; amending RCW 2.08.180; and providing a contingent effective date.

Referred to Committee on Judiciary.

SSB 5401 by Senate Committee on State & Local Government; by request of Governor Locke

AN ACT Relating to the elimination of boards and commissions; amending RCW 70.105D.030; reenacting and amending RCW 43.20A.360; adding a new section to chapter 70.105D RCW; creating new sections; repealing RCW 43.20A.370, 43.20A.375, 43.20A.380, 50.67.010, 50.67.020, 50.67.030, 77.70.030, and 77.70.270; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

ESSB 5413 by Senate Committee on Human Services & Corrections

AN ACT Relating to provisions to improve accountability in child dependency cases; amending RCW 13.34.160, 13.34.062, 13.34.180, 13.34.138, and 13.34.110; adding new sections to chapter 13.34 RCW; adding a new section to chapter 43.20A RCW; and creating a new section.

Held on First Reading.

SB 5430 by Senators Costa, Spanel, Franklin, Winsley, Thibaudeau, Long, Fairley, Prentice, Eide and Kohl-Welles

AN ACT Relating to coverage for cranial hair prostheses for alopecia areata; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating a new section.

Referred to Committee on Health Care.

SSB 5433 by Senate Committee on Health & Long-Term Care

AN ACT Relating to establishment of parent and child relationship for children born through alternative reproductive medical technology; and amending RCW 26.26.030 and 26.26.050.

Held on First Reading.

ESSB 5434 by Senate Committee on Transportation; by request of Department of Licensing

AN ACT Relating to special identification cards for persons issued disabled parking permits; and amending RCW 46.16.381.

Referred to Committee on Transportation.

SB 5437 by Senators Oke and Jacobsen; by request of Department of Fish & Wildlife

AN ACT Relating to photo identification required for hunting and fishing licenses; and amending RCW 77.15.080 and 77.32.420.

Referred to Committee on Natural Resources.

SB 5451 by Senators Costa, Kline, McCaslin and Kohl-Welles; by request of Attorney General

AN ACT Relating to actions for crimes of violence motivated by gender; and adding a new chapter to Title 7 RCW.

Referred to Committee on Judiciary.

SSB 5465 by Senate Committee on Human Services & Corrections

AN ACT Relating to sex offender treatment providers; reenacting and amending RCW 18.155.020 and 18.155.030; adding a new section to chapter 4.24 RCW; adding a new section to chapter 71.09 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

SSB 5468 by Senate Committee on Human Services & Corrections; by request of Department of Social & Health Services

AN ACT Relating to the chemical dependency disposition alternative; and amending RCW 13.40.165.

Referred to Committee on Juvenile Justice.

SB 5478 by Senators Franklin, Winsley, Prentice, Shin, Costa, Eide, T. Sheldon, Fairley, Jacobsen, Thibaudeau, B. Sheldon, Regala, Kline, Kohl-Welles, Spanel, McAuliffe, Fraser and Snyder

AN ACT Relating to lead-based paint activities; and creating new sections.

Referred to Committee on Health Care.

SSB 5484 by Senate Committee on Ways & Means

AN ACT Relating to taxation of businesses selling conifer seed or growing seedlings; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

Referred to Committee on Finance.

SSB 5488 by Senate Committee on Transportation

AN ACT Relating to special license plates; amending RCW 46.16.313; reenacting and amending RCW 46.16.305; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5491 by Senators Kline and Long; by request of Administrator for the Courts

AN ACT Relating to small claims appeals; and amending RCW 12.36.050 and 12.36.055.

Referred to Committee on Judiciary.

SB 5493 by Senator Jacobsen

AN ACT Relating to the youth athletic facility account; and amending RCW 43.99N.060.

Referred to Committee on Appropriations.

SSB 5494by Senate Committee on Transportation

AN ACT Relating to noise prevention for motor vehicles; and amending RCW 46.37.390.

Referred to Committee on Transportation.

ESB 5495by Senator Jacobsen

AN ACT Relating to the community outdoor athletic fields advisory council; and amending RCW 79A.25.810.

Referred to Committee on Natural Resources.

SSB 5497by Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, Swecker and Haugen)

AN ACT Relating to excluding farm and agricultural land from forest land under the forest practices act; and amending RCW 76.09.020.

Referred to Committee on Agriculture & Ecology.

SB 5513by Senators Haugen, Shin, T. Sheldon, Sheahan, Oke and Gardner

AN ACT Relating to motorist assault upon department of transportation employees; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 5527by Senators Snyder, McDonald, Prentice, Winsley and Kohl-Welles

AN ACT Relating to liquor by the drink at special events at restricted clubs; and amending RCW 66.24.425.

Referred to Committee on Commerce & Labor.

SSB 5537by Senate Committee on Human Services & Corrections

AN ACT Relating to internet adoption; and amending RCW 26.33.400.

Referred to Committee on Children & Family Services.

SSB 5543by Senate Committee on Education; by request of Governor Locke and Superintendent of Public Instruction

AN ACT Relating to school safety; amending RCW 28A.305.130; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

SSB 5557by Senate Committee on Judiciary



AN ACT Relating to the admissibility into evidence of a refusal to submit to a test for alcohol or any drug; amending RCW 46.61.517; and declaring an emergency.

Referred to Committee on Judiciary.

ESSB 5566by Senate Committee on Health & Long-Term Care

AN ACT Relating to requiring uniform prescription drug information cards; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care.

ESB 5570by Senators Prentice, Honeyford, Franklin and Kohl-Welles

AN ACT Relating to credit union directors and committee members; and adding a new section to chapter 31.12 RCW.

Referred to Committee on Financial Institutions & Insurance.

SSB 5586by Senate Committee on Environment, Energy & Water; by request of Department of Ecology

AN ACT Relating to water resource inventory area planning; amending RCW 90.82.040; and 90.82 130; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

E2SSB 5593by Senate Committee on Ways & Means

AN ACT Relating to the public accountancy act; amending RCW 18.04.015, 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.183, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.335, 18.04.345, 18.04.350, 18.04.370, 18.04.380, 18.04.390, and 18.04.405; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

ESSB 5598by Senate Committee on Health & Long-Term Care

AN ACT Relating to athletic trainers; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care.

SB 5604, Senators Spanel and Gardner

AN ACT Relating to allowing the liquor control board to authorize controlled purchase programs; and amending RCW 66.44.290.

Referred to Committee on Commerce & Labor.

ESSB 5606by Senate Committee on Human Services & Corrections; by request of Department of Social & Health Services

AN ACT Relating to making the background check requirements for employees consistent with

background check requirements for service providers, agencies, and entities serving vulnerable adults and children; adding a new section to chapter 9.96A RCW; adding new sections to chapter 72.40 RCW; adding a new section to chapter 41.06 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Children & Family Services.

ESSB 5610by Senate Committee on Transportation

AN ACT Relating to traffic safety cameras; amending RCW 46.63.030 and 46.63.140; adding new sections to chapter 46.63 RCW; and creating a new section.

Referred to Committee on Transportation.

SSB 5621by Senate Committee on Agriculture & International Trade

AN ACT Relating to animal therapy; amending RCW 18.108.010; adding a new section to chapter 18.108 RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

SB 5624by Senator Kohl-Welles

AN ACT Relating to the disclosure of fire protection and building safety information; and amending RCW 59.18.060.

Referred to Committee on Local Government & Housing.

SB 5627by Senators Rasmussen, Oke, Swecker, Winsley, Snyder, Shin, Patterson, Kohl-Welles and Benton; by request of Joint Select Committee on Veterans & Military Affairs

AN ACT Relating to the joint committee on veterans' and military affairs; and adding a new section to chapter 73.04 RCW.

Referred to Committee on State Government.

SB 5633by Senators Haugen, Jacobsen, Oke, Horn and Rasmussen; by request of Utilities and Transportation Commissions

AN ACT Relating to inspections of hazardous materials offered by private shippers for transportation by rail; amending RCW 81.44.065; and creating a new section.

Referred to Committee on Transportation.

SSB 5637by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to watershed health monitoring and assessments; amending RCW 77.85.050, 77.85.060, 77.85.160, and 90.71.060; adding new sections to chapter 90.82 RCW; adding a new section to chapter 77.85 RCW; adding a new section to chapter 76.09 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.54 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SSB 5638by Senate Committee on State & Local Government

AN ACT Relating to county treasurer technical corrections; amending RCW 35.13.270, 35A.14.801, 36.29.010, 36.29.050, 36.29.090, 36.29.100, 36.29.160, 36.29.170, 36.35.120, 36.35.150, 39.44.200, 39.46.020, 39.50.010, 39.50.030, 84.38.140, 84.40.042, and 84.56.250; and repealing RCW 84.36.015.

Referred to Committee on Local Government & Housing.

SSB 5647by Senate Committee on Environment, Energy & Water; by request of Governor Locke

AN ACT Relating to the improvement of energy efficiency in state-funded public buildings through adoption of energy efficiency standards for new buildings, energy audits of existing state-funded public buildings, and performance-based energy service contracting; amending RCW 39.35.010, 39.35.030, 39.35.050, 39.35A.020, 39.35C.010, 39.35C.020, 43.19.668, 43.19.669, 43.19.670, 43.19.675, and 43.19.680; adding a new section to chapter 39.35A RCW; adding a new section to chapter 39.35C RCW; creating new sections; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

ESSB 5674by Senate Committee on Environment, Energy & Water

AN ACT Relating to potential climate change; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

SSB 5679by Senate Committee on Health & Long-Term Care

AN ACT Relating to the HIV/AIDS prevention study committee; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

SSB 5681by Senate Committee on Transportation; by request of Washington State Patrol

AN ACT Relating to weight limits for fire-fighting apparatus; amending RCW 46.44.091; adding a new section to chapter 46.44 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5692by Senators Costa, Long, Hargrove, Rasmussen and Kohl-Welles

AN ACT Relating to authorizing the participation of youth as decision makers in dispositions of minor offenses and rules violations; amending RCW 13.40.020, 13.40.080, 13.40.250, and 46.63.040; adding new sections to chapter 13.40 RCW; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Juvenile Justice.

E2SSB 5695by Senate Committee on Ways & Means; by request of Governor Locke & Superintendent of Public Instruction

AN ACT Relating to high-quality alternative routes to teacher certification; adding a new chapter to Title 28A RCW; and providing an expiration date.

Referred to Committee on Education.

ESSB 5703by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to alterations of mobile homes; and creating new sections.

Referred to Committee on Commerce & Labor.

SB 5708by Senators Patterson, Prentice and Shin

AN ACT Relating to insurance coverage for injuries sustained because of alcohol or narcotic use; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating a new section; and repealing RCW 48.20.272.

Referred to Committee on Health Care.

SSB 5720by Senate Committee on Economic Development & Telecommunications

AN ACT Relating to community revitalization financing; amending RCW 36.33.220, 36.79.140, 36.82.040, 46.68.124, and 82.03.130; adding a new section to chapter 27.12 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.75 RCW; adding a new section to chapter 52.12 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 67.38 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 39 RCW; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

SSB 5733by Senate Committee on Transportation

AN ACT Relating to county road construction projects; and amending RCW 36.77.065.

Referred to Committee on Transportation.

SB 5735by Senators Gardner, Roach, Haugen, Hochstatter, Honeyford, Stevens, Deccio, Rossi, Zarelli, Benton, Horn, T. Sheldon, Sheahan, Spanel, Shin, Finkbeiner, Hargrove, West, Long and Franklin

AN ACT Relating to motorcycle taillights; and amending RCW 46.37.100.

Referred to Committee on Transportation.

SB 5739by Senators Gardner, Rasmussen, Eide, Sheahan, Horn and Kohl-Welles

AN ACT Relating to the Program for Agency Coordinated Transportation; and amending RCW 47.06B.015.

Referred to Committee on Transportation.

SSB 5776by Senate Committee on Labor, Commerce & Financial Institutions; by request of Insurance Commissioner

AN ACT Relating to protecting the confidentiality of information relating to insurance; adding a new

section to chapter 48.02 RCW; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Financial Institutions & Insurance.

SSB 5777by Senate Committee on Health & Long-Term Care

AN ACT Relating to health care benefits for retirees of local government employers; adding new sections to chapter 41.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

ESB 5790by Senators Kline, Costa, Shin, Sheahan, McCaslin, Deccio, Winsley and Constantine

AN ACT Relating to vehicular assault; amending RCW 46.61.522, 9.41.010, 9.94A.030, 9.94A.150, 13.40.0357, 38.52.430, and 46.61.524; reenacting and amending RCW 9.94A.320, 9.94A.440, and 46.20.391; and prescribing penalties.

Referred to Committee on Judiciary.

SSB 5792by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to modifying wine and cider provisions by removing a termination date; amending RCW 66.24.210; and declaring an emergency.

Referred to Committee on Finance.

SSB 5793by Senate Committee on Labor, Commerce & Financial Institutions; by request of Insurance Commission

AN ACT Relating to the holding company act for health care service contractors and health maintenance organizations; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 48 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

SSB 5795by Senate Committee on Health & Long-Term Care

AN ACT Relating to determination of disability for special parking privileges by advanced registered nurse practitioners; and amending RCW 46.16.381.

Referred to Committee on Transportation.

2SSB 5820by Senate Committee on Ways & Means

AN ACT Relating to medical assistance for breast and cervical cancer treatment for low-income women; reenacting and amending RCW 74.09.510; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

SB 5829by Senators Prentice, Patterson and Swecker

AN ACT Relating to cooperative activities by local governments; amending RCW 70.44.450; and creating a new section.

Referred to Committee on Health Care.

SB 5832by Senator Haugen

AN ACT Relating to enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area; and amending RCW 58.17.020.

Referred to Committee on Local Government & Housing.

ESB 5835by Senators Finkbeiner, Thibaudeau, Winsley, McAuliffe, Costa, Honeyford, McCaslin, Kohl-Welles, Prentice, Kline, Benton and Oke

AN ACT Relating to the emergency administration of epinephrine; amending RCW 18.73.250; adding new sections to chapter 28A.210 RCW; and adding a new section to chapter 18.79 RCW.

Referred to Committee on Health Care.

SB 5836by Senators Fairley, Oke, Deccio, B. Sheldon, Winsley, Thibaudeau, Kline, Roach, Prentice, Constantine, Costa and Kohl-Welles

AN ACT Relating to community health center facilities; amending RCW 70.37.020 and 70.37.090; adding new sections to chapter 70.37 RCW; and creating a new section.

Referred to Committee on Capital Budget.

SSB 5837by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to state oyster reserve lands; amending RCW 79.96.110, 43.84.092, and 43.84.092; adding new sections to chapter 77.60 RCW; adding a new section to chapter 90.71 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources.

ESSB 5845by Senate Committee on Human Services & Corrections

AN ACT Relating to the siting and oversight of facilities for the treatment and housing of sexually violent predators; amending RCW 71.09.020 and 36.70A.200; adding new sections to chapter 71.09 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SB 5852by Senators Franklin, Kline, Costa and Kohl-Welles

AN ACT Relating to reporting on issues pertaining to racial profiling; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

SSB 5862by Senate Committee on Natural Resources, Parks & Shorelines; by request of Department of Natural Resources

AN ACT Relating to improving the business practices associated with selling valuable materials on trust land; amending RCW 79.01.084, 79.01.116, 79.01.124, 79.01.132, 79.01.160, 79.01.184, 79.01.188, 79.01.204,

79.01.232, 79.01.240, 79.01.340, 79.01.392, 79.01.795, 79.64.030, 79.64.040, and 79.64.050; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Natural Resources.

ESB 5872 by Senators Prentice, Kohl-Welles, Kline and Fairley

AN ACT Relating to the property tax exemption for new or 2rehabilitated multiple-unit dwellings; and amending RCW 84.14.020, 384.14.030, and 84.14.110.

Referred to Committee on Finance.

SSB 5875 by Senate Committee on Economic Development & Telecommunications; by request of Department of Social & Health Services

AN ACT Relating to telecommunications devices and services for hearing or speech impaired; and amending RCW 43.20A.720 and 43.20A.725.

Referred to Committee on Children & Family Services.

ESSB 5877 by Senate Committee on Health & Long-Term Care

AN ACT Relating to licensed mental health counselors, marriage and family therapists, and social workers; amending RCW 18.19.010, 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.080, 18.19.180, 18.19.190, 18.120.020, 18.130.040, 5.60.060, 18.100.050, 18.205.090, 25.05.510, 25.15.045, and 48.43.087; reenacting and amending RCW 9A.44.010; adding a new section to chapter 70.02 RCW; adding a new chapter to Title 18 RCW; and repealing RCW 18.19.070, 18.19.110, 18.19.120, 18.19.130, 18.19.140, 18.19.150, 18.19.160, and 18.19.170.

Referred to Committee on Health Care.

SB 5878 by Senators Oke and Haugen

AN ACT Relating to wheel load limits for nonliftable steering axles on refuse collection vehicles; and amending RCW 46.44.042.

Referred to Committee on Transportation.

SSB 5880 by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to a forest products commission; amending RCW 42.17.31907 and 43.135.055; adding a new section to chapter 82.33 RCW; and adding a new chapter to Title 15 RCW.

Referred to Committee on Natural Resources.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Referred to Committee on Labor, Commerce & Financial Institutions.

SB 5886by Senators Long and Hargrove

AN ACT Relating to the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW; amending RCW 10.77.060; and creating a new section.

Referred to Committee on Judiciary.

ESB 5888by Senators Gardner, Spanel and Honeyford

AN ACT Relating to the qualifications of a legal newspaper; amending RCW 65.16.020; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SSB 5896by Senate Committee on Ways & Means

AN ACT Relating to DNA testing of evidence; amending RCW 10.73.170; and adding a new section to chapter 10.73 RCW.

Referred to Committee on Criminal Justice & Corrections.

SSB 5902by Senate Committee on Agriculture & International Trade

AN ACT Relating to agricultural commodity commissions; amending RCW 15.66.030, 15.66.110, 15.66.140, 15.65.040, 15.65.230, 15.65.280, and 43.03.230; adding new sections to chapter 15.65 RCW; and adding new sections to chapter 15.66 RCW.

Referred to Committee on Agriculture & Ecology.

SB 5903by Senators Winsley, Franklin, Costa and Thibaudeau

AN ACT Relating to increasing the license surcharge for the impaired physician program; and amending RCW 18.71.310.

Referred to Committee on Health Care.

ESSB 5904by Senate Committee on Agriculture & International Trade

AN ACT Relating to choosing conservation district supervisors; amending RCW 89.08.160 and 89.08.020; adding a new section to chapter 29.04 RCW; adding a new section to chapter 89.08 RCW; and declaring an emergency.

Held on First Reading.

SSB 5905by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to the negotiation, enforcement, and resolution of disputes regarding tribal/state gaming compacts under the federal Indian gaming regulatory act of 1988; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

SSB 5906by Senate Committee on Education



AN ACT Relating to technology planning for public schools; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

2SSB 5909by Senate Committee on Ways & Means

AN ACT Relating to financial responsibility requirements for vessels and facilities; amending RCW 88.40.011, 88.40.020, 88.40.025, and 88.40.040; and creating new sections.

Referred to Committee on Agriculture & Ecology.

SSB 5910by Senate Committee on Environment, Energy & Water

AN ACT Relating to temporary nonuse of water by the owner of a water right; amending RCW 90.14.140 and 90.42.080; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

2SSB 5912by Senate Committee on Ways & Means

AN ACT Relating to energy facilities; amending RCW 80.50.020, 80.50.030, 80.50.040, 80.50.060, 80.50.090, 80.50.100, and 80.50.110; and adding a new section to chapter 80.50 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 5914by Senate Committee on Environment, Energy & Water

AN ACT Relating to conditions for transfer, change, or amendment of water rights established as family farm permits; amending RCW 90.66.060; adding new sections to chapter 90.66 RCW; and adding a new section to chapter 90.44 RCW.

Referred to Committee on Agriculture & Ecology.

SSB 5925by Senate Committee on Environment, Energy & Water

AN ACT Relating to agricultural industrial process water; amending RCW 90.46.005, 90.46.010, 90.46.130, 90.14.140, 90.03.252, and 90.44.062; and adding a new section to chapter 90.46 RCW.

Referred to Committee on Agriculture & Ecology.

ESSB 5937by Senate Committee on Ways & Means; by request of Governor Locke and Superintendent of Public Instruction

AN ACT Relating to postretirement employment for teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees; amending RCW 28A.405.900, 41.32.570, 41.40.037, 41.32.802, 41.32.860, 41.32.862, 41.35.060, 41.40.037, and 41.40.750; adding a new section to chapter 41.40 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5940by Senate Committee on Education; by request of Governor Locke and Superintendent of Public

## Instruction

AN ACT Relating to career and technical education; adding a new section to chapter 28C.04 RCW; and creating a new section.

Referred to Committee on Education.

ESSB 5942by Senate Committee on Judiciary

AN ACT Relating to dog guides and service animals; adding a new section to chapter 9.91 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SSB 5946by Senate Committee on Education

AN ACT Relating to allowing state certified appraisers to appraise school district properties; and amending RCW 28A.335.090 and 28A.335.120.

Referred to Committee on Education.

SB 5954by Senators Shin, Roach, Oke, Costa, Patterson, Hargrove, T. Sheldon, Hochstatter, Eide and Jacobsen

AN ACT Relating to obsolete racial terminology; amending RCW 35.22.650; adding a new section to chapter 1.20 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SSB 5958by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to the Washington life and disability insurance guaranty association act; adding new sections to chapter 48.32A RCW; and repealing RCW 48.32A.010, 48.32A.020, 48.32A.030, 48.32A.040, 48.32A.050, 48.32A.060, 48.32A.070, 48.32A.080, 48.32A.090, 48.32A.100, 48.32A.110, 48.32A.120, 48.32A.900, 48.32A.910, 48.32A.920, 48.32A.930, and 48.32A.931.

Referred to Committee on Financial Institutions & Insurance.

SSB 5961by Senate Committee on Natural Resources, Parks & Shorelines; by request of Department of Fish & Wildlife

AN ACT Relating to making technical corrections to fish & Wildlife statutes; amending RCW 4.24.350, 43.70.185, 46.09.200, 46.10.200, 69.30.010, 69.30.110, 69.30.140, 70.93.050, 76.04.045, 77.08.010, 77.12.039, 77.12.043, 77.12.045, 77.12.047, 77.12.170, 77.12.177, 77.12.204, 77.12.264, 77.12.320, 77.12.325, 77.12.425, 77.12.455, 77.15.080, 77.15.090, 77.15.094, 77.15.096, 77.15.110, 77.15.150, 77.15.180, 77.15.210, 77.15.250, 77.15.260, 77.15.270, 77.15.290, 77.15.330, 77.15.340, 77.15.370, 77.15.380, 77.15.390, 77.15.400, 77.15.480, 77.15.510, 77.15.550, 77.15.600, 77.15.700, 77.15.730, 77.16.220, 77.32.010, 77.32.014, 77.32.250, 77.32.470, 77.32.535, 77.44.070, 77.55.280, 77.55.290, 77.70.010, 77.70.150, 77.70.190, and 79A.60.100; reenacting and amending RCW 77.15.245; adding new sections to chapter 77.65 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.55 RCW; recodifying RCW 77.12.055, 77.65.470, 77.12.425, 77.16.220, and 77.32.220; and repealing RCW 77.12.030, 77.12.040, 77.12.105, 77.12.250, 77.12.295, 77.12.457, 77.12.724, and 77.32.420.

Referred to Committee on Natural Resources.

SSB 5965by Senate Committee on Ways & Means

AN ACT Relating to local option real estate excise taxes for affordable housing purposes; and adding a new section to chapter 82.46 RCW.

Referred to Committee on Finance.

ESSB 5970by Senate Committee on Judiciary

AN ACT Relating to probation orders; and amending RCW 3.66.067, 3.66.068, 35.20.255, 3.50.320, and 3.50.330.

Referred to Committee on Criminal Justice & Corrections.

SB 5972by Senator Hargrove; by request of Department of Social & Health Services

AN ACT Relating to clarifying the department of social and health services' parole program placement authority for all juvenile offenders under the age of twenty-one and committed to the department of social and health services; amending RCW 13.40.210; and declaring an emergency.

Referred to Committee on Juvenile Justice.

SSB 5986by Senate Committee on Health & Long-Term Care

AN ACT Relating to regulation of county or local government-owned psychiatric facilities; and amending RCW 71.12.455 and 71.12.460.

Referred to Committee on Health Care.

SSB 5988by Senate Committee on Ways & Means; by request of State Investment Board

AN ACT Relating to the state investment board; and amending RCW 43.33A.100 and 43.03.028.

Referred to Committee on Appropriations.

ESSB 5995by Senate Committee on Human Services & Corrections

AN ACT Relating to information sharing among the courts, providers, divisions, and agencies serving dependent children and their families; adding a new section to chapter 13.34 RCW; adding a new section to chapter 26.44 RCW; and creating new sections.

Held on First Reading.

SB 5999by Senators B. Sheldon, Fairley, Carlson, Snyder, Rossi, Costa, Eide, Kline and Winsley

AN ACT Relating to the Washington telephone assistance program; amending RCW 80.36.005, 80.36.410, and 80.36.470; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

ESB 6001by Senators Carlson and Winsley

AN ACT Relating to inspections of tenant dwelling units by fire department officials for fire code violations; and reenacting and amending RCW 59.18.150.

Referred to Committee on Local Government & Housing.

SSB 6007 by Senate Committee on Labor, Commerce & Financial Institutions; by request of Employment Security Department

AN ACT Relating to extending unemployment insurance coverage to employees of Indian tribes; amending RCW 50.04.090; adding a new section to chapter 50.04 RCW; adding a new chapter to Title 50 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SSB 6020 by Senate Committee on Health & Long-Term Care

AN ACT Relating to access to dental care; adding a new section to chapter 43.70 RCW; adding a new section to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

SB 6022 by Senators West, Prentice, Patterson, Roach, Rasmussen and Snyder

AN ACT Relating to changing from five years to fifteen years the time that certain amounts are awarded to owners and breeders; and amending RCW 67.16.102 and 67.16.175.

Referred to Committee on Commerce & Labor.

SB 6025 by Senators Eide, Patterson, Franklin, Fairley, Kline, Regala, Fraser, Thibaudeau, Spanel and Honeyford

AN ACT Relating to the use of gasoline additives; and adding a new section to chapter 19.112 RCW.

Referred to Committee on Agriculture & Ecology.

2SSB 6027 by Senate Committee on Ways & Means; by request of Governor Locke

AN ACT Relating to diversification of state electricity supply and demand management; amending RCW 80.60.005 and 80.60.010; adding new sections to chapter 80.60 RCW; adding a new section to chapter 43.21F RCW; adding a new section to chapter 80.28 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6035 by Senate Committee on Higher Education

AN ACT Relating to directing the state board for community and technical colleges to create a college board job bank; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SSB 6037 by Senate Committee on Agriculture & International Trade

AN ACT Relating to authorizing animal care and control agencies and nonprofit humane societies to provide limited veterinarian services; and adding new sections to chapter 18.92 RCW.

Referred to Committee on Agriculture & Ecology.

SSB 6053by Senate Committee on Transportation

AN ACT Relating to state route number 525; and amending RCW 47.17.735.

Referred to Committee on Transportation.

SSB 6055by Senate Committee on Human Services & Corrections

AN ACT Relating to evaluating children within the foster care agency caseload; and amending RCW 74.14A.050.

Referred to Committee on Children & Family Services.

SSB 6056by Senate Committee on Human Services & Corrections

AN ACT Relating to the department of social and health services coordination of services for children and families in child dependency cases; adding a new section to chapter 13.34 RCW; and creating new sections.

Referred to Committee on Children & Family Services.

SSB 6076by Senate Committee on Judiciary; by request of Department of Fish & Wildlife

AN ACT Relating to law enforcement officers of the department of fish & wildlife; amending RCW 10.93.020, 10.93.140, and 77.12.055; and reenacting and amending RCW 41.26.030.

Referred to Committee on Natural Resources.

SSB 6098by Senate Committee on Ways & Means

AN ACT Relating to studying Washington's tax structure; and creating a new section.

Referred to Committee on Finance.

SB 6107by Senators Fraser and Morton

AN ACT Relating to geothermal energy; amending RCW 43.140.900; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

SB 6109by Senators Patterson, Gardner and Kline; by request of Public Disclosure Commission

AN ACT Relating to special reporting of independent expenditures and contributions occurring in close proximity to elections; amending RCW 42.17.105 and 42.17.175; adding a new section to chapter 42.17 RCW; and providing an effective date.

Referred to Committee on State Government.

ESB 6126by Senator Zarelli

AN ACT Relating to clarifying that public utility districts are not authorized to engage in the business of repairing electrical appliances other than those they sell or lease; and amending RCW 54.04.020.

Referred to Committee on Technology, Telecommunications & Energy.

SSJM 8000by Senate Committee on Natural Resources, Parks & Shorelines

Requesting the appointment of a federal multiagency contact person for Columbia River salmon and trout recovery.

Referred to Committee on Natural Resources.

SJM 8004by Senators Spanel, Swecker, Patterson, Hargrove, Costa, Eide, Fraser, Thibaudeau, Franklin, Regala, Gardner, Prentice, Kline, Kohl-Welles and Haugen

Petitioning Congress to appropriate support for an oil spill prevention tugboat in the Strait of Juan de Fuca.

Referred to Committee on Agriculture & Ecology.

SJM 8006by Senators Jacobsen, Swecker and Parlette

Requesting fish passage modifications be made to the Leavenworth National Fish Hatchery.

Referred to Committee on Natural Resources.

SJM 8008by Senators Benton and Carlson

Requesting a joint Oregon-Washington committee on taxation be established.

Referred to Committee on Finance.

ESJM 8012by Senators Fraser, Morton, Regala, McDonald, Honeyford, Patterson, Rasmussen, Hale, Winsley, Oke and Kohl-Welles

Requesting a reduction of wholesale energy costs.

Referred to Committee on Technology, Telecommunications & Energy.

SSJM 8015by Senate Committee on Environment, Energy & Water

Requesting California to require rate increases to guarantee payment for surplus power it receives from Washington state.

Referred to Committee on Technology, Telecommunications & Energy.

ESJM 8016by Senators Shin, Rasmussen and Sheahan

Emphasizing free and fair trade of aquaculture products between the United States and Canada.  
(REVISED FOR ENGROSSED: Emphasizing free and fair trade of nonanadromous aquaculture products between the United States and Canada.)

Referred to Committee on Trade & Economic Development.

SJM 8019by Senators Rasmussen, Parlette, Spanel and Oke

Petitioning the secretary of agriculture to review certain policies of the conservation reserve

enhancement program.

Referred to Committee on Agriculture & Ecology.

2SSJR 8206by Senate Committee on Ways & Means

Requiring geographic distribution of initiative signatures.

Held on First Reading.

ESJR 8208by Senators Kline and Constantine; by request of Administrator for the Courts

Amending the Constitution regarding the use of judges pro tempore.

Referred to Committee on Judiciary.

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

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

There being no objection, the House adjourned until 9:55 a.m, March 16, 2001, the 68<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SIXTY EIGHTH DAY

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MORNING SESSION

---

House Chamber, Olympia, Friday, March 16, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Woods presiding).

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

**MESSAGE FROM THE SENATE**

March 14, 2001

Mr. Speakers:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5936,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 2223 by Representatives Ogden and Ballasiotes ; by request of Governor Locke

AN ACT Relating to siting and operation of a less restrictive alternative treatment facility on McNeil Island; amending RCW 36.70A.103; adding a new section to chapter 71.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

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

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

There being no objection, the Committee on Judiciary was relieved of SUBSTITUTE SENATE BILL NO. 5236, and the bill was referred to the Committee on Children and Family Services.

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

There being no objection, the House adjourned until 9:55 a.m., March 19, 2001, the 71<sup>st</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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MORNING SESSION

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House Chamber, Olympia, Monday, March 19, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 2224 by Representatives Benson and Hatfield

AN ACT Relating to licensing specialty producers of certain lines of insurance; amending RCW 48.17.060; adding new sections to chapter 48.17 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HJR 4218 by Representatives Esser, Van Luven and Campbell

Amending the Constitution to require voter approval of taxes.

Referred to Committee on Finance.

SSB 5176 by Senate Committee on Health & Long-Term Care

AN ACT Relating to rules to implement the medical marijuana law; and amending RCW 69.51A.040.

Referred to Committee on Health Care.

SSB 5329 by Senate Committee on Labor, Commerce & Financial Institutions

AN ACT Relating to leave from employment for crime victims; adding new sections to chapter 49.12 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

SSB 5355 by Senate Committee on Human Services & Corrections

AN ACT Relating to the exercise of reasonable care by state employees and its agents at the department of social and health services and the department of corrections; adding new sections to chapter 43.20A RCW; and adding new sections to chapter 72.09 RCW.

Held on First Reading.

SB 5359 by Senators Thibaudeau, Winsley, Parlette and Franklin ; by request of Department of Health

AN ACT Relating to the health professions' use of pro tem board members; and amending RCW 18.130.060.

Referred to Committee on Health Care.

SB 5377by Senators Gardner, Horn and Haugen

AN ACT Relating to marking the gross weight on certain vehicles; and repealing RCW 46.16.170.

Referred to Committee on Transportation.

ESSB 5378by Senate Committee on Natural Resources, Parks & Shorelines ; by request of Governor Locke

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Held on First Reading.

ESSB 5413by Senate Committee on Human Services & Corrections

AN ACT Relating to provisions to improve accountability in child dependency cases; amending RCW 13.34.160, 13.34.062, 13.34.180, 13.34.138, and 13.34.110; adding new sections to chapter 13.34 RCW; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Children & Family Services.

SSB 5433by Senate Committee on Health & Long-Term Care

AN ACT Relating to establishment of parent and child relationship for children born through alternative reproductive medical technology; and amending RCW 26.26.030 and 26.26.050.

Referred to Committee on Judiciary.

ESSB 5449by Senate Committee on Labor, Commerce & Financial Institutions ; by request of Attorney General

AN ACT Relating to identity theft; amending RCW 43.43.760, 19.16.250, 19.16.250, 9.35.010, 9.35.020, 9.35.030, 9A.82.010, and 13.40.0357; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9.35 RCW; adding a new section to chapter 19.182 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

SSB 5572by Senate Committee on Transportation

AN ACT Relating to permissible highway signs; and amending RCW 47.42.040.

Referred to Committee on Transportation.

ESSB 5904by Senate Committee on Agriculture & International Trade

AN ACT Relating to choosing conservation district supervisors; amending RCW 89.08.160 and 89.08.020; adding a new section to chapter 29.04 RCW; adding a new section to chapter 89.08 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

E2SSB 5936by Senate Committee on Ways & Means ; by request of Department of Community, Trade & Economic Development

AN ACT Relating to funds for operating and maintenance of low- income housing projects and for innovative housing demonstration projects; amending RCW 36.18.010; adding a new section to chapter 36.22 RCW; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

ESSB 5993by Senate Committee on Health & Long-Term Care

AN ACT Relating to removing the discretion of owners or managers of restaurants, card rooms, and bowling alleys to choose to allow smoking areas other than in a lounge, bar, or other area where persons under eighteen years of age are not permitted to enter or remain; amending RCW 70.160.020, 70.160.030, and 70.160.040; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

ESSB 5995by Senate Committee on Human Services & Corrections

AN ACT Relating to information sharing among the courts, providers, divisions, and agencies serving dependent children and their families; adding a new section to chapter 13.34 RCW; adding a new section to chapter 26.44 RCW; and creating new sections.

Referred to Committee on Criminal Justice & Corrections.

2SSJR 8206by Senate Committee on Ways & Means

Requiring geographic distribution of initiative signatures.

Held on First Reading.

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

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

There being no objection, the following committees were relieved of the following bills, and those bills were referred as indicated:

SENATE BILL NO. 5197 from the Committee on Financial Institutions & Insurance to the Committee on Capital Budget

SENATE BILL NO. 5220 from the Committee on Health Care to the Committee on Appropriations

SENATE BILL NO. 5493 from the Committee on Appropriations to the Committee on Capital Budget

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

There being no objection, the House adjourned until 10:00 a.m., March 20, 2001, the 72<sup>nd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

MORNING SESSION

House Chamber, Olympia, Tuesday, March 20, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Grant Douglas and Rose Long-O'Donnell. Speaker Ballard led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Mary Skinner.

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

**INTRODUCTIONS AND FIRST READING**

HJM 4014 by Representatives Delvin, Hankins, Crouse, Armstrong, Lisk, Ericksen, Woods, Skinner, Buck, Schoesler, Grant, Kessler, B. Chandler and Bush

Requesting the fast flux test facility to be used for medical and tritium purposes.

Referred to Committee on Technology, Telecommunications & Energy.

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

**REPORTS OF STANDING COMMITTEES**

March 19, 2001

ESSB 5013 Prime Sponsor, Senate Committee on Judiciary: Clarifying the definition of "persistent offender."  
Reported by Committee on Criminal Justice & Correction

MAJORITY recommendation: Do pass. Signed by: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby, and Morell.

Passed to Committee on Rules for second reading.

March 19, 2001

ESSB 5017 Prime Sponsor, Senate Committee on Judiciary: Restricting the sale of ephedrine, pseudoephedrine, or phenylpropanolamine. Reported by Committee on Criminal Justice & Correction

MAJORITY recommendation: Do pass. Signed by: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby, and Morell.

Passed to Committee on Rules for second reading.

March 19, 2001

SB 5038 Prime Sponsor, Senator McCaslin: Incorporating amendments into the reorganized chapter 9.94A RCW. Reported by Committee on Criminal Justice & Correction

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby, and Morell.

Passed to Committee on Rules for second reading.

March 19, 2001

SB 5047 Prime Sponsor, Senator Long: Authorizing the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds. Reported by Committee on Criminal Justice & Correction

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby, and Morell.

Passed to Committee on Rules for second reading.

March 19, 2001

ESSB 5179 Prime Sponsor, Senate Committee on Judiciary: Providing for victim notification. Reported by Committee on Criminal Justice & Correction

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby, and Morell.

Referred to Committee on Appropriations.

March 19, 2001

SB 5270 Prime Sponsor, Senator Costa: Modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby, and Morell.

Passed to Committee on Rules for second reading.

March 19, 2001

SB 5440 Prime Sponsor, Senator Jacobsen: Raising the number of the governor's appointees to the fish and wildlife commission from two to three. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by: Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray, and Pennington.

Passed to Committee on Rules for second reading.

March 19, 2001

SB 5863 Prime Sponsor, Senator Snyder: Allowing the department of natural resources to exchange certain bedlands to obtain clear title to certain property on the Cowlitz river. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by: Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray, and Pennington.

Referred to Committee on Capital Budget.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., March 21, 2001, the 73<sup>rd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Wednesday, March 21, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 2225 by Representatives Carrell, Conway, Talcott, Lantz, Bush, Kirby, Campbell, Morell, Casada, Woods, Jackley and Roach

AN ACT Relating to protecting communities located in close proximity to the special commitment center and the less restrictive alternative treatment facility, and mitigating for the effects of these facilities; adding new sections to chapter 71.09 RCW; creating a new section; and declaring an emergency.

Held on First Reading.

HB 2226 by Representatives Carrell, Kirby, Talcott, Conway, Esser, Lantz, Roach, Haigh, DeBolt, Campbell, Delvin, Marine, Armstrong, Bush, Morell, Casada and Jackley

AN ACT Relating to establishing a life sentence for sexually violent predators who escape from the special commitment center or from a less restrictive alternative; amending RCW 9A.76.120 and 9.94A.030; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9A.76 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Held on First Reading.

SSB 5355 by Senate Committee on Human Services & Corrections

AN ACT Relating to the exercise of reasonable care by state employees and its agents at the department of social and health services and the department of corrections; adding new sections to chapter 43.20A RCW; and adding new sections to chapter 72.09 RCW.

Held on First Reading.

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines; by request of Governor Locke

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Held on First Reading.

SSB 5433 by Senate Committee on Health & Long-Term Care

AN ACT Relating to establishment of parent and child relationship for children born through alternative reproductive medical technology; and amending RCW 26.26.030 and 26.26.050.

Referred to Committee on Health Care.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Held on First Reading.

2SSJR 8206 by Senate Committee on State & Local Government

Requiring geographic distribution of initiative signatures.

Held on First Reading.

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

### RESOLUTIONS

HOUSE RESOLUTION NO. 2001-4624 by Representatives Pearson, Dunshee, Lambert and Woods

WHEREAS, Tom Wilken of Sprague, Michaela Raikes of Seattle, Jennifer Gibson of Granite Falls, Heath Hilton of Monroe, Corey McCrea of Snohomish, Sonja Ray of Seattle, Erin Richardson of Spokane, and Alden Tucker of Lacey have achieved national recognition for exemplary volunteer service by receiving 2001 Prudential Spirit of Community Awards; and

WHEREAS, This prestigious award, presented by the Prudential Company in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Knowing that energetic, knowledgeable young people such as these will one day lead this state and country, and that there may very well be in their midst a Governor, Senator, member of Congress, or perhaps even a future President; and

WHEREAS, The success of the state of Washington, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of young people who use their considerable talents to help others; and

WHEREAS, These awards were earned by giving generously of personal time and energy to the service of others;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge the 2001 Prudential Spirit of Community Award recipients Tom Wilken, Michaela Raikes, Jennifer Gibson, Heath Hilton, Corey McCrea, Sonja Ray, Erin Richardson, and Alden Tucker, and recognize their outstanding record of community service, peer leadership, and community spirit; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to each of the 2001 Prudential Spirit of Community Award recipients listed above.

House Resolution No. 4624 was adopted.

HOUSE RESOLUTION NO. 2001-4625 by Representatives Kagi, Ruderman, Schual-Berke, Keiser, Edmonds, Cody, Fromhold, Lambert, Talcott and Woods

WHEREAS, Colorectal cancer is the fourth leading cause of cancer in Washington state and the second leading cause of cancer deaths; and



WHEREAS, According to data from the state cancer registry, 2981 people were diagnosed with colorectal cancer, and 970 people died of colorectal cancer; and

WHEREAS, Colorectal cancer affects both women and men of all races; and

WHEREAS, Colorectal cancer can start with few or no symptoms; and

WHEREAS, Approximately ninety-two percent of all colorectal cancers are diagnosed in people age fifty and older in Washington state; and

WHEREAS, Research suggests that regular screening after age fifty can greatly reduce the risk of colorectal cancer mortality; and

WHEREAS, Increasing awareness and use of early detection practices is essential to controlling colorectal cancer; and

WHEREAS, In order to educate the public about what they can do to protect themselves against colorectal cancer and reduce the number of people who die each year from colorectal cancer, the Cancer Research Foundation of America in collaboration with the National Colorectal Cancer Roundtable and the American Digestive Health Foundation, founded the first annual National Colorectal Cancer Awareness Month in March 2001;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington express its gratitude to the founders of National Colorectal Cancer Awareness Month and to their collaborating partners for focusing their energies and resources on colorectal cancer each year during the month of March and all year long and encourage efforts in Washington state to raise public awareness about this disease through education and the promotion of routine screening; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Cancer Research Foundation of America, the National Colorectal Cancer Roundtable, the American Digestive Health Foundation, the American Cancer Society, and the Cancer Life Line.

House Resolution No. 4625 was adopted.

HOUSE RESOLUTION NO. 2001-4626 by Representatives Esser, Santos, Lambert, Rockefeller, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods

WHEREAS, Takuji Yamashita graduated from the University of Washington Law School and passed the state bar examination in 1902; and

WHEREAS, Takuji Yamashita was barred from practicing law in our state because our state Attorney General and Supreme Court interpreted federal law to say that persons of his ethnic background could never become a citizen and, therefore, could not practice law; and

WHEREAS, Takuji Yamashita was the most promising scholar in his hometown of Yawatahama, located in Japan's Ehime Prefecture, and after immigrating to the United States he sailed through Tacoma High School and then through a rigorous two-year law course; and

WHEREAS, Takuji Yamashita, when told that his race made him ineligible to be a lawyer, challenged the State Attorney General, and argued, memorably, that denial of opportunity on the basis of race violated the core values of the "most enlightened and liberty-loving nation of them all. . . in which all men are equal in rights and opportunities"; and

WHEREAS, Takuji Yamashita, in 1922, unsuccessfully challenged the state's Alien Land Law that denied Asian immigrants the right to own property, and was sent to an internment camp during World War II; and

WHEREAS, Legal scholars say Takuji Yamashita's challenges helped pave the way for later legal breakthroughs; and

WHEREAS, Not until 1965 did Congress put Asian immigrants on a par with Europeans, not until 1966

did Washington voters repeal the Alien Land Law, and not until 1973 did the United States Supreme Court finally grant aliens the right to practice law; and

WHEREAS, Takuji Yamashita's crusade against this injustice is enshrined in dozens of legal publications and is slowly entering the broader realm of American history; and

WHEREAS, Takuji Yamashita will be remembered long after the functionaries who opposed him are forgotten; and

WHEREAS, The Washington State Supreme Court has been petitioned to reverse a decision it made 99 years ago and accept Takuji Yamashita, posthumously, as an honorary member of the Washington State Bar; and

WHEREAS, The petition comes from prestigious and well-respected entities such as the Asian Bar Association of Washington, the Washington State Bar Association, and the University of Washington Law School; and

WHEREAS, Today, at the Temple of Justice in Olympia, justice will finally prevail when the Washington State Supreme Court performs a posthumous ceremonial induction to the Washington State Bar, so that Takuji Yamashita's descendants - biological and spiritual - finally will get the opportunity to gather and to cherish the victories that were denied him during his life;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor Takuji Yamashita for his dedication and perseverance in eradicating the racial and cultural barriers that existed not just in the legal realm during his time, but also in mainstream society as a whole; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to members of the family of Takuji Yamashita.

House Resolution No. 4626 was adopted. There being no objection, all members' names were added to the resolution.

HOUSE RESOLUTION NO. 2001-4627 by Representatives Haigh, Eickmeyer, Woods, Talcott and Darneille

WHEREAS, Simpson Timber Company was founded in Mason County, Washington in 1890 and is in its fifth generation of family ownership; and

WHEREAS, Simpson Timber Company today owns and manages nearly 300,000 acres of timberland in the state of Washington and provides forest products for millions of people; and

WHEREAS, On October 13, 2000, Simpson Timber Company signed an innovative fifty-year multispecies Habitat Conservation Plan with the United States Fish and Wildlife Service and with the National Marine Fisheries Service; and

WHEREAS, The Habitat Conservation Plan protects fifty-one species of fish and wildlife, several of which are listed as "threatened" under the Federal Endangered Species Act; and

WHEREAS, The Habitat Conservation Plan is the first in the nation to also provide for compliance with federal Clean Water Act requirements; and

WHEREAS, The Habitat Conservation Plan covers 262,000 acres of timberlands owned by Simpson Investment Company on the Olympic Peninsula in the state of Washington; and

WHEREAS, The Habitat Conservation Plan has been adopted as a total maximum daily load for water quality purposes by the United States Environmental Protection Agency and the Washington State Department of Ecology; and

WHEREAS, The Habitat Conservation Plan represents the first time federal Endangered Species Act and Clean Water Act issues have been tackled together under a single plan for an entire ownership; and

WHEREAS, The Habitat Conservation Plan relies on a landscape approach to habitat protection, taking into account the geologic setting and physical processes on area habitats and varying habitat protection strategies according to these criteria; and

WHEREAS, The Habitat Conservation Plan offers a model for future conservation partnerships; and

WHEREAS, The Habitat Conservation Plan sets the standard for future opportunities to link water quality and wildlife conservation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives formally commends and offers its appreciation to the Simpson Timber Company for its dedication to wildlife habitat conservation and sound environmental stewardship; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Colin Moseley, Chairman of Simpson Investment Company, the United States Secretary of the Interior, the United States Fish and Wildlife Service, the National Marine Fisheries Service, Gary Locke, Governor of the State of Washington, Doug Sutherland, the Commissioner of Public Lands for the State of Washington, Tom Fitzsimmons, Director of the Washington Department of Ecology, and each member of Congress from the State of Washington.

House Resolution No. 4627 was adopted.

HOUSE RESOLUTION NO. 2001-4629 by Representatives Marine, Schmidt, Pearson, Morell, Roach, Buck, Barlean, Dunshee, Delvin, Anderson, Skinner, Cooper, Lovick, Reardon and Berkey

WHEREAS, The Snohomish County Prosecutor's office has continued to work above and beyond the scope of its duty in providing positive community outreach, and

WHEREAS, The Prosecutor's office has developed a new program, Courtrooms to Classrooms, in an effort to deter juveniles from heading toward criminal activity, and

WHEREAS, Currently 50 deputy prosecutors are involved in 40 classrooms county wide serving approximately 1,250 fifth-grade students, and

WHEREAS, The deputy prosecutors involved in this program donate their time, receiving neither pay nor a reduced caseload, and

WHEREAS, The volunteer prosecutors focus on improved academic achievement, problem solving skills, and the role of law in the students' daily lives, and

WHEREAS, The devotion of Courtrooms to Classrooms volunteers appears to be leading toward the intended result - diversion from the juvenile justice system;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the Snohomish County Prosecutor's office for its commitment to providing the children of the county with both a quality education and a golden opportunity to understand the law and how it pertains to their lives; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Snohomish County Prosecutor's Office and to each of the participating elementary schools.

House Resolution No. 4629 was adopted.

HOUSE RESOLUTION NO. 2001-4631 by Representatives Veloria, Schual-Berke, Cody and Keiser

WHEREAS, It is the policy of the Washington State Legislature to recognize the contributions of institutions that reflect the standards of excellence that enhance the well-being and quality of life of the citizens of the State of Washington; and

WHEREAS, The Tukwila School District serves two thousand six hundred students; and

WHEREAS, Students in the Tukwila School District represent many cultures and ethnic groups, speaking more than twenty-five languages; and

WHEREAS, Showalter and Cascade View Schools were awarded Comprehensive School Reform Demonstration grants for 2000-2001; and

WHEREAS, The Tukwila School District has initiated three university-school partnership programs with the University of Washington in the areas of teacher training, integrating the arts in elementary schools, and integrating instruction of environmental study and architectural design in elementary schools; and

WHEREAS, Cascade View Elementary School is conducting a Washington Reading Corps Volunteer Tutoring Program; and

WHEREAS, A five-member organizational partnership has formed the Tukwila Community Schools Collaboration to improve student learning; and

WHEREAS, The Tukwila School District, in partnership with Rotary International, is sustaining a sister school/community partnership with the Village of Thillagrind, Senegal; and

WHEREAS, Students from the Tukwila School District visited the Legislature on February 23, 2001, escorted by Board Directors Mary Fertakis and Dawn Stewart, Superintendent Michael Silver, staff members,

and parents;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize: The great contribution made by the Tukwila School District to the education of the young people of Washington State; the diversity of the Tukwila School District's student body; and the significant achievements of the Tukwila School District in meeting education standards. The House of Representatives also extend congratulations to the Tukwila School District for initiating local, state, national, and international partnerships for learning; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Tukwila School District.

House Resolution No. 4631 was adopted.

HOUSE RESOLUTION NO. 2001-4632 by Representatives Veloria, Van Luven, Linville, Pennington, Cody, Schual-Berke, Carrell, Roach, Morris, Conway, Berkey, Santos, Tokuda, Talcott and Woods

WHEREAS, At any given time, three thousand adults and children search the National Marrow Donor Program Registry for a lifesaving bone marrow donor match; and

WHEREAS, Over four million volunteers have joined the National Marrow Donor Program, but only a small percentage of people of color are registered; and

WHEREAS, Minorities and people of color are deeply needed to increase the chances of survival for minorities with leukemia and other blood disorders; and

WHEREAS, Tissue type is inherited much like hair and eye color, patients are most likely to find a compatible donor with their own racial or ethnic group; and

WHEREAS, A diverse group of potential donors is needed for patients of all racial and socioeconomic backgrounds because while the odds of Caucasian patients finding a match is nearly ninety percent, the chances of patients of color finding a match are as low as fifty-five percent; and

WHEREAS, Various types of leukemia, aplastic anemia, severe combined immune deficiency syndrome, sickle cell anemia, and radiation poisoning are treated with marrow transplantation every year at approved medical centers; and

WHEREAS, The National Marrow Donor Program reaches out to racially and ethnically diverse communities through specific awareness programs, relationships with local and national organizations, and specialized materials in an effort to educate communities of color; and

WHEREAS, The National Marrow Donor Program and the Puget Sound Blood Center has integrated ethnically specific management strategies to quantify improvements in minority donor retention; and

WHEREAS, Residents of Washington State such as John Stanford, former Seattle School Superintendent, and Archbishop Thomas Murphy died from leukemia; and

WHEREAS, Washington state has a substantial minority population who may not be aware of this lifesaving opportunity to register as a donor; and

WHEREAS, There are segments of Washington State's minority population that have much lower rates of participation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and express appreciation for efforts to raise public awareness about blood-related diseases and recruit people of color through education and promotion to become registered marrow donors in Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington also recognize the plight of all people afflicted with leukemia and other blood disorders in Washington, in the United States, and worldwide.

House Resolution No. 4632 was adopted.

## REPORTS OF STANDING COMMITTEES

March 19, 2001

SB 5246 Prime Sponsor, Senator Jacobsen: Adjusting deadlines for salmon recovery grant applications. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray, and Pennington.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committees so designated.

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

There being no objection, the Committee on Children and Family Services was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5995, and the bill was referred to the Committee on Criminal Justice and Corrections.

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

There being no objection, the House adjourned until 10:00 a.m., March 22, 2001, the 74<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

MORNING SESSION

House Chamber, Olympia, Thursday, March 22, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Megan Ham and Brian Baumann. Prayer was offered by Representative Mary Lou Dickerson.

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

**MESSAGE FROM THE SENATE**

March 21, 2001

Mr. Speakers:

The Senate has passed:

and the same is herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1125,

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 1125,

**INTRODUCTIONS AND FIRST READING**

HB 2225 by Representatives Carrell, Conway, Talcott, Lantz, Bush, Kirby, Campbell, Morell, Casada, Woods and Jackley

AN ACT Relating to protecting communities located in close proximity to the special commitment center and the less restrictive alternative treatment facility, and mitigating for the effects of these facilities; adding new sections to chapter 71.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2226 by Representatives Carrell, Kirby, Talcott, Conway, Esser, Lantz, Roach, Haigh, DeBolt, Campbell, Delvin, Marine, Armstrong, Bush, Morell, Casada and Jackley

AN ACT Relating to establishing a life sentence for sexually violent predators who escape from the special commitment center or from a less restrictive alternative; amending RCW 9A.76.120 and 9.94A.030; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9A.76 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SSB 5355 by Senate Committee on Human Services & Corrections

AN ACT Relating to the exercise of reasonable care by state employees and its agents at the department

of social and health services and the department of corrections; adding new sections to chapter 43.20A RCW; and adding new sections to chapter 72.09 RCW.

Referred to Committee on Judiciary.

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines; by request of Governor Locke

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Held on First Reading.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Referred to Committee on Commerce & Labor.

2SSJR 8206 by Senate Committee on Ways & Means

Requiring geographic distribution of initiative signatures.

Referred to Committee on State Government.

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

**REPORTS OF STANDING COMMITTEES**

March 21, 2001

SB 5035 Prime Sponsor, Senator Prentice: Creating the financial services regulation fund. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by: Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, DeBolt, Keiser, Miloscia, Roach, Santos, and Simpson.

Excused: Representatives Barlean and Cairnes.

Referred to Committee on Appropriations.

March 21, 2001

SB 5064 Prime Sponsor, Senator Prentice: Defining degrees of gambling cheating. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk, and McMorris.

Passed to Committee on Rules for second reading.

March 21, 2001

SSB 5068 Prime Sponsor, Senate Committee On Labor, Commerce & Financial Institutions: Regulating credit unions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by: Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, DeBolt, Keiser, Miloscia, Roach, Santos, and Simpson.

Excused: Representatives Barlean and Cairnes.

Passed to Committee on Rules for second reading.

March 21, 2001

SSB 5219 Prime Sponsor, Senate Committee On Labor, Commerce & Financial Institutions: Modifying contracts for the sale of travel-related benefits. Reported by Commerce & Labor

MAJORITY recommendation: Do pass. Signed by: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk, and McMorris.

Passed to Committee on Rules for second reading.

March 21, 2001

SB 5316 Prime Sponsor, Senator Prentice: Ensuring that reasonable assurance continues to apply to employees of educational institutions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk, and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk, and McMorris.

Passed to Committee on Rules for second reading.

March 21, 2001

SB 5317 Prime Sponsor, Senator Prentice: Clarifying hours and wages for educational employee compensation claims. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk, and McMorris.

Passed to Committee on Rules for second reading.

March 21, 2001

SSB 5502 Prime Sponsor, Senate Committee On Labor, Commerce & Financial Institutions: Modifying boxing officials' licensing requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.



Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk, and McMorris.

Passed to Committee on Rules for second reading.

March 21, 2001

SSB 5813 Prime Sponsor, Senate Committee On Labor, Commerce & Financial Institutions: Allowing restaurants and private clubs to sell wine for off-premises consumption. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk, and McMorris.

Passed to Committee on Rules for second reading.

March 21, 2001

SB 6022 Prime Sponsor, Senator West: Changing from five years to fifteen years the time that certain amounts are awarded to owners and breeders. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk, and McMorris.

Passed to Committee on Rules for second reading.

March 21, 2001

ESJR 8209 Prime Sponsor, Senator Snyder: Investing state investment board funds. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by: Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, DeBolt, Keiser, Miloscia, Roach, Santos, and Simpson.

Excused: Representatives Barlean and Cairnes.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

## RESOLUTION

HOUSE RESOLUTION NO. 2001-4638 by Representatives Kagi, Edmonds, Fisher, Conway, Cooper, Kessler, Kenney, O'Brien, Talcott, Skinner, Voloria, Dunshee, Quall, Rockefeller, McDermott, Cody, Kirby, Eickmeyer, Lovick, Darneille, Haigh, Doumit, Buck, Lisk, Sehlin, Ogden, Hatfield, Keiser, Mitchell, Tokuda, Edwards, Santos, Schual-Berke, Fromhold, Jackley, Lantz, Armstrong, G. Chandler, Hunt, Wood, Berkey, Sommers, Miloscia, Romero, Ruderman, Morris, Linville, Murray, Dickerson, Schmidt, Morell, Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, Chopp, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Gombosky, Grant, Hankins, Hurst, Jarrett, Lambert, Marine, Mastin, McIntire, McMorris, Mielke, Mulliken, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Schindler, Schoesler, Simpson, Sump, Van Luven and Woods

WHEREAS, Former Washington State Representative Grace Cole, who served eight terms in unselfish, distinguished service representing the citizens of the 32nd Legislative District and working on behalf of all the people of Washington, passed away on Saturday, March 17th; and

WHEREAS, Representative Cole was a loving wife of Carl and devoted mother to Bryan, Ron, Randy, and David; and

WHEREAS, Representative Cole dedicated her adult life to service to children in her community and throughout the state, including serving faithfully on the Shoreline Youth Services Board, Center for Human Services Board, and the Shoreline School Board for fourteen years; and

WHEREAS, In addition to her legislative service, Representative Cole served her community in countless ways, including membership in the League of Women Voters, Women's Political Caucus, Shoreline Chamber of Commerce, and the Bothell-Shoreline Branch of the American Association of University Women; and

WHEREAS, Representative Cole believed in the moral imperative of helping all children succeed and served as their advocate and fought diligently to abolish corporal punishment in our public schools; and

WHEREAS, Representative Cole was a champion of working people and fought tirelessly on their behalf; and

WHEREAS, Representative Cole demonstrated unmatched leadership in reaching out to her opponents and energizing her allies; and

WHEREAS, Representative Cole, our true friend and colleague, provided creative, consistent leadership in inspiring and motivating others to contribute to their community and to reach out to those in need; and

WHEREAS, Representative Cole will be remembered by all for her uncompromising integrity, her dedicated service, and her love which she so generously gave to all those who were privileged to know her; and

WHEREAS, Representative Cole typified her name in all she did--always serving with genuine "*Grace*"; and

WHEREAS, The loss of Former Representative Grace Cole will always be felt, her character will continue to inspire the members of the House of Representatives, and her memory shall serve as an example for all of the very finest in public service;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington celebrate the distinguished legislative, professional, civic, and personal life of Former Washington State Representative Grace Cole; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the members of the family of Former Washington State Representative Grace Cole.

House Resolution No. 4638 was adopted. There being no objection, all members' names were added to the resolution.

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

There being no objection, the Rules Committee was relieved of House Bill No. 1266, and the bill was placed on the Second Reading calendar.

There being no objection, the House reverted to the sixth order of business.

## **SECOND READING**

### **HOUSE BILL NO. 1266 by Representatives Fisher and Mitchell**

Making supplemental transportation appropriations.

The bill was read the second time. There being no objection, Substitute House Bill No. 1266 was substituted for House Bill No. 1266 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1266 was read the second time.

Speaker Ballard announced that House Bill No. 1266 was co-prime sponsored by Representatives Fisher and Mitchell.

Representative Pennington moved the adoption of the following amendment (113):

On page 4, at line 11, after "miles." insert the following:

"The agency may not use any funds from the appropriation in this section for the purchase of unmarked pursuit vehicles."

Representatives Pennington, Casada, Mielke, Campbell, DeBolt, Cairnes and Pennington (again) spoke in favor of adoption of the amendment.

Representatives Fisher, Mitchell, Hurst and Lovick spoke against adoption of the amendment.

#### MOTIONS

On motion of Representative Schoesler, Representatives Alexander and Delvin were excused. On motion of Representative Santos, Representatives Doumit, Poulsen and Veloria were excused.

Division was demanded and the demand was sustained. Speaker Ballard divided the House. The results of the division was 35 - YEAS; 58 -NAYS. The amendment was not adopted.

Representative Fisher moved the adoption of the following amendment (072):

On page 5, line 32, strike "45,536,000" and insert "45,563,000"

On page 5, line 33, strike "400,000" and insert "481,000"

On page 5, line 35, strike "45,936,000" and insert "46,044,000"

On page 5, after line 35, insert the following:

"The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$27,000 of the motor vehicle account--state appropriation is provided solely as a match for federal emergency management funds available to the department of transportation to repair damage caused by the February 28 earthquake."

On page 6, line 4, strike "486,000" and insert "~~(486,000)~~ 1,486,000"

On page 6, line 9, strike "246,030,000" and insert "247,030,000"

On page 7, line 9, strike "125,000" and insert "462,000"

On page 7, after line 14, insert:

"Multimodal Transportation Account--Federal Appropriation     \$     1,000"

On page 7, line 16, strike "95,246,000" and insert "95,584,000"

On page 8, line 23, strike "3,693,000" and insert "3,943,000"

On page 8, after line 23, insert the following:

"Motor Vehicle Account--Federal Appropriation            \$       750,000"

On page 8, after line 23, insert the following:

"The appropriations in this subsection (3) are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$250,000 of the motor vehicle account--state appropriation is provided solely as a match for federal emergency management funds available to the department of transportation to repair damage caused by the February 28 earthquake."

Representatives Fisher and Mitchell spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1266.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1266 and the bill passed the House by the following vote: Yeas - 90, Nays - 3, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 90.

Voting nay: Representatives Boldt, Dunn, and Mielke - 3.

Excused: Representatives Alexander, Delvin, Doumit, Poulsen, and Veloria - 5.

Engrossed Substitute House Bill No. 1266, having received the necessary constitutional majority, was declared passed.

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

### MOTION

On motion of Representative DeBolt, the House adjourned until 9:55 a.m., March 23, 2001, the 75<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Friday, March 23, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**MESSAGE FROM THE SENATE**

March 22, 2001

Mr. Speakers:

The President has signed:

and the same is herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1125,

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines; by request of Governor Locke

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were held on First Reading.

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2001-4633 by Representatives Doumit, Hatfield, Ogden, Grant, McMorris, B. Chandler, Pflug, Pennington, Boldt, Cox, Fromhold, Keiser, Jackley, Mielke, Delvin, Lisk, Marine, Kessler, Schoesler, Buck, Anderson, Berkey and Esser

WHEREAS, The history of the Lewis and Clark expedition is an important part of the early history of the United States and an essential part of Washington State's early past; and

WHEREAS, The Lewis and Clark party arrived at the mouth of the Columbia River in November of 1805 and remained at Station Camp for ten days along its northern shore; and

WHEREAS, It is at this campsite that Captain William Clark wrote in his journal the following words, "...This I could plainly see would be the extent of our journey by water...in full view of the ocean...from Point Adams to Cape Disappointment." ; and

WHEREAS, At this same camp Sergeant Patrick Gass wrote in his journal, "We are now at the end of our voyage which has been completely accomplished according to the intention of the expedition..."; and

WHEREAS, Also at this campsite, Private Joseph Whitehouse wrote in his journal, "We are now in plain view of the Pacific Ocean...& think that we are at an end of our Voyage..."; and

WHEREAS, After the party had returned to St. Louis, Captain Lewis wrote to President Thomas Jefferson describing their successful arrival at the ocean, "Sir, It is with pleasure that announce to you the safe arrival of myself and party at 12 Oclk, today at this place with our papers and baggage. In obedience to your orders we have penetrated the Continent of North America to the Pacific Ocean..."; and

WHEREAS, The historic date that Lewis and Clark considered as marking the entire Corps of Discovery's arrival at the Pacific Ocean in 1805 can be found in their words: "On the 17th of November we reached the Ocian.";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize that all these journals and letters prove that the one and only historically accurate western end of the Lewis and Clark expedition is located in Pacific County, Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives of the State of Washington recognize the significance of Lewis and Clark to the early history of this State; and

BE IT FURTHER RESOLVED, That this uniquely historic site, the most important historic site in the western United States, be adequately commemorated so as to guarantee its preservation, interpretation, and access by all people.

House Resolution No. 4633 was adopted.

HOUSE RESOLUTION NO. 2001-4634 by Representatives Hatfield, Doumit and Berkey

WHEREAS, It is the tradition of the Washington State House of Representatives to recognize courage and heroic acts of bravery by outstanding Washington residents; and

WHEREAS, Fifteen-year-old Bill Keeler of Lebam saved the life of 61-year-old Fred Huber of Frances on June 5, 2000; and

WHEREAS, Huber was attacked by a bull while trying to get his cows out of the road and back into the field early in the morning; and

WHEREAS, Keeler was on a school bus when he saw the bull knock down Huber, then throw Huber six feet into the air; and

WHEREAS, Disregarding the risk to his own safety, Keeler got off the bus, grabbed a garden hose, and started swinging it and yelling at the bull; and

WHEREAS, After hitting the bull on the back and the face with the hose, Keeler stepped between Huber and the bull and continued to shout until the bull retreated to the field; and

WHEREAS, The bus driver radioed for help, and Keeler waited with Huber until the ambulance arrived; and

WHEREAS, Keeler showed quick thinking, courage, and immense bravery by running to Huber's aid; and

WHEREAS, Though Huber suffered five broken ribs, a punctured right lung, and a broken collar bone, he recovered and survived because of Keeler's intervention;

NOW, THEREFORE, BE IT RESOLVED, That the Washington House of Representatives hereby recognize Bill Keeler's act of heroism; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Bill Keeler.

House Resolution No. 4634 was adopted.

HOUSE RESOLUTION NO. 2001-4635, by Representatives Campbell, Darneille, Pflug, Armstrong, Skinner, Conway, Veloria, McDermott, Mulliken, Morell, Talcott, Esser and Anderson

WHEREAS, April 6th has a special significance for all Americans, and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320, and the American Declaration of Independence was modeled after that inspirational document; and

WHEREAS, Scottish-Americans played a major role in the founding of this Nation, including the fact

that almost half of the signers of the Declaration of Independence were of Scottish descent, the Governors in 9 of the original 13 States were of Scottish ancestry, and Scottish-Americans successfully helped shape this country in its formative years and guide this Nation through its most troubled times; and

WHEREAS, Monumental achievements and invaluable contributions made by Scottish-Americans have led to America's preeminence in the fields of science, technology, medicine, government, politics, economics, architecture, literature, media, and visual and performing arts; and

WHEREAS, Famous Scottish-Americans include such luminaries as Neil Armstrong, Alexander Graham Bell, Andrew Carnegie, Thomas Alva Edison, William Faulkner, Malcolm Forbes, Billy Graham, Alexander Hamilton, Washington Irving, John Paul Jones, John Marshall, Andrew Mellon, Samuel F.B. Morse, James Naismith, Edgar Allen Poe, Gilbert Stuart, Elizabeth Taylor, General Douglas MacArthur, and Arnold Palmer, to name just a few; and

WHEREAS, The United States Senate has officially recognized April 6<sup>th</sup> as national Tartan Day; and"

WHEREAS, More than two hundred thousand organizations throughout the United States that honor Scottish heritage, tradition, and culture and that represent the hundreds of thousands of Americans of Scottish descent, residing in every state, including Washington, have made the observance of Tartan Day on April 6th a success; and

WHEREAS, These numerous individuals, clans, societies, clubs, and fraternal organizations do not let the great contributions of the Scottish people go unnoticed;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of Washington State recognize the outstanding achievements and contributions made by Scottish-Americans to the United States of America and April 6th as "National Tartan Day."

House Resolution No. 4635 was adopted.

HOUSE RESOLUTION NO. 2001-4636 by Representatives Hunt, Rockefeller, Santos, Tokuda, Kenney, Jackley, Kagi, McDermott, Romero, Berkey, Linville, Schual-Berke, Lovick, Miloscia, O'Brien, Dunshee, Eickmeyer, Edmonds, Cody, Ruderman, Edwards, Simpson, Ogden, Quall, Darneille, Conway, Esser, Chopp, Murray, Kessler, McIntire, Morris, Reardon, Dickerson, Veloria, Fromhold, Kirby, Keiser, Hatfield, Wood, Haigh, Lantz, Fisher, Grant, Gombosky, Marine, Talcott and Skinner

WHEREAS, Walter C. "Walt" Woodward and his wife Mildred "Millie" Woodward lived on Bainbridge Island from 1940 until their recent passing; and

WHEREAS, Walt Woodward was a leading citizen, courageous newspaper editor, and community voice for many years; and

WHEREAS, Walt Woodward was an outspoken critic of the internment of the island's 240 Japanese American citizens during World War II, writing, "These Japanese haven't bombed anybody .... In the past they have given every indication of loyalty to this nation"; and

WHEREAS, Under Walt Woodward's leadership, the *Bainbridge Review* was the only newspaper on the West Coast to repeatedly remind its readers that the Bill of Rights had been violated for some of the readers' neighbors; and

WHEREAS, Walt and Millie Woodward arranged for camp residents from the island to become correspondents for the *Review* and in that way stay in touch with community members; and

WHEREAS, Walt and Millie Woodward's contributions were the topic of the PBS-TV video "Visible Target," and Mr. Woodward was one of only 100 citizens inducted into Washington State's "Centennial Hall of Honor" for humanitarian and civil libertarian contributions to the state's quality of life; and

WHEREAS, Walt Woodward was a recipient of the National Japanese American Citizen League's Edison Uno Civil Rights "Dove of Peace Award," and was the inspiration for the newspaper-editor character in David Guterson's award-winning novel, *Snow Falling on Cedars*; and

WHEREAS, Walt Woodward led campaigns for a "living memorial fund" to build new schools, libraries, and the Agate Pass Bridge; and

WHEREAS, Walt Woodward campaigned for Governor Dan Evans, was a candidate for Congress, served as chair of the state Pollution Control Hearings Board, and was the first hearing examiner for the state Shorelines Hearing Board; and

WHEREAS, Mr. Woodward was active in Kiwanis, the Bainbridge Island Chamber of Commerce, St.

Barnabas Episcopal Church, Poulsbo Yacht Club, and once served as president of the Washington Newspaper Publishers' Association; and

WHEREAS, Walt and Millie's many contributions to the community prompted the Bainbridge Island School District to name its newest school Woodward Middle School; and

WHEREAS, Walt Woodward died on March 13, 2001, and Millie preceded him in death in 1989;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the remarkable life and contributions of Walt Woodward to human rights and public service on Bainbridge Island and in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Walt and Millie Woodward's daughters, Mary, Mildred, and Carolyn, to the Bainbridge Island School Board, and to the *Bainbridge Review*.

House Resolution No. 4636 was adopted.

HOUSE RESOLUTION NO. 2001-4637 by Representatives Schoesler, Fromhold, Berkey and Esser

WHEREAS, The State Land Grant Universities Cooperative Extension System was established by Congress and the Department of Agriculture in 1914; and

WHEREAS, 4-H is an organization dedicated to developing all youth to reach their fullest potential that grew with the support of the System; and

WHEREAS, The four H's represent Head, Heart, Hands, and Health: "Head" a commitment to clearer thinking, "Heart" to greater loyalty, "Hands" to larger service, and "Health" for better living - all for our club, the community, the country, and the world; and

WHEREAS, The 4-H motto is "to make the best better"; and

WHEREAS, 4-H teaches youth through parents, volunteers, and community leaders, and offers them strong, positive leadership examples to follow and learn from; and

WHEREAS, 4-H enables youth to have fun, meet new people, learn new life skills, build self-confidence, learn responsibility, and set and achieve goals; and

WHEREAS, Continuing to build on its origins, 4-H continues to be the largest informal education program for boys and girls with over 6.6 million youth, ages five to twenty-one, from all states around the world who participate each year and develop knowledge and skills needed to become competent, caring, productive, and contributing citizens of the world; and

WHEREAS, Diversity in project areas and educational programs and activities offers a wide range of growth opportunities, helping youth to learn they have options in life, and giving them the skills to try different things before making life decisions; and

WHEREAS, Project choices include social sciences, arts, animal science, family living, environmental stewardship, mechanical sciences, natural resource study, and science and technology; and

WHEREAS, 4-H Youth Development encourages young people to become involved in their communities, including county fairs, and to contribute in a variety of ways; and

WHEREAS, This greatly expanded and enhanced education of our young people in Washington is due to the hard work and dedication of Cooperative Extension Services agents and program assistants from Washington State University, in concert with over eleven thousand adult community volunteers; and

WHEREAS, We are honored that 4-H Youth Development members from all corners of the state are currently visiting the state capitol as part of an education program called "Know Your Government";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives welcome the 4-H Youth Development Program delegates to the state capitol; and recognize the value of the "Know Your Government" program, as well as all of the education programs sponsored over the years by Washington State University's 4-H Youth Development Program.

House Resolution No. 4637 was adopted.

**REPORTS OF STANDING COMMITTEES**



E2SSB 5593 Prime Sponsor, Senate Committee on Ways & Means: Changing the public accountancy act.  
Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 9, line 26, after "firms," insert "practice privileges under RCW 18.04.350,"

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk, and McMorris.

Referred to Committee on Appropriations.

March 21, 2001

SSB 5702 Prime Sponsor, Senate Committee on Ways & Means: Changing taxation of forest lands. Reported by  
Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray, and Pennington.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., March 26, 2001, the 78<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

MORNING SESSION

House Chamber, Olympia, Monday, March 26, 2001

The House was called to order at 9:55 a.m. by the Speaker Ballard.

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

**MESSAGE FROM THE SENATE**

March 23, 2001

Mr. Speakers:

The Senate has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5078,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5327,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5755,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines ; by request of Governor Locke

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

There being no objection, the bills listed on the day's committee reports under the fourth order of business were held on First Reading.

**REPORTS OF STANDING COMMITTEES**

March 23, 2001

SB 5022 Prime Sponsor, Senator Jacobsen: Modifying the salmon recovery funding board's reporting of financial affairs. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Jackley and Pennington.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards,

Eickmeyer, Jackley, and Pennington.

Voting nay: Representative Ericksen.

Excused: Representative Murray

Passed to Committee on Rules for second reading.

March 23, 2001

SSB 5099 Prime Sponsor, Senate Committee on Health & Long-Term Care: Designating medical directors.

Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Campbell, Cody, Schual-Berke, Skinner, Alexander, Ballasiotes, Darneille, Edmonds, Edwards, Marine, Pennington, and Ruderman.

Excused: Representatives Conway, and McMorris.

Passed to Committee on Rules for second reading.

March 23, 2001

SSB 5183 Prime Sponsor, Senate Committee on Health & Long-Term Care: Licensing adult family homes.

Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Campbell, Cody, Schual-Berke, Skinner, Alexander, Ballasiotes, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Excused: Representative Conway

Passed to Committee on Rules for second reading.

March 23, 2001

SSB 5184 Prime Sponsor, Senate Committee on Health & Long-Term Care: Reporting investigations of vulnerable adult abuse. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Campbell, Cody, Schual-Berke, Skinner, Alexander, Ballasiotes, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Excused: Representative Conway

Passed to Committee on Rules for second reading.

March 21, 2001

SB 5457 Prime Sponsor, Senator Kohl-Welles: Changing liability and licensure provisions for private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold;

Lantz and Skinner.

Voting yea: Representatives Cox, Kenney, Gombosky, Jarrett, Dunn, Fromhold, Lantz, and Skinner.

Passed to Committee on Rules for second reading.

March 21, 2001

SSB 5509 Prime Sponsor, Senate Committee on Higher Education: Requiring institutions of higher education to use personal identifiers that are not social security numbers. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Kenney, Gombosky, Jarrett, Dunn, Fromhold, Lantz, and Skinner.

Passed to Committee on Rules for second reading.

March 21, 2001

SSB 5552 Prime Sponsor, Senate Committee on Higher Education: Expanding border county higher education opportunities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Kenney, Gombosky, Jarrett, Dunn, Fromhold, Lantz and Skinner.

Passed to Committee on Rules for second reading.

March 21, 2001

SB 5921 Prime Sponsor, Senator Kohl-Welles: Authorizing doctorate level degrees in physical therapy at Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Kenney, Gombosky, Jarrett, Dunn, Fromhold, Lantz, and Skinner.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., March 27, 2001, the 79<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, March 27, 2001

The House was called to order at 10:00 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTIONS AND FIRST READING**

SSB 5078by Senate Committee on Transportation (originally sponsored by Senator Haugen)

AN ACT Relating to vehicle license fees; amending RCW 46.68.030 and 46.16.0621; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

ESSB 5327by Senate Committee on Transportation (originally sponsored by Senators Haugen, West and Gardner; by request of Governor Locke)

AN ACT Relating to transportation funding and appropriations; amending 2000 2nd sp.s. c 3 ss 201, 203, 204, 211, 212, 216, 217, 219, 221, 224, 226, 227, 230, 232, 401, 403, 404, and 405 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

ESSB 5378by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Jacobsen, Swecker and Spanel; by request of Governor Locke)

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Held on First Reading.

ESSB 5755by Senate Committee on Transportation (originally sponsored by Senators Horn, Haugen, Winsley, McAuliffe and Oke; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to the responsibilities of the transportation commission; amending RCW 47.01.021, 47.80.023, 43.17.020, 47.01.041, 36.57A.070, amending RCW 47.01.021, 47.80.023, 43.17.020, 47.01.041, 36.57A.070, 36.78.030, 36.78.070, 36.78.090, 36.78.100, 36.79.010, 36.79.020, 36.79.060, 36.79.110, 43.84.092, 47.06A.010, 47.06A.020, 47.26.044, 47.26.080, 47.26.084, 47.26.170, 47.26.185, 47.26.260, 47.26.270, 47.26.426, 47.26.440, 47.26.507, and 82.44.150; reenacting and amending RCW 47.01.101 and 82.44.180; adding new sections to chapter 47.01 RCW; adding a new chapter to Title 44 RCW; creating new sections; repealing RCW 36.79.070, 47.01.051, 47.01.061, 47.01.070, 47.26.121, 47.26.130, 47.26.140, 47.26.150, 47.26.160, 47.26.164, 47.26.167, 47.06A.001, 47.06A.030, 47.06A.040, 47.06A.070, and 47.06A.900; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Held on First Reading.

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

### REPORTS OF STANDING COMMITTEES

March 23, 2001

SB 5159 Prime Sponsor, Senator Winsley: Authorizing four-year public institutions of higher education to participate with the state in investing surplus funds. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Kenney, Gombosky, Jarrett, Dunn, Fromhold, Lantz and Skinner.

Passed to Committee on Rules for second reading.

March 23, 2001

SSB 5176 Prime Sponsor, Senate Committee On Health & Long-Term Care: Authorizing adoption of rules to implement medical marijuana law. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Ballasiotes; Darneille; Edmonds; Edwards; Marine and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; McMorris and Pennington.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Ballasiotes, Darneille, Edmonds, Edwards, Marine and Ruderman.

Voting nay: Representatives Alexander, McMorris and Pennington.

Excused: Representative Conway.

Passed to Committee on Rules for second reading.

March 23, 2001

ESB 5258 Prime Sponsor, Senator Costa: Regulating disclosure of health care information. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Excused: Representative Conway.

Passed to Committee on Rules for second reading.

March 23, 2001

SB 5359 Prime Sponsor, Senator Thibaudeau: Modifying the health professions' appointment of pro tem members. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.  
Excused: Representative Conway.

Passed to Committee on Rules for second reading.

March 23, 2001

SSB 5565 Prime Sponsor, Senate Committee on Health & Long-Term Care: Dispensing controlled substance orders and prescriptions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 2, line 1, after "hospice" strike "care"

Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Darneille; Edmonds; Edwards; Marine; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.  
Excused: Representative Conway.

Passed to Committee on Rules for second reading.

March 23, 2001

SSB 5601 Prime Sponsor, Senate Committee on Health & Long-Term Care: Removing the two-year limited license renewal limit on teaching-research medical professionals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.  
Excused: Representative Conway.

Passed to Committee on Rules for second reading.

March 26, 2001

SJM 8006 Prime Sponsor, Senator Jacobsen: Requesting fish passage modifications be made to the Leavenworth National Fish Hatchery. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Edwards, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:55 a.m., March 28, 2001, the 80<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



**EIGHTIETH DAY**

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**MORNING SESSION**

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House Chamber, Olympia, Wednesday, March 28, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Armstrong presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 2227 by Representatives Ahern, Gombosky, Schoesler, Wood, Benson, Haigh, Schindler, Conway, Cox, Reardon and Schmidt; by request of Department of Veterans Affairs

AN ACT Relating to establishing the eastern Washington veterans' home; amending RCW 72.36.035, 72.36.045, 72.36.055, 72.36.060, 43.60A.075, and 72.36.090; and adding a new section to chapter 72.36 RCW.

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines; by request of Governor Locke

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

ESB 5882 by Representatives T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were held on First Reading.

**REPORTS OF STANDING COMMITTEES**

March 26, 2001

HB 1625 Prime Sponsor, Representative Esser: Providing for supplemental capital budget appropriations. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Bush; Casada; Hankins; Hunt; O'Brien; Ogden; Poulsen; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Armstrong, Barlean, Bush, Casada, Esser, Hankins, Hunt, McIntire, Murray, O'Brien, Ogden, Poulsen, Reardon, Schoesler, Veloria, and Woods.

Excused: Representative Lantz.

March 27, 2001

SSB 5235 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Outlining requirements for the operation of a PACE program in Washington state. Reported by Committee

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

March 27, 2001

SB 5331 Prime Sponsor, Senator Kline: Modifying collection of business to business debts by collection agencies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach and Simpson.

Excused: Representative Santos.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 5531 Prime Sponsor, Senator Spanel: Restricting shrimp pot and commercial fishery licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Edwards, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Passed to Committee on Rules for second reading.

March 27, 2001

ESB 5570 Prime Sponsor, Senator Prentice: Protecting credit union directors and committee members. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach and Simpson.

Excused: Representative Santos.

Passed to Committee on Rules for second reading.

March 27, 2001

SSB 5776 Prime Sponsor, Senate Committee On Labor, Commerce & Financial Institutions: Protecting the confidentiality of information relating to insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean;

Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach and Simpson.

Excused: Representative Santos.

Passed to Committee on Rules for second reading.

March 26, 2001

SSB 5946 Prime Sponsor, Senate Committee On Education: Allowing certified real estate appraisers to appraise school district property. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 3, line 19, after "74.46.020" insert "or a general real estate appraiser certified under chapter 18.140 RCW"

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schindler, Schmidt, Schual-Berke, and Talcott.

Passed to Committee on Rules for second reading.

March 26, 2001

SSB 6110 Prime Sponsor, Senate Committee On Natural Resources, Parks & Shorelines: Providing for the administration of a Puget Sound crab pot buoy tag program. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.70 RCW to read as follows:

In order to administer a Puget Sound crab pot buoy tag program, the department may charge a fee to holders of a Dungeness crab--Puget Sound fishery license to reimburse the department for the production of Puget Sound crab pot buoy tags and the administration of a Puget Sound crab pot buoy tag program.

NEW SECTION. Sec. 2. A new section is added to chapter 77.70 RCW to read as follows:

The Puget Sound crab pot buoy tag account is created in the custody of the state treasurer. All revenues from fees from section 1 of this act must be deposited into the account. Expenditures from this account may be used for the production of crab pot buoy tags and the administration of a Puget Sound crab pot buoy tag program.

Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Edwards, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Referred to Committee on Appropriations.

There being no objection, the remaining bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, House Bill No. 1625 was placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., March 29, 200, the 81<sup>st</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Thursday, March 29, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mandy Myers and Quinn Bougher. Speaker Chopp led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Doug Ericksen.

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

**REPORTS OF STANDING COMMITTEES**

March 27, 2001

HB 1314 Prime Sponsor, Representative Sommers: Making supplemental operating appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Keiser; Kenney; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Kagi; McIntire and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Keiser, Kenney, Lambert, Linville, Mastin, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, and Talcott.

Voting nay: Representatives Kagi, McIntire, and Tokuda.

Excused: Representative Kessler.

Passed to Committee on Rules for second reading.

March 28, 2001

ESB 5051 Prime Sponsor, Senator Long: Changing provisions relating to persons incapacitated by a chemical dependency. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Ballasiotes, Boldt, Campbell, Darneille, Dickerson, Kagi, Morell, Pflug, and Tokuda.

Excused: Representative Miloscia.

Passed to Committee on Rules for second reading.

March 27, 2001

ESSB 5052 Prime Sponsor, Senate Committee on Judiciary: Making technical corrections to trust and estate dispute resolution provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

March 27, 2001

ESB 5053 Prime Sponsor, Senator Constantine: Making corrections to Article 9A of the Uniform Commercial Code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

March 27, 2001

SB 5054 Prime Sponsor, Senator Johnson: Modifying the rule against perpetuities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

March 27, 2001

SSB 5115 Prime Sponsor, Senate Committee on Judiciary: Revising court filing fees for tax warrants and recovery of state agency overpayments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 3, line 35, strike "~~((two))~~ twenty" and insert "two"

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Referred to Committee on Appropriations.

March 27, 2001

SSB 5241 Prime Sponsor, Senate Committee on Judiciary: Changing provisions relating to venue. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

March 27, 2001

SB 5252 Prime Sponsor, Senator McCaslin: Expanding venue for local courts during emergencies and when the defendant appears electronically from a location outside the district. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5367 Prime Sponsor, Senator Fraser: Changing competitive grant requirements for community mobilization programs. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, and Pflug.

Excused: Representative Miloscia

Passed to Committee on Rules for second reading.

March 27, 2001

SB 5389 Prime Sponsor, Senator Gardner: Adjusting small claims jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

March 28, 2001

ESSB 5413 Prime Sponsor, Senate Committee on Human Services & Corrections: Improving accountability in child dependency cases. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 13.34 RCW to read as follows:

(1) Following shelter care and no later than twenty-five days prior to fact-finding, the department, upon the parent's or counsel for the parent's request, shall facilitate a conference to develop and specify in a written service agreement the expectations of both the department and the parent regarding the care and placement of the child.

The department shall invite to the conference the parent, counsel for the parent, the foster parent or other out-of-home care provider, caseworker, counselor or other relevant health care provider, guardian ad litem, if appointed, and any other person connected to the development and well-being of the child.

The initial written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific criteria that enables the court to measure the performance of both the department and the parent, and must be updated throughout the dependency process to reflect changes in expectations. The service agreement must serve as the unifying document for all expectations established in the department's various case planning and case management documents and the findings and orders of the court during dependency proceedings.

The court shall review the written service agreement at each stage of the dependency proceedings and evaluate the performance of both the department and the parent for consistent, measurable progress in complying with the expectations identified in the agreement.

(2) At any other stage in a dependency proceeding, the department, upon the parent's or counsel for the parent's request, shall facilitate a case conference.

**Sec. 2.** RCW 13.34.062 and 2000 c 122 s 5 are each amended to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to counsel continues beyond shelter care. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number) .

5. You may request that the department facilitate a case conference to develop a written service



agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may participate in the case conference with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(6) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

**Sec. 3.** RCW 13.34.065 and 2000 c 122 s 7 are each amended to read as follows:

(1) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department.

(2) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child;

or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a

relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

(3) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent and give weight to that fact before ordering return of the child to shelter care.

(4) If a child is returned home from shelter care a second time, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(5) If a child is returned home from shelter care a second time, a law enforcement officer must accompany the child to the home and file a report.

**Sec. 4.** RCW 13.34.180 and 2000 c 122 s 25 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was

found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge. You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

**Sec. 5.** RCW 13.34.138 and 2000 c 122 s 19 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs,

including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

**NEW SECTION. Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows:

The department shall inform parents who request a case conference about the process prior to the process being undertaken.

**Sec. 7.** RCW 13.34.110 and 2000 c 122 s 11 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

(2)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department of social and health services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

(b) Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

(c) Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must appear before the court and the court must inquire and establish on the record that:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have

the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection.

(3) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: ~~((1))~~ (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; ~~((2))~~ (b) are known to the department as having been in contact with the family or child within the past twelve months; and ~~((3))~~ (c) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the ~~((fact finding or dispositional))~~ disposition hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. ~~((The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.))"~~

Correct the title.

Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson and Pflug.

Excused: Representative Miloscia.

Referred to Committee on Appropriations.

March 28, 2001

SSB 5417 Prime Sponsor, Senate Committee on Human Services & Corrections: Changing provisions relating to opiate substitution treatment programs. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended.

On page 3, line 22, after "ordinances" insert ". Counties and cities may require conditional or special use permits with reasonable conditions for the siting of programs. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities"

Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, and Pflug.

Excused: Representative Miloscia.

Passed to Committee on Rules for second reading.

March 27, 2001

SB 5454 Prime Sponsor, Senator Long: Revising provisions relating to the juvenile offender basic training camp program. Reported by Committee on Juvenile Justice

MAJORITY recommendation: Do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Carrell; Darneille and Tokuda.

Voting yea: Representatives Delvin, Dickerson, Eickmeyer, Marine, Armstrong, Carrell, Darneille, and Tokuda.

Passed to Committee on Rules for second reading.

March 27, 2001

SSB 5468 Prime Sponsor, Senate Committee on Human Services & Corrections: Revising the chemical dependency disposition alternative. Reported by Committee on Juvenile Justice

MAJORITY recommendation: Do pass as amended.

On page 3, line 2, strike "pursuant to the provisions of RCW 13.40.200"

On page 3, line 22, after "may" insert "impose sanctions pursuant to RCW 13.40.200 or"

Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Carrell; Darneille and Tokuda.

Voting yea: Representatives Delvin, Dickerson, Eickmeyer, Marine, Armstrong, Carrell, Darneille, and Tokuda.

Passed to Committee on Rules for second reading.

March 28, 2001

ESSB 5606 Prime Sponsor, Senate Committee on Human Services & Corrections: Regarding background checks. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:"

**"NEW SECTION. Sec. 1.** "It is the intent of the legislature to authorize the department of social and health services to investigate the background of current and future department employees to the same extent and with the same effect as it has authorized the state to investigate the background and exclude from the provision of service current and future care providers, contractors, volunteers, and others. The department of social and health services must coordinate with the department of personnel to develop rules that address the procedures for undertaking background checks, and specifically what action would be taken against a current employee who is disqualified from his or her current position because of a background check not previously performed. Current employees would not be subject to a check under the provisions of this act until one year from the effective date of this act."

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.96A RCW to read as follows:

" This chapter is not applicable to the department of social and health services when employing a person, who in the course of his or her employment, has or may have unsupervised access to any person who is under the age of eighteen, who is under the age of twenty-one and has been sentenced to a term of confinement under the supervision of the department of social and health services under chapter 13.40 RCW, who is a vulnerable adult under chapter 74.34 RCW, or who is a vulnerable person. For purposes of this section "vulnerable person" means an adult of any age who lacks the functional, mental, or physical ability to care for himself or herself."

**Sec. 3.** RCW 28A.400.303 and 1992 c 159 s 2 are each amended to read as follows:

" School districts, educational service districts, the state school for the deaf, the state school for the blind, and their contractors hiring employees who will have regularly scheduled unsupervised access to children shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation before hiring an employee. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting entity shall provide a copy of the record report to the applicant. When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the district, the state school for the deaf, the state school for the blind, or contractor may waive the requirement. The district, pursuant to chapter 41.59 or 41.56 RCW, the state school for the deaf, the state school for the blind, or contractor hiring the employee shall determine who shall pay costs associated with the record check."

**Sec. 4.** RCW 28A.400.305 and 1996 c 126 s 5 are each amended to read as follows:

" The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW on record check information. The rules shall include, but not be limited to the following:

(1) Written procedures providing a school district, state school for the deaf, or state school for the blind employee or applicant for certification or employment access to and review of information obtained based on the record check required under RCW 28A.400.303 (~~and 28A.400.304~~); and

(2) Written procedures limiting access to the superintendent of public instruction record check data base to only those individuals processing record check information at the office of the superintendent of public instruction, the appropriate school district or districts, the state school for the deaf, the state school for the blind, and the appropriate educational service district or districts."

**Sec. 5.** RCW 43.20A.710 and 2000 c 87 s 2 are each amended to read as follows:

" (1) The secretary shall investigate the conviction records, pending charges (~~(€)~~) and disciplinary board final decisions of:

(a) (~~Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of~~) Any current employee or applicant seeking or being considered for any position with the department who will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities(~~;~~

~~\_\_\_\_\_ (b) Persons being considered for state employment in positions involving unsupervised access to vulnerable adults to conduct~~). This includes, but is not limited to, positions conducting comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

~~((€))~~ (b) Individual providers who are paid by the state and providers who are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

~~((€))~~ (c) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) An individual provider or home care agency provider who has resided in the state less than three

years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records both through the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2)(b).

(4) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(5) The secretary shall provide the results of the background check on individual providers to the persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(6) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose."

**NEW SECTION. Sec. 6.** A new section is added to chapter 41.06 RCW to read as follows:

" The board shall amend any existing rules established under RCW 41.06.475 and adopt rules developed in cooperation and agreement with the department of social and health services to implement the provisions of this act."

**NEW SECTION. Sec. 7.** A new section is added to chapter 41.06 RCW to read as follows:

" (1) Employees currently in positions covered by sections 2 and 5 of this act are not subject to a background check under this act until one year from the effective date of this act.

(2) The rules adopted by the personnel resources board must address the action that will be taken if a background check result disqualifies an employee from his or her current position."

**NEW SECTION. Sec. 8.** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Campbell; Darneille; Dickerson and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Campbell, Darneille, and Dickerson.

Voting nay: Representatives Ballasiotes and Pflug.

Excused: Representative Miloscia.

Passed to Committee on Rules for second reading.

March 27, 2001

SB 5692 Prime Sponsor, Senator Costa: Creating youth courts. Reported by Committee on Juvenile Justice



MAJORITY recommendation: Do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Darneille and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Voting yea: Representatives Delvin, Dickerson, Eickmeyer, Marine, Armstrong, Darneille, and Tokuda.  
Voting nay: Representative Carrell.

Passed to Committee on Rules for second reading.

March 27, 2001

2SSB 5820 Prime Sponsor, Senate Committee on Ways & Means: Providing assistance to treat breast and cervical cancer. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Campbell, Cody, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Referred to Committee on Appropriations.

March 28, 2001

SSB 5875 Prime Sponsor, Senate Committee on Economic Development & Telecommunications: Changing provisions relating to telecommunications services for hearing or speech impaired. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.20A.720 and 1992 c 144 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and RCW 43.20A.725.

(1) "Hearing impaired" means those persons who are certified to be deaf, deaf-blind, or hard of hearing, and those persons who are certified to have a hearing disability limiting their access to telecommunications.

(2) "Speech impaired" means persons who are certified to be unable to speak or who are certified to have a speech impairment limiting their access to telecommunications.

~~((("Text telephone (TT)," formerly known as a telecommunications device for the deaf (TDD) means a telecommunications device that has a typewriter or computer keyboard and a readable display that couples with the telephone, allowing messages to be typed rather than spoken. The device allows a person to make a telephone call directly to another person possessing similar equipment. The conversation is typed through one machine to the other machine instead of spoken.~~

~~\_\_\_\_\_ "Telecommunications relay service (TRS)" is a service for hearing and speech impaired people who have a TT to call someone who does not have a TT or vice versa. The service consists of several telephones being utilized by TRS communications assistants who receive either TT or voice phone calls. If a TRS communications assistant receives a phone call from a hearing or speech impaired person wishing to call a hearing person, the operator will call the hearing person and act as an intermediary by translating what is displayed on the TT to voice and typing what is voiced into the TT to be read by the hearing or speech impaired caller. This process can also be reversed with a hearing person calling a deaf person through the telecommunications relay service. "TRS program" as used in this chapter includes both the relay function and TTs.~~

~~\_\_\_\_\_ "Qualified trainer" is a person who is knowledgeable about TTs, signal devices, and amplifying~~

accessories; familiar with the technical aspects of equipment designed to meet hearing impaired people's needs; and is fluent in American sign language.

~~"Qualified contractor" shall have staff bilingual in American sign language and standard English available for quality language/cultural interpretations; quality training of operators; and policies, training, and operational procedures to be determined by the office.~~

~~"The department" means the department of social and health services of the state of Washington.)~~

(3) "Department" means the department of social and health services.

(4) "Office" means the office of deaf ((services)) and hard of hearing within the state department of social and health services.

**Sec. 2.** RCW 43.20A.725 and 1998 c 245 s 59 are each amended to read as follows:

~~(1) The department, through the sole authority of the office or its successor organization, shall maintain a program whereby ((TTs, signal devices, and amplifying accessories capable of serving the needs of the hearing and speech impaired shall be provided under the standards established in subsection (10) of this section to)) an individual of school age or older((:~~

~~(a) Who is certified as hearing impaired by a licensed physician, audiologist, or a qualified state agency, and to any subscriber that is an organization representing the hearing impaired, as determined and specified by the TRS program advisory committee; or~~

~~(b) Who is certified as speech impaired by a licensed physician, speech pathologist, or a qualified state agency, and to any subscriber that is an organization representing the speech impaired, as determined and specified by the TRS program advisory committee.~~

~~For the purpose of this section, certification implies that individuals cannot use the telephone for expressive or receptive communications due to hearing or speech impairment.~~

~~(2) The office shall award contracts on a competitive basis, to qualified persons for which eligibility to contract is determined by the office, for the distribution and maintenance of such TTs, signal devices, and amplifying accessories as shall be determined by the office. When awarding such contracts, the office may consider the quality of equipment and, with the director's approval, may award contracts on a basis other than cost. Such contracts may include a provision for the employment and use of a qualified trainer and the training of recipients in the use of such devices.~~

~~(3) The office shall establish and implement a policy for the ultimate responsibility for recovery of TTs, signal devices, and amplifying accessories from recipients who have been provided with the equipment without cost and who are moving from this state or who for other reasons are no longer using them.~~

~~(4) Pursuant to recommendations of the TRS program advisory committee, until July 26, 1993, the office shall maintain a program whereby a relay system will be provided state wide using operator intervention to connect hearing impaired and speech impaired persons and offices or organizations representing the hearing impaired and speech impaired, as determined and specified by the TDD advisory committee pursuant to RCW 43.20A.730. The relay system shall be the most cost effective possible and shall operate in a manner consistent with federal requirements for such systems.~~

~~(5) Pursuant to the recommendations of the TDD task force report of December 1991, and with the express purpose of maintaining state control and jurisdiction, the office shall seek certification by the federal communications commission of the state wide relay service.~~

~~(6) The office shall award contracts for the operation and maintenance of the state wide relay service. The initial contract shall be for service commencing on or before July 26, 1993.)~~ who possesses a hearing or speech impairment is provided with telecommunications equipment, software, and/or peripheral devices, digital or otherwise, that is determined by the office to be necessary for such a person to access and use telecommunications transmission services effectively.

(2) The department, through the sole authority of the office or its successor organization, shall maintain a program where telecommunications relay services of a human or electronic nature will be provided to connect hearing impaired, deaf-blind, or speech impaired persons with persons who do not have a hearing or speech impairment. Such telecommunications relay services shall provide the ability for an individual who has a hearing or speech impairment to engage in voice, tactile, or visual communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech impairment to communicate using voice or visual communication services by wire or radio subject to subsection (4)(b) of this section.

(3) The telecommunications relay service and equipment distribution program may operate in such a manner as to provide communications transmission opportunities that are capable of incorporating new technologies that have demonstrated benefits consistent with the intent of this chapter and are in the best interests of the citizens of this state.

(4) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services according to this section. The relay service contract shall be awarded to an individual company registered as a telecommunications company by the utilities and transportation commission, to a group of registered telecommunications companies, or to any other company or organization determined by the office as qualified to provide relay services, contingent upon that company or organization being approved as a registered telecommunications company prior to final contract approval. The relay system providers and telecommunications equipment vendors shall be selected on the basis of cost-effectiveness and utility to the greatest extent possible under the program and technical specifications established by the office.

(a) To the extent funds are available under the then-current rate and not otherwise held in reserve or required for other purposes authorized by this chapter, the office may award contracts for communications and related services and equipment for hearing impaired or speech impaired individuals accessing or receiving services provided by, or contracted for, the department to meet access obligations under Title 2 of the federal Americans with disabilities act or related federal regulations.

(b) The office shall perform its duties under this section with the goal of achieving functional equivalency of access to and use of telecommunications services similar to the enjoyment of access to and use of such services experienced by an individual who does not have a hearing or speech impairment only to the extent that funds are available under the then-current rate and not otherwise held in reserve or required for other purposes authorized by this chapter.

~~((7))~~ (5) The program shall be funded by a telecommunications relay service (TRS) excise tax applied to each switched access line provided by the local exchange companies. The office shall determine, in consultation with the ((TRS)) office's program advisory committee, the budget needed to fund the program on an annual basis, including both operational costs and a reasonable amount for capital improvements such as equipment upgrade and replacement. The budget proposed by the office, together with documentation and supporting materials, shall be submitted to the office of financial management for review and approval. The approved budget shall be given by the department in an annual budget to the utilities and transportation commission no later than March 1 prior to the beginning of the fiscal year. The utilities and transportation commission shall then determine the amount of ((TRS)) telecommunications relay service excise tax to be placed on each access line and shall inform each local exchange company of this amount no later than May 15. The utilities and transportation commission shall determine the amount of ((TRS)) telecommunications relay service excise tax by dividing the total of the program budget, as submitted by the office by the total number of access lines, and shall not exercise any further oversight of the program under this subsection. The ((TRS)) telecommunications relay service excise tax shall not exceed nineteen cents per month per access line. Each local exchange company shall impose the amount of excise tax determined by the commission as of July 1, and shall remit the amount collected directly to the department on a monthly basis. The ((TRS)) telecommunications relay service excise tax shall be separately identified on each ratepayer's bill with the following statement: "Funds federal ADA requirement." All proceeds from the ((TRS)) telecommunications relay service excise tax shall be put into a fund to be administered by the office through the department.

~~((8) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services in accordance with the provisions of RCW 43.20A.725.~~

~~(9) The program shall be)~~ (6) The telecommunications relay service program and equipment vendors shall provide services and equipment consistent with the requirements of federal law for the operation of both interstate and intrastate telecommunications services for the ((deaf or)) hearing impaired or speech impaired. The department and the utilities and transportation commission shall be responsible for ensuring compliance with federal requirements and shall provide timely notice to the legislature of any legislation that may be required to accomplish compliance.

~~((10)(a) The department shall provide TTs, signal devices, and amplifying accessories to a person eligible under subsection (1) of this section at no charge in addition to the basic exchange rate if:~~

~~(i) The person is eligible for participation in the Washington telephone assistance program under RCW~~

80.36.470;

~~———— (ii) The person's annual family income is equal to or less than one hundred sixty five percent of the federal poverty level; or~~

~~———— (iii) The person is a child eighteen years of age or younger with a family income less than or equal to two hundred percent of the federal poverty level.~~

~~———— (b) A person eligible under subsection (1) of this section with a family income greater than one hundred sixty five percent and less than or equal to two hundred percent of the federal poverty level shall be assessed a charge for the cost of TTs, signal devices, and amplifying accessories based on a sliding scale of charges established by rule adopted by the department.~~

~~———— (c) The department shall charge a person eligible under subsection (1) of this section whose income exceeds two hundred percent of the federal poverty level the cost to the department of purchasing the equipment provided to that person.~~

~~———— (d) The department may waive part or all of the charges assessed under this subsection if the department finds that (i) the eligible person requires telebraille equipment or other equipment of similar cost and (ii) the charges normally assessed for the equipment under this subsection would create an exceptional or undue hardship on the eligible person.~~

~~———— (e) For the purposes of this subsection, certification of family income by the eligible person or the person's guardian or head of household is sufficient to determine eligibility.))~~

(7) The department shall adopt rules establishing eligibility criteria, ownership obligations, financial contributions, and a program for distribution to individuals requesting and receiving such telecommunications devices distributed by the office, and other rules necessary to administer programs and services consistent with this chapter."

Correct the title.

Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, and Pflug.

Excused: Representative Miloscia

Passed to Committee on Rules for second reading.

March 28, 2001

ESSB 5995 Prime Sponsor, Senate Committee on Human Services & Corrections: Providing for information sharing among the courts, providers, divisions, and agencies serving dependent children and their families. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, and Pflug.

Excused: Representative Miloscia

Passed to Committee on Rules for second reading.

March 27, 2001

SSB 6020 Prime Sponsor, Senate Committee on Health & Long-Term Care: Establishing a school sealant endorsement program for dental hygienists. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair;

Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Campbell, Cody, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Referred to Committee on Appropriations.

March 28, 2001

SSB 6055 Prime Sponsor, Senate Committee on Human Services & Corrections: Evaluating children within the foster care agency caseload. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 6056 Prime Sponsor, Senate Committee on Human Services & Corrections: Providing for department of social and health services coordination of services for children and families in child dependency cases. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes; Campbell; Darneille; Dickerson; Miloscia and Pflug.

Voting yea: Representatives Boldt, Tokuda, Kagi, Morell, Ballasiotes, Campbell, Darneille, Dickerson, Miloscia, and Pflug.

Passed to Committee on Rules for second reading.

March 27, 2001

SJM 8001 Prime Sponsor, Senator Franklin: Exploring the option of managing prescription drug prices through cooperative strategies with other Northwest states. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Campbell, Cody, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, and Ruderman.

Passed to Committee on Rules for second reading.

March 27, 2001

ESJR 8208 Prime Sponsor, Senator Kline: Amending the Constitution regarding the use of judges pro tempore. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, line 3, strike all material to the end and insert:

"THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 7 of the Constitution of the state of Washington to read as follows:

Article IV, section 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his or her duty to do so. A case in the superior court may be tried by a judge~~((;))~~ pro tempore~~((,- who must be))~~ with the written agreement of the parties or their attorneys of record if the judge pro tempore is a member of the bar, approved by the court, and sworn to try the case, or without the agreement of the parties if the judge pro tempore is a sitting elected judge and is acting as a judge pro tempore pursuant to supreme court rule. The supreme court rule must require assignments of judges pro tempore based on the judge's experience and must provide for the right, exercisable once during a case, to a change of judge pro tempore ~~((agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case))~~. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorial and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

## SECOND READING

### HOUSE BILL NO. 1314 by Representatives Sommers and Sehlin

#### Making supplemental operating appropriations.

The bill was read the second time. There being no objection, Substitute House Bill No. 1314 was substituted for House Bill No. 1314 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1314 was read the second time.

With the consent of the House, amendment (118) was withdrawn.

Speaker Chopp announced that House Bill No. 1314 was co-prime sponsored by Representatives Sommers and Sehlin.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers, Sehlin, Cody, Kessler and Mastin spoke in favor of passage of the bill.

Representative Tokuda spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1314.

#### MOTION

On motion of Representative Santos, Representatives Edmonds, Gombosky and Kirby were excused.

There being no objection, Representative Carrell was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1314 and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Voting nay: Representatives Kagi, McIntire, Poulsen, Tokuda, and Veloria - 5.

Excused: Representatives Carrell, Edmonds, Gombosky, and Kirby - 4.

Substitute House Bill No. 1314, having received the necessary constitutional majority, was declared passed.

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

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., March 30, 2001, 82<sup>nd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
EIGHTY SECOND DAY

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MORNING SESSION

---

House Chamber, Olympia, Friday, March 30, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Mastin presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 2227 by Representatives Ahern, Gombosky, Schoesler, Wood, Benson, Haigh, Schindler, Conway, Cox, Reardon, Schmidt and Talcott (by report of Department of Veterans Affairs)

AN ACT Relating to establishing the eastern Washington veterans' home; amending RCW 72.36.035, 72.36.045, 72.36.055, 72.36.060, 43.60A.075, and 72.36.090; and adding a new section to chapter 72.36 RCW.

Held on First Reading.

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Held on First Reading.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Held on First Reading.

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

**REPORTS OF STANDING COMMITTEES**

March 29, 2001

HB 1995 Prime Sponsor, Representative Dickerson: Prohibiting civil forfeitures of property unless the owner has been convicted of a crime. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.



Passed to Committee on Rules for second reading.

March 30, 2001

HB 2225 Prime Sponsor, Representative Carrell: Protecting communities located in close proximity to the special commitment center and the less restrictive alternative treatment facility, and mitigating for the effects of these facilities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Esser and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Esser, and Lovick.

Voting nay: Representatives Dickerson and McDermott.

Referred to Committee on Appropriations.

March 28, 2001

SSB 5014 Prime Sponsor, Senate Committee on Human Services & Corrections: Harmonizing the definitions of sex and kidnapping offenders under the criminal and registration statutes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 5015 Prime Sponsor, Senate Committee on Judiciary: Modifying the definition of border area. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Alexander, Gombosky, Kagi, Kessler, and Lisk.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5035 Prime Sponsor, Senator Prentice: Creating the financial services regulation fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers,

Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Alexander, Barlean, Benson, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Keiser, Kenney, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Sehlin, Sommers, Talcott, and Tokuda.

Excused: Representatives Gombosky, Kagi, Kessler, and Lisk.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5048 Prime Sponsor, Senator Long: Changing provisions relating to less restrictive alternative commitments. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ahern, Ballasiotes, Cairnes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5057 Prime Sponsor, Senator Gardner: Specifying how code cities may change the plan of government. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Edwards, Hatfield, Jarrett, Mielke, and Mulliken.

Excused: Representative Kirby

Passed to Committee on Rules for second reading.

March 28, 2001

ESSB 5060 Prime Sponsor, Senate Committee on State & Local Government: Revising alternative public works contracting procedures. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.10.020 and 2000 c 209 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in ((~~RCW 39.10.050 and 39.10.060~~)) sections 2 and 3 of this act, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than ((~~one hundred fifty~~)) seventy thousand

and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); (~~every city authorized to use the design-build procedure for a water system demonstration project under RCW 39.10.065(3);~~) every county with a population greater than four hundred fifty thousand; every port district with a population greater than five hundred thousand; and those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

**NEW SECTION. Sec. 2.** A new section is added to chapter 39.10 RCW to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the design-build procedure of public works contracting for public works projects authorized under this section: The state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; and every port district with a population greater than five hundred thousand. The authority granted to port districts in this section is in addition to and does not affect existing contracting authority under RCW 53.08.120 and 53.08.130. For the purposes of this section, "design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(2) Public bodies authorized under this section may utilize the design-build procedure for public works projects valued over twelve million dollars where:

(a) The construction activities or technologies to be used are highly specialized and a design-build approach is critical in developing the construction methodology or implementing the proposed technology; or

(b) The project design is repetitive in nature and is an incidental part of the installation or construction; or

(c) Regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design.

(3) Public bodies authorized under this section may also use the design-build procedure for the following projects that meet the criteria in subsection (2)(b) and (c) of this section:

(a) The construction or erection of preengineered metal buildings or prefabricated modular buildings, regardless of cost; or

(b) The construction of new student housing projects valued over five million dollars.

(4) Contracts for design-build services shall be awarded through a competitive process utilizing public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done, a notice of its request for proposals for design-build services and the availability and location of the request for proposal documents. The request for proposal documents shall include:

(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications, functional and operational elements, minimum and maximum net and gross areas of any building, and, at the discretion of the public body, preliminary engineering and architectural drawings;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. Evaluation factors shall include, but not be limited to: Proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; location; and the concept of the proposal;

(e) The form of the contract to be awarded;

(f) The amount to be paid to finalists submitting best and final proposals who are not awarded a design-build contract; and

(g) Other information relevant to the project.

(5) The public body shall establish a committee to evaluate the proposals based on the factors, weighting, and process identified in the request for proposals. Based on its evaluation, the public body shall select not fewer than three nor more than five finalists to submit best and final proposals. The public body may, in its sole discretion, reject all proposals. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection.

(a) Best and final proposals shall be evaluated and scored based on the factors, weighting, and process identified in the initial request for proposals. The public body may score the proposals using a system that measures the quality and technical merits of the proposal on a unit price basis. Final proposals may not be considered if the proposal cost is greater than the maximum allowable construction cost identified in the initial request for proposals. The public body shall initiate negotiations with the firm submitting the highest scored best and final proposal. If the public body is unable to execute a contract with the firm submitting the highest scored best and final proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing plans and specifications that adequately meet project requirements, the public body may award the contract to the firm that submits the responsive best and final proposal with the lowest price.

(6) The firm awarded the contract shall provide a performance and payment bond for the contracted amount. The public body shall provide appropriate honorarium payments to finalists submitting best and final proposals who are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects.

**NEW SECTION. Sec. 3.** A new section is added to chapter 39.10 RCW to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, a public body may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

(2) Except those school districts proposing projects that are considered and approved by the school district project review board, public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over twelve million dollars where:

(a) Implementation of the project involves complex scheduling requirements; or

(b) The project involves construction at an existing facility which must continue to operate during construction; or

(c) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project.

(3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; and the bid instructions to be used by the general contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; the scope of work the general

contractor/construction manager proposes to self-perform and its ability to perform it; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.

(5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. When critical to the successful completion of a subcontractor bid package and after publication of notice of intent to determine bidder eligibility in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done at least twenty days before requesting qualifications from interested subcontract bidders, the owner and general contractor/construction manager may determine subcontractor bidding eligibility using the following evaluation criteria:

- (a) Adequate financial resources or the ability to secure such resources;
- (b) History of successful completion of a contract of similar type and scope;
- (c) Project management and project supervision personnel with experience on similar projects and the availability of such personnel for the project;
- (d) Current and projected workload and the impact the project will have on the subcontractor's current and projected workload;
- (e) Ability to accurately estimate the subcontract bid package scope of work;
- (f) Ability to meet subcontract bid package shop drawing and other coordination procedures;
- (g) Eligibility to receive an award under applicable laws and regulations; and
- (h) Ability to meet subcontract bid package scheduling requirements.

The owner and general contractor/construction manager shall weigh the evaluation criteria and determine a minimum acceptable score to be considered an eligible subcontract bidder.

After publication of notice of intent to determine bidder eligibility, subcontractors requesting eligibility shall be provided the evaluation criteria and weighting to be used by the owner and general contractor/construction manager to determine eligible subcontract bidders. After the owner and general contractor/construction manager determine eligible subcontract bidders, subcontractors requesting eligibility shall be provided the results and scoring of the subcontract bidder eligibility determination.

Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low-responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid.

(7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work if:

- (a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;
- (b) The bid opening is managed by the public body; and
- (c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed thirty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager.

**Sec. 4.** RCW 39.10.115 and 2000 c 209 s 4 are each amended to read as follows:

(1) The school district project review board is established to review school district proposals submitted by school districts to use alternative public works contracting procedures. The board shall select and approve qualified projects based upon an evaluation of the information submitted by the school district under subsection (2) of this section. ~~((The membership of the board shall be selected by the independent oversight committee as established under RCW 39.10.110))~~ After July 1, 2001, any appointments for full terms or to fill a vacancy shall be made by the governor and shall include the following representatives, each having experience with public works or commercial construction: One representative from the office of the superintendent of public instruction; one representative from the office of financial management; two representatives from the construction industry, one of whom works for a construction company with gross annual revenues of twenty million dollars or less; one representative from the specialty contracting industry; one representative from organized labor; one representative from the design industry; one representative from a public body previously authorized under this chapter to use an alternative public works contracting procedure who has experience using such alternative contracting procedures; one representative from school districts with ten thousand or more annual average full-time equivalent pupils; and one representative from school districts with fewer than ten thousand average full-time equivalent pupils. Each member shall be appointed for a term of three years, with the first three-year term commencing after June 8, 2000. Any member of the school district project review board who is directly affiliated with any applicant before the board must recuse him or herself from consideration of the application.

(2) A school district seeking to use alternative contracting procedures authorized under this chapter shall file an application with the school district project review board. The application form shall require the district to submit a detailed statement of the proposed project, including the school district's name; student population based upon October full-time equivalents; the current projected total budget for the project, including the estimated construction costs, costs for professional services, equipment and furnishing costs, off-site costs, contract administration costs, and other related project costs; the anticipated project design and construction schedule; a summary of the school district's construction activity for the preceding six years; and an explanation of why the school district believes the use of an alternative contracting procedure is in the public interest and why the school district is qualified to use an alternative contracting procedure, including a summary of the relevant experience of the school district's management team. The applicant shall also provide in a timely manner any other information concerning implementation of projects under this chapter requested by the school district project review board to assist in its consideration.

(3) Any school district whose application is approved by the school district project review board shall comply with the public notification and review requirements in RCW 39.10.030.

(4) Any school district whose application is approved by the school district project review board shall not use as an evaluation factor whether a contractor submitting a bid for the approved project has had prior general contractor/construction manager procedure experience.

~~((5) The school district project review board shall prepare and issue a report reviewing the use of the alternative public works contracting procedures by school districts. The board shall report to the independent~~

oversight committee at least sixty days before the oversight committee is required to report to the legislature under RCW 39.10.110(4).))

**Sec. 5.** RCW 39.10.120 and 1997 c 376 s 7 and 1997 c 220 s 404 are each reenacted and amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, ~~((2004))~~ 2007. Methods of public works contracting authorized by RCW 39.10.050 and 39.10.060 or sections 2 and 3 of this act shall remain in full force and effect until completion of contracts signed before July 1, ~~((2004))~~ 2007.

(2) For the purposes of a baseball stadium as defined in RCW 82.14.0485, the design-build contracting procedures under RCW 39.10.050 shall remain in full force and effect until completion of contracts signed before December 31, 1997.

(3) For the purposes of a stadium and exhibition center, as defined in RCW 36.102.010, the design-build contracting procedures under RCW 39.10.050 or section 2 of this act shall remain in full force and effect until completion of contracts signed before December 31, 2002.

(4) A public authority chartered by a city that is a public body may utilize an alternative public works contracting procedure under this chapter only after receiving specific authorization on a project-by-project basis from the governing body of the city. For purposes of public authorities authorized to use alternative public works contracting procedures under this chapter, the city chartering any such public authority shall itself comply with RCW 39.10.030 on behalf of the public authority.

**Sec. 6.** RCW 39.10.902 and 1997 c 376 s 8 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, ~~((2004))~~ 2007:

- (1) RCW 39.10.010 and 1994 c 132 s 1;
- (2) RCW 39.10.020 and section 1 of this act, 2000 c 209 s 1, 1997 c 376 s 1, & 1994 c 132 s 2;
- (3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;
- (4) RCW 39.10.040 and 1994 c 132 s 4;
- (5) ~~((RCW 39.10.050 and 1994 c 132 s 5))~~ Section 2 of this act;
- (6) ~~((RCW 39.10.060 and 1994 c 132 s 6))~~ Section 3 of this act;
- (7) RCW 39.10.065 and 1997 c 376 s 5;
- (8) RCW 39.10.067 and 2000 c 209 s 3;
- (9) RCW 39.10.070 and 1994 c 132 s 7;
- ~~((9))~~ (10) RCW 39.10.080 and 1994 c 132 s 8;
- ~~((10))~~ (11) RCW 39.10.090 and 1994 c 132 s 9;
- ~~((11))~~ (12) RCW 39.10.100 and 1994 c 132 s 10;
- ~~((12) RCW 39.10.110 and 1994 c 132 s 11;))~~
- (13) RCW 39.10.115 and section 4 of this act & 2000 c 209 s 4;
- (14) RCW 39.10.900 and 1994 c 132 s 13; and
- ~~((14))~~ (15) RCW 39.10.901 and 1994 c 132 s 14~~((; and~~  
~~(15) RCW 39.10.902 and 1994 c 132 s 15)).~~

**NEW SECTION. Sec. 7.** The following acts or parts of acts are each repealed:

(1) RCW 39.10.050 (Design-build procedure--Which public bodies may use) and 1997 c 376 s 3 & 1994 c 132 s 5;

(2) RCW 39.10.060 (General contractor/construction manager procedure--Which public bodies may use--Limitations) and 2000 c 209 s 2, 2000 c 194 s 1, 1997 c 376 s 4, 1996 c 18 s 6, & 1994 c 132 s 6; and

(3) RCW 39.10.110 (Temporary independent oversight committee) and 1997 c 376 s 6 & 1994 c 132 s 11.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert and McDermott.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, and Schindler.  
Voting nay: Representative Schmidt.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5061 Prime Sponsor, Senator Winsley: Awarding contracts for building engineering systems. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5063 Prime Sponsor, Senator Patterson: Authorizing a limited public works process. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 39.04.155 and 2000 c 138 s 101 are each amended to read as follows:

(1) This section provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of two hundred thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state.

A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.



~~((3))~~ (b) A state agency establishing a small works roster or rosters shall adopt rules implementing this ~~((section))~~ subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this ~~((section))~~ subsection. Procedures included in rules adopted by the department of general administration in implementing this ~~((section))~~ subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been delegated to it by the department of general administration under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this ~~((section))~~ subsection.

~~((4))~~ (c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This ~~((section))~~ subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, a state agency or local government, other than a port district, that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: ~~((a))~~ (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; ~~((b))~~ (ii) mailing a notice to these contractors; or ~~((c))~~ (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection ~~(2)(c)~~, "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

~~((5))~~ (d) A contract awarded from a small works roster under this section need not be advertised.

~~((6))~~ (e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

~~((7))~~ (3) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement project estimated to cost less than thirty-five thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

For limited public works projects, a state agency or authorized local government shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 43.19.1911. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is

done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

((8)) (5) As used in this section, "state agency" means the department of general administration, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of general administration to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities."

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5070 Prime Sponsor, Senate Committee on Judiciary: Restricting the length of the term of jury service.  
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 28, strike everything through "assigned" on line 31 and insert "extend beyond the end of the jury term, and may not exceed two weeks, except to complete a trial to which the juror was assigned during the two week period. However, once a juror has completed a trial or has served at least two days of jury service, the court may for good cause excuse that juror from any remaining period of the jury term"

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Esser and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Esser and Lovick.  
Voting nay: Representatives Dickerson and McDermott.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5077 Prime Sponsor, Senate Committee on State & Local Government: Modifying the provisional employment of sheriff's employees. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

On page 3, line 25, after "period" strike all material through "testing" on line 26 and insert "up to one year if the commission continues to advertise and test"

Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Edwards, Hatfield, Jarrett, Mielke, and Mulliken.

Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5093 Prime Sponsor, Senator T. Sheldon: Modifying provisions concerning the unlawful dumping of solid waste. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.93.060 and 2000 c 154 s 2 are each amended to read as follows:

(1) It is a violation of this section to abandon a junk vehicle upon any property (~~(located in an unincorporated area of a county)~~). In addition, no person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of (~~said~~) the private or public property or waters.

(2)(a) Except as provided in subsection (4) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) (~~It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot in an unincorporated area of a county. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.~~

~~(e))~~ (e)) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard (~~in an unincorporated area of a county~~). The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

~~((d))~~ (c) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more (~~in an unincorporated area of a county~~). The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

~~((e))~~ (d) If a junk vehicle is abandoned in violation of this section, RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and the penalties that may be imposed against the person who abandoned the vehicle.

(3) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform twenty-four hours of community service in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW 79A.05.050.

(4) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, a cigarette, cigar, or other tobacco product that is capable of starting a fire.

**Sec. 2.** RCW 70.95.240 and 2000 c 154 s 3 are each amended to read as follows:

(1) After the adoption of regulations or ordinances by any county, city, or jurisdictional board of health providing for the issuance of permits as provided in RCW 70.95.160, it shall be unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of this state except at a solid waste disposal site for which there is a valid permit. This section does not:

(a) Prohibit a person from dumping or depositing solid waste resulting from his or her own activities onto or under the surface of ground owned or leased by him or her when such action does not violate statutes or ordinances, or create a nuisance;

(b) Apply to a person using a waste-derived soil amendment that has been approved by the department under RCW 70.95.205; or

(c) Apply to the application of commercial fertilizer that has been registered with the department of agriculture as provided in RCW 15.54.325, and that is applied in accordance with the standards established in RCW 15.54.800(3).

(2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

~~(b) ((It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot in an unincorporated area of a county. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.~~

~~\_\_\_\_\_~~(e)) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard ~~((in an unincorporated area of a county))~~. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the jurisdictional health department investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

~~(((d)))~~ (c) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more ~~((in an unincorporated area of a county))~~. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the jurisdictional health department investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

~~(((e)))~~ (d) If a junk vehicle is abandoned in violation of this chapter, RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and the penalties that may be imposed against the person who abandoned the vehicle.

**Sec. 3.** RCW 46.55.230 and 2000 c 154 s 4 are each amended to read as follows:

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction, or any employee or officer of a jurisdictional health department acting pursuant to RCW 70.95.240, or any person authorized by the director shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's

registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

~~(6)((a) It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to abandon a junk vehicle on property located in an incorporated area. If a junk vehicle is abandoned in an incorporated area, the landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.~~

~~\_\_\_\_\_ (b)) It is a gross misdemeanor for a person to abandon a junk vehicle on property ((located in an unincorporated area)). If a junk vehicle is abandoned ((in an unincorporated area)), the vehicle's registered owner shall also pay a cleanup restitution payment equal to twice the costs incurred in the removal of the junk vehicle. The court shall distribute one-half of the restitution payment to the landowner of the property upon which the junk vehicle is located, and one-half of the restitution payment to the law enforcement agency or jurisdictional health department investigating the incident.~~

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance."

Correct the title.

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5101 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Protecting consumers in contractor transactions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.27.010 and 1997 c 314 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Contractor" means any person, firm, or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith or who installs or repairs roofing or siding; or, who, to do similar work upon his or her own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. "Contractor" includes any person, firm, ~~((or))~~ corporation, or other entity

covered by this subsection, whether or not registered as required under this chapter.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries or designated representative employed by the department.

(4) "General contractor" means a contractor whose business operations require the use of more than two unrelated building trades or crafts whose work the contractor shall superintend or do in whole or in part. "General contractor" shall not include an individual who does all work personally without employees or other "specialty contractors" as defined in this section. The terms "general contractor" and "builder" are synonymous.

~~((3))~~ (5) "Partnership" means a business formed under Title 25 RCW.

(6) "Registration cancellation" means a written notice from the department that a contractor's action is in violation of this chapter and that the contractor's registration has been revoked.

(7) "Registration suspension" means a written notice from the department that a contractor's action is a violation of this chapter and that the contractor's registration has been suspended for a specified time, or until the contractor shows evidence of compliance with this chapter.

(8) "Residential homeowner" means an individual person or persons owning or leasing real property:

(a) Upon which one single-family residence is to be built and in which the owner or lessee intends to reside upon completion of any construction; or

(b) Upon which there is a single-family residence to which improvements are to be made and in which the owner or lessee intends to reside upon completion of any construction.

(9) "Specialty contractor" means a contractor whose operations do not fall within the ~~((foregoing))~~ definition of "general contractor".

~~((4))~~ (10) "Unregistered contractor" means a person, firm, ~~((or))~~ corporation, or other entity doing work as a contractor without being registered in compliance with this chapter. "Unregistered contractor" includes contractors whose registration is expired ~~((for more than thirty days beyond the renewal date or has been)),~~ revoked, or suspended. "Unregistered contractor" does not include a contractor who has maintained a valid bond and the insurance or assigned account required by RCW 18.27.050, and whose registration has lapsed for thirty or fewer days.

~~((5))~~ "Department" means the department of labor and industries.

~~((6))~~ "Director" means the director of the department of labor and industries.

~~((7))~~ (11) "Unsatisfied final judgment" means a judgment that has not been satisfied either through payment, court approved settlement, discharge in bankruptcy, or assignment under RCW 19.72.070.

(12) "Verification" means the receipt and duplication by the city, town, or county of a contractor registration card that is current on its face, checking the department's contractor registration data base, or calling the department to confirm that the contractor is registered.

**Sec. 2.** RCW 18.27.030 and 1998 c 279 s 3 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number.

(b) Unified business identifier number, if required by the department of revenue.

(c) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law.

~~((e))~~ (d) Employment security department number.

~~((d))~~ (e) State excise tax registration number.

~~((e))~~ (f) Unified business identifier (UBI) account number may be substituted for the information required by ~~((b))~~ (c) of this subsection if the applicant will not employ employees in Washington, and by ~~((e))~~ (d) and ~~((d))~~ (e) of this subsection.

~~((f))~~ (g) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

~~((g))~~ (h) The name and address of each partner if the applicant is a firm or partnership, or the name and address of the owner if the applicant is an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant is a corporation or the name and address of all members of other business entities. The information contained in such application is a matter of public record and open to public inspection.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)~~((b))~~ (c) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3)~~(a)~~ The department shall deny an application for registration if: (i) The applicant has been previously ~~((registered))~~ performing work subject to this chapter as a sole proprietor, partnership, ~~((or))~~ corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on this chapter ~~((that was incurred during a previous registration under this chapter))~~ or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (ii) the applicant was a principal or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; or (iii) the applicant does not have a valid unified business identifier number, if required by the department of revenue.

(b) The department shall suspend an active registration if (i) the department has notice that the registrant is a sole proprietor or a principal or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter; or (ii) the applicant does not maintain a valid unified business identifier number, if required by the department of revenue.

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

**Sec. 3.** RCW 18.27.040 and 1997 c 314 s 5 are each amended to read as follows:

(1) Each applicant shall file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of ~~((six))~~ twelve thousand dollars if the applicant is a general contractor and ~~((four))~~ six thousand dollars if the applicant is a specialty contractor. If no valid bond is already on file with the department at the time the application is filed, a bond must accompany the registration application. The bond shall have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director ~~((of its intent to cancel the bond))~~. A cancellation or revocation of the bond or withdrawal of the surety from the bond automatically suspends the registration issued to the registrant until a new bond or reinstatement notice has been filed and approved as provided in this section. The bond shall be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of breach of contract including negligent or improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

~~(2) ((Any contractor registered as of July 1, 1997, who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time))~~ At the time of initial registration or renewal, the contractor shall provide a bond ~~((cash deposit))~~ or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall issue or renew the contractor's certificate of registration. Any contractor registered as of July 1, 2001, who maintains that registration in accordance with this chapter is in compliance with this chapter until the next renewal of the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to

in this section may bring suit upon the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon the bond or deposit (~~shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time~~) brought by a residential homeowner for breach of contract by a party to the construction contract shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within two years from the date the claimed contract work was substantially completed or abandoned. Action upon the bond or deposit brought by any other authorized party shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was substantially completed or abandoned. Service of process in an action against the contractor, the contractor's bond, or the deposit shall be exclusively by service upon the department. Three copies of the summons and complaint and a fee (~~of ten~~) adopted by rule of not less than twenty dollars to cover the (~~handling~~) costs shall be served by registered or certified mail, or other delivery service requiring notice of receipt, upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the (~~ten dollar~~) fee and three copies of the summons and complaint. The service shall constitute service on the registrant and the surety for suit upon the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the registrant at the address listed in the registrant's application and to the surety within (~~forty eight hours~~) two days after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety shall not cumulate where the bond has been renewed, continued, reinstated, reissued or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (a) Employee labor and claims of laborers, including employee benefits;
- (b) Claims for breach of contract by a party to the construction contract;
- (c) Registered or licensed subcontractors, material, and equipment;
- (d) Taxes and contributions due the state of Washington;

(e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover. The surety is not liable for any amount in excess of the penal limit of its bond.

A payment made by the surety in good faith exonerates the bond to the extent of any payment made by the surety.

(5) The total amount paid from a bond or deposit required of a general contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount. The total amount paid from a bond or deposit required of a specialty contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount or four thousand dollars, whichever is greater.

(6) The prevailing party in an action filed under this section against the contractor and contractor's bond or deposit, for breach of contract by a party to a construction contract, is entitled to costs, interest, and reasonable attorneys' fees. The surety upon the bond is not liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction.

(7) If a final judgment impairs the liability of the surety upon the bond so furnished that there (~~shall not be~~) is not in effect a bond (~~undertaking~~) in the full amount prescribed in this section, (~~the department shall suspend~~) the registration of the contractor is automatically suspended until the bond liability in the required amount unimpaired by unsatisfied judgment claims is furnished. (~~If the bond becomes fully impaired, a new bond must be furnished at the rates prescribed by this section.~~

~~(6))~~ (8) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

~~((7))~~ (9) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute



upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

~~((8))~~ (10) The director may require an applicant applying to renew or reinstate a registration or applying for a new registration to file a bond of up to three times the normally required amount, if the director determines that an applicant, or a previous registration of a corporate officer, owner, or partner of a current applicant, has had in the past five years a total of six final judgments in actions under this chapter involving a residential single-family dwelling on two or more different structures.

(11) The director may adopt rules necessary for the proper administration of the security.

**Sec. 4.** RCW 18.27.050 and 1987 c 303 s 1 are each amended to read as follows:

(1) At the time of registration and subsequent reregistration, the applicant shall furnish insurance or financial responsibility in the form of an assigned account in the amount of ~~((twenty))~~ fifty thousand dollars for injury or damages to property, and ~~((fifty))~~ one hundred thousand dollars for injury or damage including death to any one person, and ~~((one))~~ two hundred thousand dollars for injury or damage including death to more than one person ~~((or financial responsibility to satisfy these amounts))~~.

(2) ~~((Failure to maintain insurance or financial responsibility relative to the contractor's activities shall be cause to suspend or deny the contractor his or her or their registration.))~~ An expiration, cancellation, or revocation of the insurance policy or withdrawal of the insurer from the insurance policy automatically suspends the registration issued to the registrant until a new insurance policy or reinstatement notice has been filed and approved as provided in this section.

(3)(a) Proof of financial responsibility authorized in this section may be given by providing, in the amount required by subsection (1) of this section, an assigned account acceptable to the department. The assigned account shall be held by the department to satisfy any execution on a judgment issued against the contractor for damage to property or injury or death to any person occurring in the contractor's contracting operations, according to the provisions of the assigned account agreement. The department shall have no liability for payment in excess of the amount of the assigned account.

(b) The assigned account filed with the director as proof of financial responsibility shall be canceled at the expiration of three years after:

(i) The contractor's registration has expired or been revoked; or

(ii) The contractor has furnished proof of insurance as required by subsection (1) of this section;

if, in either case, no legal action has been instituted against the contractor or on the account at the expiration of the three-year period.

(c) If a contractor chooses to file an assigned account as authorized in this section, the contractor shall, on any contracting project, notify each person with whom the contractor enters into a contract or to whom the contractor submits a bid that the contractor has filed an assigned account in lieu of insurance and that recovery from the account for any claim against the contractor for property damage or personal injury or death occurring in the project requires the claimant to obtain a court judgment.

**Sec. 5.** RCW 18.27.060 and 1997 c 314 s 6 and 1997 c 58 s 817 are each reenacted and amended to read as follows:

(1) A certificate of registration shall be valid for ~~((one))~~ two years and shall be renewed on or before the expiration date. The department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter.

(2) If the department approves an application, it shall issue a certificate of registration to the applicant.

~~((The certificate shall be valid for:~~

\_\_\_\_\_ (a) One year;

\_\_\_\_\_ (b) Until the bond expires; or

\_\_\_\_\_ (c) Until the insurance expires, whichever comes first. ~~The department shall place the expiration date on the certificate.~~

\_\_\_\_\_ (3) ~~A contractor may supply a short term bond or insurance policy to bring its registration period to the~~

~~full one year.~~

~~(4))~~ (3) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall mail notice of the suspension to the contractor's address on the certificate of registration by certified and by first class mail within ~~((forty eight hours))~~ two days after suspension.

~~((5))~~ (4) Renewal of registration is valid on the date the department receives the required fee and proof of bond and liability insurance, if sent by certified mail or other means requiring proof of delivery. The receipt or proof of delivery shall serve as the contractor's proof of renewed registration until he or she receives verification from the department.

~~((6))~~ (5) The department shall immediately suspend the certificate of registration of a contractor who has been certified by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order as provided in RCW 74.20A.320. The certificate of registration shall not be reissued or renewed unless the person provides to the department a release from the department of social and health services stating that he or she is in compliance with the order and the person has continued to meet all other requirements for certification during the suspension.

**NEW SECTION. Sec. 6.** A new section is added to chapter 18.27 RCW to read as follows:

(1) If an unregistered contractor defaults in a payment, penalty, or fine due to the department, the director or the director's designee may issue a notice of assessment certifying the amount due. The notice must be served upon the unregistered contractor by mailing the notice to the unregistered contractor by certified mail to the unregistered contractor's last known address or served in the manner prescribed for the service of a summons in a civil action.

(2) A notice of assessment becomes final thirty days from the date the notice was served upon the unregistered contractor unless a written request for reconsideration is filed with the department or an appeal is filed in a court of competent jurisdiction in the manner specified in RCW 34.05.510 through 34.05.598. The request for reconsideration must set forth with particularity the reason for the unregistered contractor's request. The department, within thirty days after receiving a written request for reconsideration, may modify or reverse a notice of assessment, or may hold a notice of assessment in abeyance pending further investigation. If a final decision of a court in favor of the department is not appealed within the time allowed by law, then the amount of the unappealed assessment, or such amount of the assessment as is found due by the final decision of the court, is final.

(3) The director or the director's designee may file with the clerk of any county within the state, a warrant in the amount of the notice of assessment, plus interest, penalties, and a filing fee of twenty dollars. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the unregistered contractor mentioned in the warrant, the amount of payment, penalty, fine due on it, or filing fee, and the date when the warrant was filed. The aggregate amount of the warrant as docketed shall become a lien upon the title to, and interest in, all real and personal property of the unregistered contractor against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of the clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which will be added to the amount of the warrant. A copy of the warrant shall be mailed to the unregistered contractor within three days of filing with the clerk.

(4) The director or the director's designee may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind whatsoever when he or she has reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to an unregistered contractor upon whom a notice of assessment has been served by the department for payments, penalties, or fines due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes

unenforceable because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy by certified mail, return receipt requested, or by an authorized representative of the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director or the director's authorized representative. The director shall hold the property in trust for application on the unregistered contractor's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon an unregistered contractor and the property subject to it is wages, the unregistered contractor may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner is entitled.

(5) In addition to the procedure for collection of a payment, penalty, or fine due to the department as set forth in this section, the department may recover civil penalties imposed under this chapter in a civil action in the name of the department brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

**Sec. 7.** RCW 18.27.090 and 1997 c 314 s 8 are each amended to read as follows:

The registration provisions of this chapter ((does)) do not apply to:

- (1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;
- (2) Officers of a court when they are acting within the scope of their office;
- (3) Public utilities operating under the regulations of the utilities and transportation commission in construction, maintenance, or development work incidental to their own business;
- (4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;
- (5) The sale or installation of any finished products, materials, or articles of merchandise ~~((which))~~ that are not actually fabricated into and do not become a permanent fixed part of a structure;
- (6) Any construction, alteration, improvement, or repair of personal property ~~((, except this chapter shall apply to all mobile/manufactured housing. A mobile/manufactured home may be installed, set up, or repaired by the registered or legal owner by a contractor registered under this chapter))~~ performed by the registered or legal owner, or by a mobile/manufactured home retail dealer or manufacturer licensed under chapter 46.70 RCW who shall warranty service and repairs under chapter 46.70 RCW;
- (7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;
- (8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;
- (9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he or she is a contractor, or that he or she is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor, except that this exemption shall not deprive the owner of the protections of this chapter against registered and unregistered contractors;

(12) Any person working on his or her own property, whether occupied by him or her or not, and any person working on his or her personal residence, whether owned by him or her or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his or her own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his or her professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his or her license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his or her sole compensation or as an employee with wages as his or her sole compensation;

(16) Contractors on highway projects who have been prequalified as required by RCW 47.28.070, with the department of transportation to perform highway construction, reconstruction, or maintenance work;

(17) A mobile/manufactured home dealer or manufacturer who subcontracts the installation, set-up, or repair work to actively registered contractors. This exemption only applies to the installation, set-up, or repair of the mobile/manufactured homes that were manufactured or sold by the mobile/manufactured home dealer or manufacturer.

**Sec. 8.** RCW 18.27.100 and 1997 c 314 s 9 are each amended to read as follows:

(1) Except as provided in RCW 18.27.065 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity, of a contractor under any other name unless such name also is registered under this chapter.

(2) All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents which show a contractor's name or address shall show the contractor's name or address as registered under this chapter.

(3)(a) All advertising that shows the contractor's name or address shall show the contractor's current registration number. The registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. A contractor shall not use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required. Advertising by airwave transmission shall not be subject to this subsection (3)(a).

(b) The director may issue a subpoena to any person or entity selling any advertising subject to this section for the name, address, and telephone number provided to the seller of the advertising by the purchaser of the advertising. The subpoena must have enclosed a stamped, self-addressed envelope and blank form to be filled out by the seller of the advertising. If the seller of the advertising has the information on file, the seller shall, within a reasonable time, return the completed form to the department. The subpoena must be issued ~~((before forty eight hours))~~ no more than two days after the expiration of the issue or publication containing the advertising or after the broadcast of the advertising. The good-faith compliance by a seller of advertising with a written request of the department for information concerning the purchaser of advertising shall constitute a complete defense to any civil or criminal action brought against the seller of advertising arising from such compliance. Advertising by airwave or electronic transmission is subject to this subsection (3)(b).

(4) No contractor shall advertise that he or she is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter.

(5) A contractor shall not falsify a registration number and use it, or use an expired registration number, in connection with any solicitation or identification as a contractor. All individual contractors and all partners,

associates, agents, salesmen, solicitors, officers, and employees of contractors shall use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto.

(6) Any advertising by a person, firm, or corporation soliciting work as a contractor when that person, firm, or corporation is not registered pursuant to this chapter is a violation of this chapter.

(7)(a) The finding of a violation of this section by the director at a hearing held in accordance with the Administrative Procedure Act, chapter 34.05 RCW, shall subject the person committing the violation to a penalty of not more than ~~((five))~~ ten thousand dollars as determined by the director.

(b) Penalties under this section shall not apply to a violation determined to be an inadvertent error.

**Sec. 9.** RCW 18.27.114 and 1997 c 314 s 12 are each amended to read as follows:

(1) Any contractor agreeing to perform any contracting project: (a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement in substantially the following form using lower case and upper case twelve-point and bold type where appropriate, prior to starting work on the project:

"NOTICE TO CUSTOMER

~~((This contractor is registered with the state of Washington, registration no. . . . ., as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. The expiration date of this contractor's registration is . . . . . This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries.))~~

This contractor is registered with the state of Washington, registration no. . . . ., and has posted with the state a bond or deposit of . . . . . for the purpose of satisfying claims against the contractor for breach of contract including negligent or improper work in the conduct of the contractor's business. The expiration date of this contractor's registration is . . . . .

**THIS BOND OR DEPOSIT MIGHT NOT BE SUFFICIENT TO COVER A CLAIM THAT MIGHT ARISE FROM THE WORK DONE UNDER YOUR CONTRACT.**

This bond or deposit is not for your exclusive use because it covers all work performed by this contractor. The bond or deposit is intended to pay valid claims up to . . . . . that you and other customers, suppliers, subcontractors, or taxing authorities may have.

**FOR GREATER PROTECTION YOU MAY WITHHOLD A PERCENTAGE OF YOUR CONTRACT.**

You may withhold a contractually defined percentage of your construction contract as retainage for a stated period of time to provide protection to you and help insure that your project will be completed as required by your contract.

**YOUR PROPERTY MAY BE LIENED.**

If a supplier of materials used in your construction project or an employee or subcontractor of your contractor or subcontractors is not paid, your property may be liened to force payment and you could pay twice for the same work.

**FOR ADDITIONAL PROTECTION, YOU MAY REQUEST THE CONTRACTOR TO PROVIDE YOU WITH ORIGINAL "LIEN RELEASE" DOCUMENTS FROM EACH SUPPLIER OR SUBCONTRACTOR ON YOUR PROJECT.**

The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the state Department of Labor and Industries."

(2) A contractor subject to this section shall notify any consumer to whom notice is required under subsection (1) of this section if the contractor's registration has expired or is revoked or suspended by the department prior to completion or other termination of the contract with the consumer.

(3) No contractor subject to this section may bring or maintain any lien claim under chapter 60.04 RCW based on any contract to which this section applies without alleging and proving that the contractor has provided the customer with a copy of the disclosure statement as required in subsection (1) of this section.

(4) This section does not apply to contracts authorized under chapter 39.04 RCW or to contractors contracting with other contractors.

(5) Failure to comply with this section shall constitute an infraction under the provisions of this chapter.

(6) The department shall produce model disclosure statements, and public service announcements detailing the information needed to assist contractors and contractors' customers to comply under this section. As necessary, the department shall periodically update these education materials.

**Sec. 10.** RCW 18.27.310 and 1993 c 454 s 10 are each amended to read as follows:

(1) The administrative law judge shall conduct contractors' notice of infraction cases pursuant to chapter 34.05 RCW.

(2) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the ~~((notice was issued))~~ work was performed, the defendant was registered by the department, without suspension, or was exempt from registration.

(3) After consideration of the evidence and argument, the administrative law judge shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the record of the proceedings. If it has been established that the infraction was committed, the administrative law judge shall issue findings of fact and conclusions of law in its decision and order determining whether the infraction was committed.

(4) An appeal from the administrative law judge's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

**Sec. 11.** RCW 18.27.320 and 1993 c 454 s 11 are each amended to read as follows:

The administrative law judge shall dismiss the notice of infraction at any time upon written notification from the department that the contractor named in the notice of infraction was registered, without suspension, at the time the ~~((notice of infraction was issued))~~ work was performed.

NEW SECTION. **Sec. 12.** A new section is added to chapter 18.27 RCW to read as follows:

(1) The department shall use reasonable means, including working cooperatively with construction industry, financial institution, local government, consumer, media, and other interested organizations and individuals, to increase:

(a) Consumer awareness of the requirements of this chapter and the methods available to consumers to protect themselves against loss; and

(b) Contractor awareness of the obligations imposed on contractors by this chapter.

(2) The department shall accomplish the tasks listed in this section within existing resources, including but not limited to fees charged under RCW 18.27.075.

NEW SECTION. **Sec. 13.** A new section is added to chapter 18.27 RCW to read as follows:

(1) The legislature finds that it is contrary to public policy to allow unregistered contractors to continue doing business illegally.

(2) The department of labor and industries, the employment security department, and the department of revenue shall establish an unregistered contractors enforcement team. The team shall develop a written plan to coordinate the activities of the participating agencies to enforce the state's contractor registration laws and rules and other state laws and rules deemed appropriate by the team. In developing the plan, the team shall seek the input and advice of interested stakeholders who support the work of the team.

(3) The director or the director's designee shall call the initial meeting of the unregistered contractors enforcement team by September 1, 2001. The team shall complete the plan and forward it to the appropriate

standing committees of the legislature and to the departments that contribute members to the team by December 1, 2001.

(4) The department of labor and industries, the employment security department, and the department of revenue shall accomplish the tasks listed in this section within existing resources, including but not limited to fees charged under RCW 18.27.075.

**Sec. 14.** RCW 18.27.075 and 1983 c 74 s 2 are each amended to read as follows:

The department (~~may not set~~) shall charge a fee (~~higher than fifty~~) of one hundred dollars for issuing or renewing a certificate of registration during the 2001-2003 biennium. The department shall revise this amount at least once every two years for the purpose of recognizing economic changes as reflected by the fiscal growth factor under chapter 43.135 RCW."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Referred to Committee on Appropriations.

March 30, 2001

SB 5108 Prime Sponsor, Senator T. Sheldon: Modifying provisions relating to the growing of short-rotation hardwood trees on agricultural land. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer Ericksen, Jackley, Murray and Pennington.

Passed to Committee on Rules for second reading.

March 27, 2001

SSB 5114 Prime Sponsor, Senate Committee on Transportation: Modifying motorcycle provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump and Woods.

Voting yea: Representatives Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Ericksen, Fisher, Hankins, Hatfield, Jarrett, Lovick, Marine, Mielke, Mitchell, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, and Woods.

Excused: Representatives Cooper, Haigh, Hurst, Jackley, and Wood.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 5118 Prime Sponsor, Senate Committee on Ways & Means: Enacting the interstate compact for adult

offender supervision. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Kagi; Kirby and Morell.

MINORITY recommendation: Do not pass. Signed by Representative Cairnes.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Kagi, Kirby and Morell.

Voting nay: Representative Cairnes.

Referred to Committee on Appropriations.

March 29, 2001

SB 5121 Prime Sponsor, Senator Regala: Correcting references to the former office of marine safety. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Passed to Committee on Rules for second reading.

March 28, 2001

ESSB 5122 Prime Sponsor, Senate Committee on Human Services & Corrections: Revising procedures and standards for commitment of sexually violent predators. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

On page 13, line 23, after "also have" insert "the right to a jury trial and"

On page 14, after line 6, strike all of section 10 and insert the following:

**NEW SECTION. Sec. 10.** The department shall, in consultation with interested stakeholders, develop recommendations for improving the procedures used to notify victims when a sexually violent predator is conditionally released to a less restrictive alternative under chapter 71.09 RCW, while at the same time maintaining the confidentiality of victim information."

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 5123 Prime Sponsor, Senate Committee on Human Services & Corrections: Revising the crime of escape as it relates to persons committed to the department of social and health services. Reported by Committee on Criminal Justice & Corrections



MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

March 30, 2001

SB 5127 Prime Sponsor, Senator Prentice: Determining the number of unclassified personnel in the sheriff's office. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

March 29, 2001

ESB 5143 Prime Sponsor, Senator Long: Modifying the Washington state patrol retirement system retirement and survivor benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.040 and 1998 c 194 s 1 are each amended to read as follows:

(1) The chief of the Washington state patrol shall relieve from active duty Washington state patrol officers who, while in the performance of their official duties, or while on standby or available for duty, have been or hereafter may be injured or incapacitated to such an extent as to be mentally or physically incapable of active service: PROVIDED, That:

(a) Any officer disabled while performing line duty who is found by the chief to be physically incapacitated shall be placed on disability leave for a period not to exceed six months from the date of injury or the date incapacitated. During this period, the officer shall be entitled to all pay, benefits, insurance, leave, and retirement contributions awarded to an officer on active status, less any compensation received through the department of labor and industries. No such disability leave shall be approved until an officer has been unavailable for duty for more than forty consecutive work hours. Prior to the end of the six-month period, the chief shall either place the officer on disability status or return the officer to active status.

For the purposes of this section, "line duty" is active service which encompasses the traffic law enforcement duties and/or other law enforcement responsibilities of the state patrol. These activities encompass all enforcement practices of the laws, accident and criminal investigations, or actions requiring physical exertion or exposure to hazardous elements.

The chief shall define by rule the situations where a disability has occurred during line duty;

(b) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the officer receives or is entitled to receive from workers' compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability;

(c) An officer injured while engaged in willfully tortious or criminal conduct shall not be entitled to disability benefits under this section; and

(d) For members commissioned prior to January 1, 2003, should a disability beneficiary whose disability

was not incurred in line of duty, prior to attaining age fifty, engage in a gainful occupation, the chief shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired officer held at the time he was disabled. All such disability beneficiaries under age fifty shall file with the chief every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the chief may further alter his disability retirement allowance as indicated above. The failure of any officer to file the required statement of earnings shall be cause for cancellation of retirement benefits.

(2) (~~Officers~~) (a) Members commissioned prior to January 1, 2003, on disability status shall receive one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries. They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the patrol at any time during such relief from duty to ascertain whether or not they are able to resume active duty.

(b) Members commissioned on or after January 1, 2003, on disability status as a result of a line duty disability shall receive a line duty disability allowance of one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries, and any retirement allowance under section 2 of this act. They shall be subject to such comprehensive medical examinations as required by the chief of the patrol at any time during such relief from duty. If these medical examinations reveal that a member has recovered from the incapacitating disability and the member is offered reemployment by the chief at a comparable compensation, the member shall cease to be eligible for this line duty disability allowance.

**NEW SECTION. Sec. 2.** (1) A member of the retirement system commissioned on or after January 1, 2003, who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the department shall be eligible to receive an allowance under RCW 43.43.260. The member shall receive a monthly disability allowance computed as provided for in RCW 43.43.260 and shall have this allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-five or from when the member could have attained twenty-five years of service, whichever is less.

Any member who receives an allowance under the provisions of this section shall be subject to comprehensive medical examinations as required by the department. If these medical examinations reveal that a member has recovered from the incapacitating disability and the member is offered reemployment by the chief at a comparable compensation, the member shall cease to be eligible for the allowance.

(2) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to the member's estate, or the person or persons, trust, or organization as the recipient has nominated by written designation duly executed and filed with the director, or if there is no designated person or persons still living at the time of the recipient's death, then to the surviving spouse, or if there is no designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

**Sec. 3.** RCW 43.43.120 and 1999 c 74 s 1 are each amended to read as follows:

As used in the following sections, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the Washington state patrol retirement system.

(2) "Retirement fund" means the Washington state patrol retirement fund.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Member" means any person included in the membership of the retirement fund.

(5) "Employee" means any commissioned employee of the Washington state patrol.

(6)(a) "Cadet," for a person who became a member of the retirement system after June 12, 1980, is a person who has passed the Washington state patrol's entry-level oral, written, physical performance, and background examinations and is, thereby, appointed by the chief as a candidate to be a commissioned officer of the Washington state patrol.

(b) "Cadet," for a person who became a member of the retirement system before June 12, 1980, is a trooper cadet, patrol cadet, or employee of like classification, employed for the express purpose of receiving the

on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper.

"Like classification" includes: Radio operators or dispatchers; persons providing security for the governor or legislature; patrolmen; drivers' license examiners; weighmasters; vehicle safety inspectors; central wireless operators; and warehousemen.

(7) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(8) "Regular interest" means interest compounded annually at such rates as may be determined by the director.

(9) "Retirement board" means the board provided for in this chapter.

(10) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(11) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(12) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for seventy or more hours in any given calendar month shall constitute one month of service. An employee who is reinstated in accordance with RCW 43.43.110 shall suffer no loss of service for the period reinstated subject to the contribution requirements of this chapter. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(13) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(14) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(15)(a) "Average final salary," for members commissioned prior to January 1, 2003, shall mean the average monthly salary received by a member during the member's last two years of service or any consecutive two-year period of service, whichever is the greater, as an employee of the Washington state patrol; or if the member has less than two years of service, then the average monthly salary received by the member during the member's total years of service.

(b) "Average final salary," for members commissioned on or after January 1, 2003, shall mean the average monthly salary received by a member for the highest consecutive sixty service credit months; or if the member has less than sixty months of service, then the average monthly salary received by the member during the member's total months of service.

(16) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the director.

(17) Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender.

(18) "Director" means the director of the department of retirement systems.

(19) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(20) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(21) "Contributions" means the deduction from the compensation of each member in accordance with the contribution rates established under (~~RCW 43.43.300~~) chapter 41.45 RCW.

(22) "Annual increase" means as of July 1, 1999, seventy-seven cents per month per year of service which amount shall be increased each subsequent July 1st by three percent, rounded to the nearest cent.

(23)(a) "Salary," for members commissioned prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, or any voluntary overtime, earned on or after July 1, 2001.

(b) "Salary," for members commissioned on or after July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040 or any voluntary overtime, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, holiday pay, or any form of severance pay.

(24) "Plan 2" means the Washington state patrol retirement system plan 2, providing the benefits and funding provisions covering commissioned employees who first become members of the system on or after January 1, 2003.

**Sec. 4.** RCW 43.43.260 and 1994 c 197 s 34 are each amended to read as follows:

Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

(1) A prior service allowance which shall be equal to two percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service allowance which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

(3)(a) Any member commissioned prior to January 1, 2003, with twenty-five years service in the Washington state patrol may have the member's service in the armed forces credited as a member whether or not the individual left the employ of the Washington state patrol to enter such armed forces: PROVIDED, That in no instance shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance, a member must restore all withdrawn accumulated contributions, which restoration must be completed on the date of the member's retirement, or as provided under RCW 43.43.130, whichever occurs first: AND PROVIDED FURTHER, That this section shall not apply to any individual, not a veteran within the meaning of RCW 41.06.150, as now or hereafter amended: AND PROVIDED FURTHER, That in no instance shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code, as now or hereafter amended.

(b) A member who leaves the Washington state patrol to enter the armed forces of the United States shall be entitled to retirement system service credit for up to five years of military service. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

(i) The member qualifies for service credit under this subsection if:

(A) Within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces; and

(B) The member makes the employee contributions required under section 11 of this act and RCW 41.45.067 within five years of resumption of service or prior to retirement, whichever comes sooner; or

(C) Prior to retirement and not within ninety days of the member's honorable discharge or five years of resumption of service the member pays the amount required under RCW 41.50.165(2).

(ii) Upon receipt of member contributions under (b)(i)(B) of this subsection, the department shall establish the member's service credit and shall bill the employer for its contribution required under RCW 41.45.060 for the period of military service, plus interest as determined by the department.

(iii) The contributions required under (b)(i)(B) of this subsection shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

(4) In no event shall the total retirement benefits from subsections (1), (2), and (3) of this section, of any member exceed seventy-five percent of the member's average final salary.

(5) ~~((A yearly increase in retirement allowance which shall amount to two percent of the retirement allowance computed at the time of retirement. This yearly increase shall be added to the retirement allowance on July 1st of each calendar year.))~~ Beginning July 1, 2001, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

(a) The original dollar amount of the retirement allowance;

(b) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";

(c) The index for the calendar year prior to the date of determination, to be known as "index B"; and

(d) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(i) Produce a retirement allowance which is lower than the original retirement allowance;

(ii) Exceed three percent in the initial annual adjustment; or

(iii) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index for the Seattle-Tacoma-Bremerton Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

The provisions of this section shall apply to all members presently retired and to all members who shall retire in the future.

**NEW SECTION. Sec. 5.** (1) A member commissioned on or after January 1, 2003, upon retirement for service as prescribed in RCW 43.43.250 or disability retirement under RCW 43.43.040, shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout the member's life. However, if the retiree dies before the total of the retirement allowance paid to the retiree equals the amount of the retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. This benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than January 1, 2003, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

**Sec. 6.** RCW 43.43.270 and 1989 c 108 s 1 are each amended to read as follows:

For members commissioned prior to January 1, 2003:

(1) The normal form of retirement allowance shall be an allowance which shall continue as long as the member lives.

(2) If a member should die while in service the member's lawful spouse shall be paid an allowance which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement the member's lawful spouse shall be paid an allowance which shall be equal to the retirement

allowance then payable to the member or fifty percent of the final average salary used in computing the member's retirement allowance, whichever is less. The allowance paid to the lawful spouse shall continue as long as the spouse lives: PROVIDED, That if a surviving spouse who is receiving benefits under this subsection marries another member of this retirement system who subsequently predeceases such spouse, the spouse shall then be entitled to receive the higher of the two survivors' allowances for which eligibility requirements were met, but a surviving spouse shall not receive more than one survivor's allowance from this system at the same time under this subsection. To be eligible for an allowance the lawful surviving spouse of a retired member shall have been married to the member prior to the member's retirement and continuously thereafter until the date of the member's death or shall have been married to the retired member at least two years prior to the member's death.

(3) If a member should die, either while in service or after retirement, the member's surviving unmarried children under the age of eighteen years shall be provided for in the following manner:

(a) If there is a surviving spouse, each child shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member; and

(b) If there is no surviving spouse or the spouse should die, the child or children shall be entitled to a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary of the member or retired member. Payments under this subsection shall be prorated equally among the children, if more than one.

(4) If a member should die in the line of duty while employed by the Washington state patrol, the member's surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of Washington shall be provided for in the following manner:

(a) If there is a surviving spouse, each child shall be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member;

(b) If there is no surviving spouse or the spouse should die, the unmarried child or children shall be entitled to receive a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary. Payments under this subsection shall be prorated equally among the children, if more than one; and

(c) If a beneficiary under this subsection reaches the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of that term.

(5) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement.

**NEW SECTION. Sec. 7.** (1) For members commissioned on or after January 1, 2003, except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 43.43.260, actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 43.43.278 and if the member was not eligible for normal retirement at the date of death a further reduction from age fifty-five or when the member could have attained twenty-five years of service, whichever is less; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated under this section making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b)(i) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(ii) If the member dies, one hundred fifty percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

**Sec. 8.** RCW 43.43.274 and 1999 c 74 s 3 are each amended to read as follows:

Effective ~~((July 1, 1997))~~ January 1, 2003, the minimum retirement allowance under RCW 43.43.260 and 43.43.270(2) in effect on January 1, 2002, shall ~~((not be less than twenty dollars per month for each year of service. Effective July 1, 1999, and annually thereafter, the retirement allowance provided under this section shall be adjusted by the annual increase amount. If the member has elected to receive a reduced retirement allowance under RCW 43.43.280(2), the minimum retirement allowance under this section shall be reduced accordingly))~~ be increased by three percent. Each January 1st thereafter, the minimum retirement allowance of the preceding year shall be increased by three percent.

**Sec. 9.** RCW 43.43.278 and 2000 c 186 s 9 are each amended to read as follows:

by July 1, 2000, the department of retirement systems shall adopt rules that allow a member to select an actuarially equivalent retirement option that pays the member a reduced retirement allowance and upon death shall be continued throughout the life of a lawful surviving spouse. The continuing allowance to the lawful surviving spouse shall be subject to the yearly increase provided by RCW 43.43.260(5) ~~((in lieu of the annual increase provided in RCW 43.43.272))~~. The allowance to the lawful surviving spouse under this section, and the allowance for an eligible child or children under RCW 43.43.270, shall not be subject to the limit for combined benefits under RCW 43.43.270.

**Sec. 10.** RCW 41.45.060 and 2000 2nd sp.s. c 1 s 905 are each amended to read as follows:

(1) The state actuary shall provide actuarial valuation results based on the assumptions adopted under RCW 41.45.030.

(2) Not later than September 30, 1998, and every two years thereafter, consistent with the assumptions adopted under RCW 41.45.030, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers'

retirement system, and the Washington state patrol retirement system to be used in the ensuing biennial period; and

(c) A basic employer contribution rate for the school employees' retirement system for funding the public employees' retirement system plan 1.

For the 1999-2001 fiscal biennium, the rates adopted by the council shall be effective for the period designated in section 902, chapter 1, Laws of 2000 2nd sp. sess. and RCW 41.45.0602.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, and the law enforcement officers' and fire fighters' retirement system plan 1 (~~(, and the unfunded liability of the Washington state patrol retirement system)~~) not later than June 30, 2024, except as provided in subsection (5) of this section;

(b) To also continue to fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) For the law enforcement officers' and fire fighters' system plan 2 the rate charged to employers, except as provided in RCW 41.26.450, shall be thirty percent of the cost of the retirement system and the rate charged to the state shall be twenty percent of the cost of the retirement system.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 employer contribution rate and a Washington state patrol retirement system contribution rate.

(5) An amount equal to the amount of extraordinary investment gains as defined in RCW 41.31.020 shall be used to shorten the amortization period for the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted.

(7) The director of the department of retirement systems shall collect those rates adopted by the council.

**NEW SECTION. Sec. 11.** Beginning July 1, 2001, the required contribution rate for members of the Washington state patrol retirement system shall be two percent or equal to the employer rate adopted under RCW 41.45.060 and 41.45.070 for the Washington state patrol retirement system, whichever is greater.

**NEW SECTION. Sec. 12.** The following acts or parts of acts are each repealed:

(1) RCW 43.43.272 (Surviving spouse allowance--Annual adjustment) and 1999 c 74 s 2;

(2) RCW 43.43.276 (Retirement and beneficiary allowances--Post-retirement adjustment--Minimum adjustment) and 1983 1st ex.s. c 56 s 5; and

(3) RCW 43.43.300 (Contributions by members--State contributions remain in fund if member leaves patrol) and 2000 c 17 s 1 & 1965 c 8 s 43.43.300.

**NEW SECTION. Sec. 13.** (1) Sections 2, 5, and 7 of this act are each added to chapter 43.43 RCW.

(2) Section 11 of this act is added to chapter 41.45 RCW.

**NEW SECTION. Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 43.43.040, 43.43.120, 43.43.260, 43.43.270, 43.43.274, 43.43.278, and 41.45.060; adding new sections to chapter 43.43 RCW; adding a new section to chapter 41.45 RCW; repealing RCW 43.43.272, 43.43.276, and 43.43.300; providing an effective date; and declaring an emergency."

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Lambert; Linville;



Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Alexander, Barlean, Benson, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Sehlin, Sommers, Talcott, and Tokuda.

Excused: Representatives Boldt, Gombosky, and Kessler.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5145 Prime Sponsor, Senator Long: Exempting trainers and trainees in housing authority resident training programs from membership in the public employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Alexander, Barlean, Benson, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Keiser, Kenney, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Sehlin, Sommers, Talcott, and Tokuda.

Excused: Representatives Gombosky, Kagi, Kessler, and Lisk.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5147 Prime Sponsor, Senator Winsley: Correcting statutes pertaining to the public employees' and school employees' retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Alexander, Barlean, Benson, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Sehlin, Sommers, Talcott, and Tokuda.

Excused: Representatives Gombosky, Kessler, and Lisk.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5151 Prime Sponsor, Senator Carlson: Increasing the number of hours that teachers' retirement system plan retirees may work in an eligible position to eight hundred forty without a reduction in their retirement benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Alexander, Barlean, Benson, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Sehlin, Sommers, Talcott, and Tokuda.

Excused: Representatives Gombosky, Kessler, and Lisk.

Passed to Committee on Rules for second reading.

March 29, 2001

ESB 5156 Prime Sponsor, Senator Hale: Creating an additional superior court position for the counties of Benton and Franklin jointly. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Boldt, Carrell, Casada, Dickerson, Esser, Hurst, Lambert, Lantz, Lovick, and McDermott.

Referred to Committee on Appropriations.

March 28, 2001

SSB 5166 Prime Sponsor, Senate Committee on Higher Education: Allowing state financial aid to be used at Washington branch campuses of accredited out-of-state institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Fromhold; Lantz and Skinner.

MINORITY recommendation: Do not pass. Signed by Representative Dunn.

Voting yea: Representatives Cox, Kenney, Gombosky, Jarrett, Fromhold, Lantz and Skinner.

Voting nay: Representative Dunn.

Referred to Committee on Appropriations.

March 29, 2001

SSB 5182 Prime Sponsor, Senate Committee on Environment, Energy & Water: Ensuring a sustainable, comprehensive pipeline safety program in the state. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The intent of this act is to ensure a sustainable, comprehensive, pipeline safety program, to protect the health and safety of the citizens of the state of Washington, and maintain the quality of the state's environment. The legislature finds that public safety and the environment are best protected by securing permanent funding for this program through establishment of a regulatory fee imposed on hazardous liquids and gas pipelines.

**NEW SECTION. Sec. 2.** A new section is added to chapter 80.24 RCW to read as follows:

(1)(a) Every gas company and every interstate gas pipeline company subject to inspection or enforcement

by the commission shall pay an annual pipeline safety fee to the commission. The pipeline safety fees received by the commission shall be deposited in the pipeline safety account created in RCW 81.88.050.

(b) The aggregate amount of fees set shall be sufficient to recover the reasonable costs of administering the pipeline safety program, taking into account federal funds used to offset the costs. The fees established under this section shall be designed to generate revenue not exceeding appropriated levels of funding for the current fiscal year. At a minimum, the fees established under this section shall be sufficient to adequately fund pipeline inspection personnel, the timely review of pipeline safety and integrity plans, the timely development of spill response plans, the timely development of accurate maps of pipeline locations, participation in federal pipeline safety efforts to the extent allowed by law, and the staffing of the citizens committee on pipeline safety.

(c) Increases in the aggregate amount of fees over the immediately preceding fiscal year are subject to the requirements of RCW 43.135.055.

(2) The commission shall by rule establish the methodology it will use to set the appropriate fee for each entity subject to this section. The methodology shall provide for an equitable distribution of program costs among all entities subject to the fee. The fee methodology shall provide for:

(a) Direct assignment of average costs associated with annual standard inspections, including the average number of inspection days per year. In establishing these directly assignable costs, the commission shall consider the requirements and guidelines of the federal government, state safety standards, and good engineering practice; and

(b) A uniform and equitable means of estimating and allocating costs of other duties relating to inspecting pipelines for safety that are not directly assignable, including but not limited to design review and construction inspections, specialized inspections, incident investigations, geographic mapping system design and maintenance, and administrative support.

(3) The commission shall require reports from those entities subject to this section in the form and at such time as necessary to set the fees. After considering the reports supplied by the entities, the commission shall set the amount of the fee payable by each entity by general order entered before July 1st of each year.

(4) For companies subject to RCW 80.24.010, the commission shall collect the pipeline safety fee as part of the fee specified in RCW 80.24.010. The commission shall allocate the moneys collected under RCW 80.24.010 between the pipeline safety program and for other regulatory purposes. The commission shall adopt rules that assure that fee moneys related to the pipeline safety program are maintained separately from other moneys collected by the commission under this chapter.

(5) Any payment of the fee imposed by this section made after its due date must include a late fee of two percent of the amount due. Delinquent fees accrue interest at the rate of one percent per month.

(6) The commission shall keep accurate records of the costs incurred in administering its gas pipeline safety program, and the records are open to inspection by interested parties. The records and data upon which the commission's determination is made shall be prima facie correct in any proceeding to challenge the reasonableness or correctness of any order of the commission fixing fees and distributing regulatory expenses.

(7) If any entity seeks to contest the imposition of a fee imposed under this section, that entity shall pay the fee and request a refund within six months of the due date for the payment by filing a petition for a refund with the commission. The commission shall establish by rule procedures for handling refund petitions and may delegate the decisions on refund petitions to the secretary of the commission.

(8) After establishing the fee methodology by rule as required in subsection (2) of this section, the commission shall create a regulatory incentive program for pipeline safety programs in collaboration with the citizens committee on pipeline safety. The regulatory incentive program created by the commission shall not shift costs among companies paying pipeline safety fees and shall not decrease revenue to pipeline safety programs. The regulatory incentive program shall not be implemented until after the review conducted according to section 4 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 81.24 RCW to read as follows:

(1)(a) Every hazardous liquid pipeline company as defined in RCW 81.88.010 shall pay an annual pipeline safety fee to the commission. The pipeline safety fees received by the commission shall be deposited in the pipeline safety account created in RCW 81.88.050.

(b) The aggregate amount of fees set shall be sufficient to recover the reasonable costs of administering the pipeline safety program, taking into account federal funds used to offset the costs. The fees established under this section shall be designed to generate revenue not exceeding appropriated levels of funding for the

current fiscal year. At a minimum, the fees established under this section shall be sufficient to adequately fund pipeline inspection personnel, the timely review of pipeline safety and integrity plans, the timely development of spill response plans, the timely development of accurate maps of pipeline locations, participation in federal pipeline safety efforts to the extent allowed by law, and the staffing of the citizens committee on pipeline safety.

(c) Increases in the aggregate amount of fees over the immediately preceding fiscal year are subject to the requirements of RCW 43.135.055.

(2) The commission shall by rule establish the methodology it will use to set the appropriate fee for each entity subject to this section. The methodology shall provide for an equitable distribution of program costs among all entities subject to the fee. The fee methodology shall provide for:

(a) Direct assignment of average costs associated with annual standard inspections, including the average number of inspection days per year. In establishing these directly assignable costs, the commission shall consider the requirements and guidelines of the federal government, state safety standards, and good engineering practice; and

(b) A uniform and equitable means of estimating and allocating costs of other duties relating to inspecting pipelines for safety that are not directly assignable, including but not limited to design review and construction inspections, specialized inspections, incident investigations, geographic mapping system design and maintenance, and administrative support.

(3) The commission shall require reports from those entities subject to this section in the form and at such time as necessary to set the fees. After considering the reports supplied by the entities, the commission shall set the amount of the fee payable by each entity by general order entered before July 1st of each year.

(4) For companies subject to RCW 81.24.010, the commission shall collect the pipeline safety fee as part of the fee specified in RCW 81.24.010. The commission shall allocate the moneys collected under RCW 81.24.010 between the pipeline safety program and for other regulatory purposes. The commission shall adopt rules that assure that fee moneys related to the pipeline safety program are maintained separately from other moneys collected by the commission under this chapter.

(5) Any payment of the fee imposed by this section made after its due date must include a late fee of two percent of the amount due. Delinquent fees accrue interest at the rate of one percent per month.

(6) The commission shall keep accurate records of the costs incurred in administering its hazardous liquid pipeline safety program, and the records are open to inspection by interested parties. The records and data upon which the commission's determination is made shall be prima facie correct in any proceeding to challenge the reasonableness or correctness of any order of the commission fixing fees and distributing regulatory expenses.

(7) If any entity seeks to contest the imposition of a fee imposed under this section, that entity shall pay the fee and request a refund within six months of the due date for the payment by filing a petition for a refund with the commission. The commission shall establish by rule procedures for handling refund petitions and may delegate the decisions on refund petitions to the secretary of the commission.

(8) After establishing the fee methodology by rule as required in subsection (2) of this section, the commission shall create a regulatory incentive program for pipeline safety programs in collaboration with the citizens committee on pipeline safety. The regulatory incentive program created by the commission shall not shift costs among companies paying pipeline safety fees and shall not decrease revenue to pipeline safety programs. The regulatory incentive program shall not be implemented until after the review conducted according to section 4 of this act.

**NEW SECTION. Sec. 4.** A new section is added to chapter 81.88 RCW to read as follows:

The joint legislative audit and review committee shall review staff use, inspection activity, fee methodology, and costs of the hazardous liquid and gas pipeline safety programs and report to the appropriate legislative committees by July 1, 2003. The report shall include a comparison of interstate and intrastate programs, including but not limited to the number and complexity of regular and specialized inspections, mapping requirements for each program, and allocation of administrative costs to each program.

**Sec. 5.** RCW 19.122.055 and 2000 c 191 s 24 are each amended to read as follows:

(1) Any person who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation.

(2) All civil penalties recovered under this section (~~(relating to hazardous liquid pipelines)~~) shall be

deposited into the (~~hazardous liquid~~) pipeline safety account created in RCW 81.88.050. (~~All civil penalties recovered under this section relating to gas pipelines shall be deposited in the general fund and expended for the purpose of enforcement of gas pipeline safety laws.~~)

**Sec. 6.** RCW 81.88.010 and 2000 c 191 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) (~~"Department" means the department of ecology.~~

~~(3))~~ (3) "Failsafe" means a design feature that will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or control device.

~~((4))~~ (3) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

~~((5))~~ (4) "Gas pipeline" means all parts of a pipeline facility through which gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Gas pipeline" does not include process or transfer pipelines.

~~((6))~~ (5) "Gas pipeline company" means a person or entity constructing, owning, or operating a gas pipeline for transporting gas. A "gas pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a gas pipeline company.

~~((7))~~ (6) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide.

~~((8))~~ (7) "Local government" means a political subdivision of the state or a city or town.

~~((9))~~ (8) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any political subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

~~((10))~~ (9) "Pipeline," "pipeline system," or "hazardous liquid pipeline" means all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines.

~~((11))~~ (10) "Pipeline company" or "hazardous liquid pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid. A "pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

~~((12))~~ (11) "Reportable release" means a spilling, leaking, pouring, emitting, discharging, or any other uncontrolled escape of a hazardous liquid in excess of one barrel, or forty-two gallons.

~~((13))~~ (12) "Safety management systems" means management systems that include coordinated and interdisciplinary evaluations of the effect of significant changes to a pipeline system before such changes are implemented.

~~((14))~~ (13) "Transfer pipeline" means a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, or tank vessel or storage tanks.

~~((15))~~ (14) "Transmission pipeline" means a gas pipeline that transports gas within a storage field, or transports gas from an interstate pipeline or storage facility to a distribution main or a large volume gas user, or operates at a hoop stress of twenty percent or more of the specified minimum yield strength.

**Sec. 7.** RCW 81.88.050 and 2000 c 191 s 4 are each amended to read as follows:

(1) The (~~hazardous liquid~~) pipeline safety account is created in the custody of the state treasurer. All fees received by the commission for the pipeline safety program according to sections 2 and 3 of this act and all receipts from the federal office of pipeline safety and any other state or federal funds provided for (~~hazardous liquid~~) pipeline safety (~~must~~) shall be deposited in the account, except as provided in subsection (2) of this

section. Any fines collected under this chapter, or otherwise designated to this account must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding pipeline safety.

(2) Federal funds received before June 30, 2001, shall be treated as receipt of unanticipated funds and expended, without appropriation, for the designated purposes.

**Sec. 8.** RCW 81.88.060 and 2000 c 191 s 5 are each amended to read as follows:

(1) A comprehensive program of hazardous liquid pipeline safety is authorized by RCW 81.88.010, 81.88.040, 81.88.050, 81.88.090, 81.88.100, ~~((81.88.130;))~~ 48.48.160, and this section to be developed and implemented consistent with federal law. ~~((Except as provided in subsection (6) of this section;))~~ The commission shall administer and enforce all laws related to hazardous liquid pipeline safety.

(2) The commission shall adopt rules for pipeline safety standards for hazardous liquid pipeline transportation that:

(a) Require pipeline companies to design, construct, operate, and maintain their pipeline facilities so they are safe and efficient;

(b) Require pipeline companies to rapidly locate and isolate all reportable releases from pipelines, that may include:

(i) Installation of remote control shut-off valves; and

(ii) Installation of remotely monitored pressure gauges and meters;

(c) Require the training and certification of personnel who operate pipelines and the associated systems;

(d) Require reporting of emergency situations, including emergency shutdowns and material defects or physical damage that impair the serviceability of a pipeline; and

(e) Require pipeline companies to submit operations safety plans to the commission once every five years, as well as any amendments to the plan made necessary by changes to the pipeline system or its operation. The safety plan shall include emergency response procedures.

(3) The commission shall approve operations safety plans if they have been deemed fit for service. A plan shall be deemed fit for service when it provides for pipelines that are designed, developed, constructed, operated, and periodically modified to provide for protection of public safety and the environment. Pipeline operations safety plans shall, at a minimum, include:

(a) A schedule of inspection and testing within the pipeline distribution system of:

(i) All mechanical components;

(ii) All electronic components; and

(iii) The structural integrity of all pipelines as determined through pressure testing, internal inspection tool surveys, or another appropriate technique;

(b) Failsafe systems;

(c) Safety management systems; and

(d) Emergency management training for pipeline operators.

(4) The commission shall coordinate information related to pipeline safety by providing technical assistance to local planning and siting authorities.

(5) The commission shall evaluate, and consider adopting, proposals developed by the federal office of pipeline safety, the national transportation safety board, and other agencies and organizations related to methods and technologies for testing the integrity of pipeline structure, leak detection, and other elements of pipeline operation.

~~(((6) The authorities of RCW 81.88.010, 81.88.040, 81.88.050, 81.88.090, 81.88.100, 81.88.130, 48.48.160, and this section relating to hazardous liquid pipeline safety shall be transferred from the commission to the department pursuant to RCW 81.88.130 upon the occurrence of either:~~

~~——— (a) Amendments to federal pipeline safety laws to eliminate preemption of state authority to regulate safety requirements for such pipelines; or~~

~~——— (b) The granting of federal authority to the state to enforce or adopt any safety requirements for interstate hazardous liquid pipelines.))~~

**Sec. 9.** RCW 81.88.090 and 2000 c 191 s 9 are each amended to read as follows:

(1) The commission ~~((and the department))~~ shall apply for federal delegation for the state's program for the purposes of enforcement of federal hazardous liquid pipeline safety requirements. If the secretary of

transportation delegates inspection authority to the state as provided in this subsection, the ~~((department))~~ commission, at a minimum, shall do the following:

- (a) Inspect hazardous liquid pipelines periodically as specified in the inspection program;
- (b) Collect fees;
- (c) Order and oversee the testing of hazardous liquid pipelines as authorized by federal law and regulation; and
- (d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission ~~((and the department))~~ shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate hazardous liquid pipelines.

(3) Upon delegation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the ~~((department))~~ commission shall adopt rules for interstate pipelines that are no less stringent than the state's laws and rules for intrastate hazardous liquid pipelines.

**Sec. 10.** RCW 81.88.140 and 2000 c 191 s 14 are each amended to read as follows:

(1) The citizens committee on pipeline safety is established to advise the state agencies and other appropriate federal and local government agencies and officials on matters relating to hazardous liquid and gas pipeline safety, routing, construction, operation, and maintenance. The committee shall serve as an advisory committee for the commission on matters relating to the commission's pipeline safety programs and activities. The commission shall consult with and provide periodic reports to the committee on matters related to the commission's pipeline safety programs and activities, including but not limited to the development and regular review of funding elements for pipeline safety programs and activities.

(2) The committee shall have thirteen total members who shall be appointed by the governor to staggered three-year terms and shall consist of: (a) Nine members representing local government, including elected officials and the public; and (b) four nonvoting members, representing owners and operators of hazardous liquid and gas pipelines. All members of the committee, voting and nonvoting, may participate fully in the committee's meetings, activities, and deliberations and shall timely receive all notices and information related to committee business and decisions.

(3) The committee shall review and comment on proposed rules and the operation of the state pipeline safety programs.

~~((2))~~ (4) The committee may create one or more technical advisory committees comprised of gas and hazardous liquid pipeline owners or operators, agency representatives, natural resource and environmental interests, or other interested parties.

~~((3))~~ (5) The committee established in ~~((subsection (1) of))~~ this section constitutes a class one group under RCW 43.03.220. Expenses for this group, as well as staff support, shall be provided by the utilities and transportation commission ~~((and, if additional pipeline authority is transferred to it, the department of ecology))~~.

NEW SECTION. **Sec. 11.** RCW 81.88.130 (Transfer of powers, duties, and functions of commission to department--Delegation of federal authority--Determination by office of financial management) and 2000 c 191 s 13 are each repealed.

NEW SECTION. **Sec. 12.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Correct the title.

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Quall, Roach, Schoesler and Sump.

Excused: Representative Kirby.

Referred to Committee on Appropriations.

March 29, 2001

SSB 5187 Prime Sponsor, Senate Committee on Judiciary: Updating creditor/debtor personal property exemptions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Beginning on page 3, line 37, strike everything through "agency." on page 4, line 3

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5190 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Providing photo identification for private investigators. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.165.080 and 1995 c 277 s 26 are each amended to read as follows:

(1) The director shall issue a private investigator license card to each licensed private investigator and an armed private investigator license card to each armed private investigator. License cards must include picture identification.

(a) The license card may not be used as security clearance.

(b) A private investigator shall carry the license card whenever he or she is performing the duties of a private investigator and shall exhibit the card upon request.

(c) An armed private investigator shall carry the license card whenever he or she is performing the duties of an armed private investigator and shall exhibit the card upon request.

(2) The director shall issue a license certificate to each licensed private investigator agency.

(a) Within seventy-two hours after receipt of the license certificate, the licensee shall post and display the certificate in a conspicuous place in the principal office of the licensee within the state.

(b) It is unlawful for any person holding a license certificate to knowingly and willfully post the license certificate upon premises other than those described in the license certificate or to materially alter a license certificate.

(c) Every advertisement by a licensee that solicits or advertises business shall contain the name of the licensee, the address of record, and the license number as they appear in the records of the director.

(d) The licensee shall notify the director within thirty days of any change in the licensee's officers or directors or any material change in the information furnished or required to be furnished to the director.

NEW SECTION. **Sec. 2.** This act takes effect July 1, 2003."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.



Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Referred to Committee on Appropriations.

March 28, 2001

SB 5197 Prime Sponsor, Senator Winsley: Revising private activity bond provisions. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

On page 1, line 15, after "and in" strike "2003" and insert "2002"

Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; Lantz; O'Brien; Ogden; Poulsen; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Armstrong, Bush, Casada, Esser, Hankins, Hunt, Lantz, Murray, O'Brien, Veloria, and Woods.

Excused: Representatives Barlean, McIntire, Ogden, Poulsen, Reardon, and Schoesler.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5205 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Requiring self-insurers and the department to provide information for independent medical examinations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

March 30, 2001

SB 5206 Prime Sponsor, Senator Gardner: Modifying geologist licensing provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk, and McMorris.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5211 Prime Sponsor, Senate Committee on Health & Long-Term Care: Requiring comparable mental health benefits. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris and Pennington.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Marine and Ruderman.

Voting nay: Representatives McMorris and Pennington.

Excused: Representatives Edmonds and Edwards.

Referred to Committee on Appropriations.

March 27, 2001

SB 5223 Prime Sponsor, Senator Gardner: Funding safety audits of rail fixed guideway systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump and Woods.

Voting yea: Representatives Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Ericksen, Fisher, Hankins, Hatfield, Jarrett, Lovick, Marine, Mielke, Mitchell, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, and Woods.

Excused: Representatives Cooper, Haigh, Hurst, Jackley, and Wood.

Passed to Committee on Rules for second reading.

March 27, 2001

SSB 5224 Prime Sponsor, Senate Committee on Transportation: Redeveloping King Street railroad station. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Morell; Murray; Ogden; Reardon; Rockefeller; Simpson; Skinner; Sump and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Ahern; Anderson; Mielke and Schindler.

Voting yea: Representatives Ahern, Armstrong, G. Chandler, Edmonds, Ericksen, Fisher, Hankins, Hatfield, Jarrett, Lovick, Marine, Mitchell, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Skinner, Sump, and Woods.

Voting nay: Representatives Anderson, Mielke, and Schindler.

Excused: Representatives Cooper, Haigh, Hurst, Jackley, and Wood.

Passed to Committee on Rules for second reading.

March 29, 2001

ESSB 5238 Prime Sponsor, Senate Committee on Human Services & Corrections: Modifying the board of

commissioners of a water-sewer district. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Dunshee, Mulliken, Edwards, Mielke, Berkey, Crouse, DeBolt, Dunn, Edmonds, Harfield and Jarrett.

Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 5255 Prime Sponsor, Senate Committee on Judiciary: Exempting certain information on criminal acts from public disclosure. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Schindler, Haigh, Lambert, McDermott and Schmidt.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5256 Prime Sponsor, Senator Kastama: Enacting the emergency management assistance compact. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 7, line 34, after "authorization" insert "be"

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Schindler, Haigh, Lambert, McDermott and Schmidt.

Referred to Committee on Appropriations.

March 30, 2001

SSB 5263 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Changing provisions relating to employment rights of members of reserve and national guard forces. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 73.16 RCW to read as follows:

(1) It is the intent of the legislature to guarantee employment rights of members of the reserve and national guard forces who are called to active duty. The federal uniformed services employment and

reemployment rights act of 1994 protects all such federal personnel. The legislature intends that similar provisions should apply to all such state personnel. Therefore, the legislature intends for this act to ensure protections for state-activated personnel similar to those provided by federal law for federal-activated personnel.

(2) The purposes of this chapter are to:

(a) Encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment that can result from such service;

(b) Minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities by providing for the prompt reemployment of such persons upon their completion of such service; and

(c) Prohibit discrimination against persons because of their service in the uniformed services.

(3) Therefore, the legislature intends that the governmental agencies of the state of Washington, and all the political subdivisions thereof, should be model employers in carrying out the provisions of this chapter.

**Sec. 2.** RCW 73.16.015 and 1951 c 29 s 2 are each amended to read as follows:

Any veteran entitled to the benefits of RCW 73.16.010 may enforce his or her rights hereunder by civil action in ~~((the))~~ superior court~~((s))~~.

**Sec. 3.** RCW 73.16.031 and 1953 c 212 s 1 are each amended to read as follows:

~~((As used in RCW 73.16.031 through 73.16.061, the term:~~

~~\_\_\_\_\_ "Resident" means any person residing in the state.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the attorney general of the state of Washington or any person designated by the attorney general to carry out a responsibility of the attorney general under this chapter.

(2) "Benefit," "benefit of employment," or "rights and benefits" means any advantage, profit, privilege, gain, status, account, or interest (other than wages or salary for work performed) that accrues by reason of an employment contract or agreement or an employer policy, plan, or practice and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

(3) "Employee" means a person in a position of employment.

(4) "Employer" means the person, firm, or corporation, the state, or any elected or appointed public official currently having control over the position that has been vacated.

(5) "Health plan" means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

(6) "Notice" means any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

(7) "Position of employment" means any position (other than temporary) wherein a person is engaged for a private employer, company, corporation, or the state~~((, municipality, or political subdivision thereof))~~.

(8) "Qualified," with respect to an employment position, means having the ability to perform the essential tasks of the position.

(9) "Rejectee" means a person rejected because he or she is not, physically or otherwise, qualified to enter the uniformed service.

(10) "Resident" means any person residing in the state with the intent to remain other than on a temporary or transient basis.

(11) "Seniority" means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

(12) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty (including state-ordered active duty), and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(13) "State" means the state of Washington, including the agencies and political subdivisions thereof.

(14) "Temporary position" means a position of short duration which, after being vacated, ceases to exist and wherein the employee has been advised as to its temporary nature prior to his or her engagement.

~~((("Employer" means the person, firm, corporation, state and any political subdivision thereof, or public official currently having control over the position which has been vacated.~~

~~"Rejectee" means a person rejected because he is not, physically or otherwise, qualified to enter the service.))~~

(15) "Undue hardship," in the case of actions taken by an employer, means actions requiring significant difficulty or expense when considered in light of:

(a) The nature and cost of the action needed under this chapter;

(b) The overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources; or the impact otherwise of such action upon the operation of the facility; and

(c) The type of operation or operations of the employer, including the composition, structure, and functions of the work force of such employer, the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

(16) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

**NEW SECTION. Sec. 4.** A new section is added to chapter 73.16 RCW to read as follows:

(1) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

(2) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (a) has taken an action to enforce a protection afforded any person under this chapter, (b) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (c) has assisted or otherwise participated in an investigation under this chapter, or (d) has exercised a right provided for in this chapter. The prohibition in this subsection (2) applies with respect to a person regardless of whether that person has performed service in the uniformed services.

(3) An employer shall be considered to have engaged in actions prohibited:

(a) Under subsection (1) of this section, if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

(b) Under subsection (2) of this section if the person's (i) action to enforce a protection afforded any person under this chapter, (ii) testimony or making of a statement in or in connection with any proceeding under this chapter, (iii) assistance or other participation in an investigation under this chapter, or (iv) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

**Sec. 5.** RCW 73.16.033 and 1953 c 212 s 2 are each amended to read as follows:

Any person who is a resident of this state or is employed within this state, and who voluntarily or upon ~~((demand))~~ order from competent authority, vacates a position of employment ~~((to determine his physical fitness to enter, or, who actually does enter upon active duty or training in the Washington National Guard, the armed forces of the United States, or the United States public health service))~~ for service in the uniformed services, shall, provided he or she meets the requirements of RCW 73.16.035, be reemployed forthwith: PROVIDED, That the employer need not reemploy such person if circumstances have so changed ~~((as to make it impossible, unreasonable, or against the public interest for him to do so))~~ such that reemployment would be impossible or unreasonable due to a change in the employer's circumstances, or would impose an undue hardship on the employer: PROVIDED FURTHER, That this section shall not apply to a temporary position.

If such person is still qualified to perform the duties of his or her former position, he or she shall be restored to that position or to a position of like seniority, status and pay. If he or she is not so qualified as a result of disability sustained during his or her service (~~(-or during the determination of his fitness for service))~~ in the uniformed services, but is nevertheless qualified to perform the duties of another position, under the control of the same employer, he or she shall be reemployed in such other position: PROVIDED, That such position shall provide him or her with like seniority, status, and pay, or the nearest approximation thereto consistent with the circumstances of the case.

**Sec. 6.** RCW 73.16.035 and 1969 c 16 s 1 are each amended to read as follows:

(1) In order to be eligible for the benefits of ((RCW 73.16.031 through 73.16.061)) this chapter, an applicant must comply with the following requirements:

~~((1-He))~~ (a) The applicant must notify his or her employer as to his or her membership in the uniformed services within a reasonable time of accepting employment or becoming a member of the uniformed services. An employer may not take any action prohibited in section 4 of this act against a person because the person provided notice of membership in the uniformed services to the employer.

(b) The applicant must furnish a receipt of an honorable, or under honorable conditions discharge, report of separation, certificate of satisfactory service, or other proof of having satisfactorily completed his or her service. Rejectees must furnish proof of orders for examination and rejection.

~~((2-He))~~ (c) The applicant must make written application to the employer or his or her representative ((within ninety days of the date of his separation or release from training and service. Rejectees must apply within thirty days from date of rejection)) as follows:

(i) In the case of an applicant whose period of service in the uniformed services was less than thirty-one days by reporting to the employer:

(A) Not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the applicant from the place of that service to the applicant's residence; or

(B) As soon as possible after the expiration of the eight-hour period in (c)(i)(A) of this subsection, if reporting within that period is impossible or unreasonable through no fault of the applicant;

(ii) In the case of an applicant who is absent from a position of employment for a period of any length for the purposes of an examination to determine the applicant's fitness to perform service in the uniformed services by reporting in the manner and time referred to in (c)(i) of this subsection;

(iii) In the case of an applicant whose period of service in the uniformed services was for more than thirty days but less than one hundred eighty-one days by submitting an application for reemployment with the employer not later than fourteen days after the completion of the period of service or if submitting such application within such period is impossible or unreasonable through no fault of the applicant, the next first full calendar day when submission of such application becomes possible;

(iv) In the case of an applicant whose period of service in the uniformed services was for more than one hundred eighty days by submitting an application for reemployment with the employer not later than ninety days after the completion of the period of service;

(v) In the case of an applicant who is hospitalized for, or convalescing from, an illness or injury incurred or aggravated during the performance of service in the uniformed services, at the end of the period that is necessary for the applicant to recover from such illness or injury, the applicant shall submit an application for reemployment with such employer. The period of recovery may not exceed two years. This two-year period shall be extended by the minimum time required to accommodate the circumstances beyond the applicant's control that make reporting within the two-year period impossible or unreasonable;

(vi) In the case of an applicant who fails to report or apply for employment or reemployment within the appropriate period specified in this subsection (1)(c), the applicant does not automatically forfeit his or her entitlement to the rights and benefits conferred by this chapter, but is subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

(d) An applicant who submits an application for reemployment shall provide to the applicant's employer, upon the request of that employer, documentation to establish that:

(i) The application is timely;

(ii) The applicant has not exceeded the service limitations set forth in this section, except as permitted

under (c)(v) of this subsection; and

(iii) The applicant's entitlement to the benefits under this chapter has not been terminated pursuant to (e) of this subsection.

~~((3) If, due to the necessity of hospitalization, while on active duty, he is released or placed on inactive duty and remains hospitalized, he is eligible for the benefits of RCW 73.16.031 through 73.16.061: PROVIDED, That such hospitalization does not continue for more than one year from date of such release or inactive status: PROVIDED FURTHER, That he applies for his former position within ninety days after discharge from such hospitalization.~~

~~———— (4) He))~~ (e) The applicant must return and reenter the office or position within ((three months)) the appropriate period specified in (c) of this subsection after serving four years or less in the uniformed services other than state-ordered active duty: PROVIDED, That any period of additional service imposed by law, from which one is unable to obtain orders relieving him or her from active duty, will not affect ((his)) reemployment rights.

(f) The applicant must return and reenter the office or position within the appropriate period specified in (c) of this subsection after serving twelve weeks or less in a calendar year in state-ordered active duty: PROVIDED, That the governor, when declaring an emergency that necessitates a longer period of service, may extend the period of service in state-ordered active duty to up to twelve months after which the applicant is eligible for the benefits of this chapter.

(2) The failure of an applicant to provide documentation that satisfies rules adopted pursuant to subsection (1)(c) of this section shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that the applicant does not meet one or more of the requirements referred to in subsection (1)(d) of this section, that applicant's employer may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

(3) An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

(4) The application in subsection (1) of this section is not required if the giving of such application is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made by the adjutant general of the state of Washington military department and is not subject to judicial review.

(5) In any proceeding involving an issue of whether (a) reemployment is impossible or unreasonable because of a change in an employer's circumstances, (b) reemployment would impose an undue hardship on the employer, or (c) the employment is for a temporary position, the employer has the burden of proving the impossibility or unreasonableness, undue hardship, or the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period.

**Sec. 7.** RCW 73.16.051 and 1953 c 212 s 5 are each amended to read as follows:

Any person who is entitled to be restored to a position in accordance with ~~((the provisions of RCW- 73.16.031, 73.16.033, 73.16.035, and 73.16.041))~~ this chapter shall be considered as having been on furlough or leave of absence, from his or her position of employment, during his or her period of active military duty or service, and he or she shall be so restored without loss of seniority. He or she shall further be entitled to participate in insurance, vacations, retirement pay, and other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into the service; and he or she shall not be discharged from such position without cause within one year after restoration~~((: PROVIDED, That no employer shall be required to make any payment to keep insurance or retirement rights current during such period of military service))~~.

**NEW SECTION. Sec. 8.** A new section is added to chapter 73.16 RCW to read as follows:

(1) If a person, or the person's dependents, have coverage under a health plan in connection with the person's position of state employment, and the person is absent from his or her position of state employment by reason of service in the uniformed services, the plan shall provide that the person may elect to continue the coverage as provided in this section. The maximum period of coverage of a person and person's dependents under such an election shall be the lesser of:

- (a) The eighteen-month period beginning on the date on which the person's absence begins; or
- (b) The day after the date on which the person fails to apply for or return to a position of state employment, as determined under RCW 73.16.035.

(2) A person who elects to continue health plan coverage under this section may be required to pay not more than one hundred two percent of the full premium under the plan associated with the coverage for the state employer's other employees, except that in the case of a person who performs service in the uniformed services for less than thirty-one days, the person may not be required to pay more than the employee share, if any, for the coverage.

(3) Except as provided in subsection (2) of this section, if a person's coverage under a health plan was terminated because of service in the uniformed services, an exclusion or waiting period may not be imposed in connection with the reinstatement of the coverage upon reemployment under this chapter if an exclusion or waiting period would not have been imposed under a health plan had coverage of the person by the plan not been terminated as a result of his or her service. This subsection applies to the person who is reemployed and to any dependent who is covered by the plan because of the reinstatement of the coverage of the person.

**NEW SECTION.** **Sec. 9.** A new section is added to chapter 73.16 RCW to read as follows:

(1)(a) In the case of a right provided under any state law governing pension benefits for state employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this section.

(b) A person reemployed under this chapter shall be treated as not having incurred a break in service with the state because of the person's period of service in the uniformed services.

(c) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the state for the purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

(2) When the state is reemploying a person under this chapter, the state is liable to an employee pension benefit plan for funding any obligation of the plan to provide the pension benefits described in this section and shall allocate the amounts of any employer contribution for the person in the same manner and to the same extent the allocation occurs for other employees during the period of service. For purposes of determining the amount of such liability and any obligation of the plan, earnings and forfeitures shall not be included. For purposes of determining the amount of such liability and purposes of a state law governing pension benefits for state employees, service in the uniformed services that is deemed under subsection (1) of this section to be service with the state shall be deemed to be service with the state under the terms of the plan or any applicable collective bargaining agreement.

(3) A person reemployed by the state under this chapter is entitled to accrued benefits pursuant to subsection (1)(a) of this section that are contingent on the making of, or derived from, employee contributions or elective deferrals (as defined in section 402(g)(3) of the internal revenue code of 1986) only to the extent the person makes payment to the plan with respect to such contributions or deferrals. No such payment may exceed the amount the person would have been permitted or required to contribute had the person remained continuously employed by the state throughout the period of uniformed service. Any payment to the plan described in this subsection shall be made during the period beginning with the date of reemployment and whose duration is three times the period of the person's services, such payment period in the uniformed services, not to exceed five years.

(4) For purposes of computing an employer's liability of the employee's contributions under subsection (2) of this section, the employee's compensation during the period of service shall be computed:

(a) At the rate the employee would have received but for the period of service in subsection (1)(b) of this section; or

(b) In the case that the determination of such rate is not reasonably certain, on the basis of the employee's average rate of compensation during the twelve-month period immediately preceding such period or if shorter, the period of employment immediately preceding such period.

**Sec. 10.** RCW 73.16.061 and 1953 c 212 s 6 are each amended to read as follows:

(1) In case any employer, his or her successor or successors fails or refuses to comply with the provisions of RCW 73.16.031 through 73.16.061 and sections 4, 8, 9, and 13 of this act, the ~~((prosecuting attorney of the county in which the employer is located))~~ attorney general shall bring action in the superior court in the county in which the employer is located or does business to obtain an order to specifically require such employer to comply with the provisions ~~((hereof))~~ of this chapter, and, as an incident thereto, to compensate such person for any loss



of wages or benefits suffered by reason of such employer's unlawful act if:

(a) The service in question was state duty not covered by the uniformed services employment and reemployment rights act of 1994, P.L. 103-353 (38 U.S.C. Sec. 4301 et seq.); and

(b) The employer support for guard and reserve ombudsman, or his or her designee, has inquired in the matter and has been unable to resolve it.

(2) If the conditions in subsection (1)(a) and (b) of this section are met, any such person who does not desire the services of the (~~prosecuting~~) attorney general may by private counsel, bring such action.

**Sec. 11.** RCW 73.16.070 and 1941 c 201 s 5 are each amended to read as follows:

The federal soldiers' and sailors' civil relief act of 1940, Public Act No. 861(~~(, 76th congress)~~), is hereby specifically declared to apply in proper cases in all the courts of this state.

NEW SECTION. Sec. 12. A new section is added to chapter 73.16 RCW to read as follows:

An offset of any military pay for temporary service in the uniformed services in a particular week against the salary of a bona fide executive, administrative, or professional employee in a particular week shall not be a factor in determining whether the employee is exempt under RCW 49.46.010(5)(c).

NEW SECTION. Sec. 13. A new section is added to chapter 73.16 RCW to read as follows:

This chapter shall not supersede, nullify, or diminish any federal or state law, ordinance, rule, regulation, contract, agreement, policy, plan, practice, or other matter that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for such person in this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 73.16 RCW to read as follows:

The legislature declares that the public policies articulated in chapter ..., Laws of 2001 (this act) depend on the procedures established in chapter ..., Laws of 2001 (this act). No civil or criminal action may be maintained relying on the public policies articulated in chapter ..., Laws of 2001 (this act) without complying with the procedures in this chapter. To that end, all civil actions and civil causes of action for such injuries and all jurisdiction of the courts of this state over such causes are hereby abolished, except as provided in this chapter.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5273 Prime Sponsor, Senator Gardner: Revising election filing dates. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5274 Prime Sponsor, Senate Committee on Transportation: Revising the appointment of vehicle licensing subagents. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.01.140 and 1996 c 315 s 1 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county.

(a) Upon authorization of the director, the auditor shall ((advertise a request for proposals and use the process for soliciting vendors under RCW 39.04.190(2), except that the provision requiring the contract to be awarded to the lowest responsible bidder shall not apply)) use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants.

(b) A subagent may recommend a successor who is either the subagent's sibling, spouse, or child, or a subagency employee, as long as the recommended successor participates in the open, competitive process used to select an applicant. In making successor recommendation and appointment determinations, the following provisions apply:

(i) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers.

(ii) No subagent may receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment.

(iii) (a) and (b) of this subsection are intended to assist in the efficient transfer of appointments in order to minimize public inconvenience. They do not create a proprietary or property interest in the appointment.

(c) The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the ((request for proposal)) open competitive process. The auditor shall include in his or her recommendation to the director, not only the name of the successor who is a relative or employee, if applicable and if otherwise qualified, but also the name of one other applicant who is qualified and was chosen through the open competitive process. The director has final appointment authority.

(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director, developed with the advice of the title and registration advisory committee.

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor, developed with the advice of the title and registration advisory committee. The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain at a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

(ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;

(iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;

(iv) Describe allowable costs that may be charged to vehicle licensing activities as provided for in (d) of this subsection;

(v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to vehicle licensing and vessel registration and title activities performed by county auditors.

(e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of vehicle and vessel tax revenues.

(f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.

(4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle or vessel upon the public highways or waters of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of three dollars for each application in addition to any other fees required by law.

(b) Counties that do not cover the expenses of vehicle licensing and vessel registration and title activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.

(c) Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of four dollars in addition to any other fees required by law.

(d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.

(e) Applicants required to pay the three-dollar fee established under (a) of this subsection, must pay an additional fifty cents, which must be collected and remitted to the state treasurer for deposit into the department of licensing services account of the motor vehicle fund. Revenue deposited into this account must be used for agent and subagent support, which is to include but not be limited to the replacement of department-owned equipment in the possession of agents and subagents.

(5) A subagent shall collect a service fee of (a) (~~seven~~) eight dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) three dollars and fifty cents for registration renewal only, issuing a transit permit, or any other service under this section.

(6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

(7) Any county revenues that exceed the cost of providing vehicle licensing and vessel registration and title activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(8) The director may adopt rules to implement this section."

Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Rockefeller; Schindler; Simpson; Skinner; Sump; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Republican Vice Chair; Romero.

Voting yea: Representatives Fisher, Mitchell, Cooper, Lovick, Hankins, Ahern, Anderson, Armstrong, Edmonds, Haigh, Hatfield, Jackley, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Rockefeller, Schindler,

Simpson, Skinner, Sump, Wood and Woods.

Voting nay: Representatives Ericksen and Romero.

Excused: Representatives G. Chandler, Hurst and Reardon.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5275 Prime Sponsor, Senator Gardner: Clarifying procedures for absentee voting and mail ballots. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 3, line 31, strike "of" and insert "before"

On page 4, beginning on line 33, strike "the secretary of state shall adopt rules prescribing the circumstances under which"

On page 10, beginning on line 4, strike all of subsection (4)

On page 11, beginning on line 1, strike all of section 14

Renumber the following sections consecutively, correct references accordingly, and correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

March 29, 2001

ESB 5289 Prime Sponsor, Senator T. Sheldon: Expanding the definition of "public facilities" for purposes of the use of certain revenues in rural counties. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 82.14.370 and 1999 c 311 s 101 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax (~~(, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000)).~~ No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of private sector job creation

or retention by financing the acquisition, construction, rehabilitation, alteration, expansion, or improvements and related costs of public facilities in rural counties. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county. In implementing this section, the county shall consult with cities, towns, and port districts located within the county.  
(~~For the purposes of~~)

(4) The definitions in this subsection apply throughout this section.

(a) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington. "Public facilities" do not include electric generation or distribution facilities.

~~(((4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty five years after the date that a tax is first imposed under this section.~~

~~(5) For purposes of this section,~~

(b) "Related costs" may include development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans, project design, site planning and analysis, and project debt and revenue impact analysis.

(c) "Rural county" means a county with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th."

Correct the title.

Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Fromhold, Democratic Vice Chair; Ahern; Jackley; Mulliken; O'Brien; Pflug and Woods.

Voting yea: Representatives Ahern, Dunn, Eickmeyer, Fromhold, Jackley, Mulliken, O'Brien, Pflug, Van Luven, Veloria, and Woods.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5296 Prime Sponsor, Senator Thibaudeau: Limiting minors' access to tobacco. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 2, line 3, after "units." insert "For the purpose of this act, behind the counter shall also include non-self service displays or shelves located above or below the sales counter where only the store clerk has access to the tobacco products for sale."

On page 2, beginning on line 5, strike "exclusively." and insert "predominantly. For the purpose of this act, predominantly shall mean fifty percent or more of their retail sales."

Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Marine,

McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Excused: Representatives Edmonds, and Edwards.

Passed to Committee on Commerce & Labor.

March 29, 2001

SB 5305 Prime Sponsor, Senator Constantine: Correcting outdated references and double amendments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Boldt, Carrell, Casada, Dickerson, Esser, Hurst, Lambert, Lantz, Lovick, and McDermott.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 5309 Prime Sponsor, Senate Committee on Ways & Means: Providing funding for local government criminal justice. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 3.62.090 and 1997 c 331 s 4 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.5055, and in addition to the public safety and education assessment required under subsection (1) of this section by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

(3) This section does not apply to the fee imposed under RCW (~~43.63.110(6)~~) 46.63.110(6) or the penalty imposed under RCW 46.63.110(7).

**Sec. 2.** RCW 46.63.110 and 1997 c 331 s 3 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or

district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

(6) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(7)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of ten dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community service program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (7) by participation in the community service program.

(b) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.64 RCW to read as follows:

(1) In addition to any other penalties imposed for conviction of a violation of this title that is a misdemeanor, gross misdemeanor, or felony, the court shall impose an additional penalty of fifty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community service program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this section by participation in the community service program.

(2) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this section to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this section must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

**Sec. 4.** RCW 43.08.250 and 2000 2nd sp.s. c 1 s 911 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, 2001, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, department of ecology methamphetamine-related activities, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence

treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, and the replacement of the department of corrections' offender-based tracking system."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson; Boldt and Lambert.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Alexander, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Benson, Boldt and Lambert.

Excused: Representatives Lisk and Gombosky.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5315 Prime Sponsor, Senator Fraser: Including drinking water accounts in interest-bearing accounts.  
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Referred to Committee on Appropriations.

March 29, 2001

SSB 5319 Prime Sponsor, Senate Committee on State & Local Government: Changing provisions relating to the municipal research council. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 26, strike all of section 2

Renumber the remaining section consecutively and correct the title and any internal references accordingly.

Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Dunshee, Mulliken Edwards, Mielke, Berkey, Crouse, DeBolt, Dunn, Edmonds, Hatfield and Jarrett.

Excused: Representative Kirby.



Passed to Committee on Rules for second reading.

March 29, 2001

SB 5333 Prime Sponsor, Senator Honeyford: Concerning preliminary permits for water closed to diversions due to a federal moratorium. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.03.290 and 1994 c 264 s 84 are each amended to read as follows:

(1) When an application complying with the provisions of this chapter and with the rules (~~and regulations~~) of the department has been filed, the same shall be placed on record with the department, and it shall be its duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public.

(2)(a) If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent, and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit.

(b) For any application for which a preliminary permit was issued and for which the availability of water was directly affected by a moratorium on further diversions from the Columbia river during the years from 1990 to 1998, the preliminary permit is extended through June 30, 2002. If such an application and preliminary permit were canceled during the moratorium, the application and preliminary permit shall be reinstated until June 30, 2002, if the application and permit: (i) Are for providing regional water supplies in more than one urban growth area designated under chapter 36.70A RCW and in one or more areas near such urban growth areas, or the application and permit are modified for providing such supplies, and (ii) provide or are modified to provide such regional supplies through the use of existing intake or diversion structures. The authority to modify such a canceled application and permit to accomplish the objectives of (b)(i) and (ii) of this subsection is hereby granted.

(3) The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: PROVIDED, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for.

(4) If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the event a permit is issued by the department upon any application, it shall be its duty to notify the director of fish and wildlife of such issuance."

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Linville, Mielke, Quall, Roach, Schoesler, and Sump.  
Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5335 Prime Sponsor, Senate Committee on Economic Development & Telecommunications: Revising the authority of the statewide enhanced 911 program to support the statewide enhanced 911 system. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Casada, Republican Vice Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; Cooper; DeBolt; Esser; Hunt; Linville; Mielke; Morris; Pflug; Simpson and Wood.

Voting yea: Representatives Crouse, Poulsen, Casada, Ruderman, Anderson, Berkey, Bush, B. Chandler, Cooper, DeBolt, Esser, Hunt, Linville, Mielke, Morris, Pflug, Simpson and Wood.  
Excused: Representatives Delvin and Reardon.

Passed to Committee on Rules for second reading.

March 28, 2001

ESSB 5336 Prime Sponsor, Senate Committee on Higher Education: Creating the public interest attorney loan repayment program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 3, line 14, after "Washington." insert "The board may adopt rules necessary to implement this chapter."

On page 3, line 15, after "program." insert "Administrative costs incurred prior to establishment of the fund may be reimbursed."

On page 3, line 35, strike "public" and insert "non-state"

On page 4, line 24, after " from the" strike all words through "interest" on line 26

On page 6, line 7, after "consist of" insert "non-state and"

On page 6, beginning on line 11, strike entire subsection (3)

Re-number the subsections consecutively and correct internal references accordingly.

On page 6, line 21, after "account" insert ", except for purposes of program administration,"

On page 6, line 30, after "money in the" insert "public interest attorney loan repayment endowment"

Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Fromhold; Lantz and Skinner.

MINORITY recommendation: Without recommendation. Signed by Representative Dunn.

Voting yea: Representatives Cox, Kenney, Gombosky, Jarrett, Fromhold, Lantz and Skinner.

Voting nay: Representative Dunn.

Referred to Committee on Appropriations.

March 30, 2001

SB 5348 Prime Sponsor, Senator Costa: Updating the uniform child custody jurisdiction and enforcement act.  
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser Lovick and McDermott.

Passed to Committee on Rules for second reading.

March 29, 2001

ESSB 5364 Prime Sponsor, Senate Committee on Transportation: Modifying drivers' license and identicard provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.20 RCW to read as follows:

Any contract entered into between the department and a private vendor in which the vendor provides services involving drivers' licenses or identicards must contain the following language: "Drivers' licenses and identicards must not contain: (1) Driver social security numbers in either visible or machine readable form; or (2) driver fingerprints or thumbprints."

**Sec. 2.** RCW 26.23.140 and 1998 c 160 s 6 are each amended to read as follows:

The federal personal responsibility and work opportunity reconciliation act of 1996, P.L. 104-193, requires states to collect social security numbers as part of the application process for professional licenses, driver's licenses, occupational licenses, and recreational licenses. The legislature finds that if social security numbers are accessible to the public, it will be relatively easy for someone to use another's social security number fraudulently to assume that person's identity and gain access to bank accounts, credit services, billing information, driving history, and other sources of personal information. ~~((Public Law 104-193 could compound and exacerbate the disturbing trend of social security number related fraud. In order to prevent fraud and curtail~~

~~invasions of privacy, the governor, through the department of social and health services, shall seek a waiver to the federal mandate to record social security numbers on applications for professional, driver's, occupational, and recreational licenses. If a waiver is not granted, the licensing agencies shall collect and disclose social security numbers as required under RCW 26.23.150.)~~

**Sec. 3.** RCW 26.23.150 and 1999 c 138 s 2 are each amended to read as follows:

In order to assist in child support enforcement as required by federal law, all applicants for an original, replacement, or renewal of a professional license, ~~((commercial))~~ driver's license, occupational license, or recreational license must furnish the licensing agency with the applicant's social security number, which shall be recorded on the application. ~~((No applicant for an original, replacement, or renewal nonecommercial driver's license is required to furnish the licensing agency with the applicant's social security number for purposes of assisting in child support enforcement prior to the time necessary to comply with the federal deadline.))~~ The licensing agencies collecting social security numbers shall not display the social security number on the license document. Social security numbers collected by licensing agencies shall not be disclosed except as required by state or federal law or under RCW 26.23.120."

Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Morell; Murray; Ogden; Rockefeller; Romero; Simpson; Skinner and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Republican Vice Chair; Armstrong; G. Chandler; Mielke; Schindler and Sump.

Voting yea: Representatives Ahern, Anderson, Cooper, Edmonds, Fisher, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Lovick, Marine, Mitchell, Morell, Murray, Rockefeller, Romero, Simpson, Skinner, Wood, and Woods.

Voting nay: Representatives Armstrong, G. Chandler, Ericksen, Mielke, Schindler and Sump.  
Excused: Representatives Ogden, and Reardon.

Passed to Committee on Rules for second reading.

March 29, 2001

ESSB 5372 Prime Sponsor, Senate Committee on Ways & Means: Authorizing cooperative agreements concerning the taxation of cigarette sales on Indian lands. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to further the government-to-government relationship between the state of Washington and Indians in the state of Washington by authorizing the governor to enter into contracts concerning the sale of cigarettes. The legislature finds that these cigarette tax contracts will provide a means to promote economic development, provide needed revenues for tribal governments and Indian persons, and enhance enforcement of the state's cigarette tax law, ultimately saving the state money and reducing conflict. In addition, it is the intent of the legislature that the negotiations and the ensuing contracts shall have no impact on the state's share of the proceeds under the master settlement agreement entered into on November 23, 1998 by the state. This act does not constitute a grant of taxing authority to any Indian tribe nor does it provide precedent for the taxation of non-Indians on fee land.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may enter into cigarette tax contracts concerning the sale of cigarettes. All cigarette tax contracts shall meet the requirements for cigarette tax contracts under this section. Except for cigarette tax contracts under section 3 of this act, the rates, revenue sharing, and exemption terms of a cigarette tax contract

are not effective unless authorized in a bill enacted by the legislature.

(2) Cigarette tax contracts shall be in regard to retail sales in which Indian retailers make delivery and physical transfer of possession of the cigarettes from the seller to the buyer within Indian Country, and are not in regard to transactions by non-Indian retailers. In addition, contracts shall provide that retailers shall not sell or give, or permit to be sold or given, cigarettes to any person under the age of eighteen years.

(3) A cigarette tax contract with a tribe shall provide for a tribal cigarette tax in lieu of all state cigarette taxes and state and local sales and use taxes on sales of cigarettes in Indian Country by Indian retailers. The tribe may allow an exemption for sales to tribal members.

(4) Cigarette tax contracts shall provide that all cigarettes possessed or sold by a retailer shall bear a cigarette stamp obtained by wholesalers from a bank or other suitable stamp vendor and applied to the cigarettes. The procedures to be used by the tribe in obtaining tax stamps must include a means to assure that the tribal tax will be paid by the wholesaler obtaining such cigarettes. Tribal stamps must have serial numbers or some other discrete identification so that each stamp can be traced to its source.

(5) Cigarette tax contracts shall provide that retailers shall purchase cigarettes only from:

(a) Wholesalers or manufacturers licensed to do business in the state of Washington;

(b) Out-of-state wholesalers or manufacturers who, although not licensed to do business in the state of Washington, agree to comply with the terms of the cigarette tax contract, are certified to the state as having so agreed, and who do in fact so comply. However, the state may in its sole discretion exercise its administrative and enforcement powers over such wholesalers or manufacturers to the extent permitted by law;

(c) A tribal wholesaler that purchases only from a wholesaler or manufacturer described in (a), (b), or (d) of this subsection; and

(d) A tribal manufacturer.

(6) Cigarette tax contracts shall be for renewable periods of no more than eight years. A renewal may not include a renewal of the phase-in period.

(7) Cigarette tax contracts shall include provisions for compliance, such as transport and notice requirements, inspection procedures, stamping requirements, recordkeeping, and audit requirements.

(8) Tax revenue retained by a tribe must be used for essential government services. Use of tax revenue for subsidization of cigarette and food retailers is prohibited.

(9) The cigarette tax contract may include provisions to resolve disputes using a nonjudicial process, such as mediation.

(10) The governor may delegate the power to negotiate cigarette tax contracts to the department of revenue. The department of revenue shall consult with the liquor control board during the negotiations.

(11) Information received by the state or open to state review under the terms of a contract is subject to the provisions of RCW 82.32.330.

(12) It is the intent of the legislature that the liquor control board and the department of revenue continue the division of duties and shared authority under chapter 82.24 RCW and therefore the liquor control board is responsible for enforcement activities that come under the terms of chapter 82.24 RCW.

(13) Each cigarette tax contract shall include a procedure for notifying the other party that a violation has occurred, a procedure for establishing whether a violation has in fact occurred, an opportunity to correct such violation, and a provision providing for termination of the contract should the violation fail to be resolved through this process, such termination subject to mediation should the terms of the contract so allow. A contract shall provide for termination of the contract if resolution of a dispute does not occur within twenty-four months from the time notification of a violation has occurred. Intervening violations do not extend this time period. In addition, the contract shall include provisions delineating the respective roles and responsibilities of the tribe, the department of revenue, and the liquor control board.

(14) For purposes of this section and sections 3 through 6 of this act:

(a) "Essential government services" means services such as tribal administration, public facilities, fire, police, public health, education, job services, sewer, water, environmental and land use, transportation, utility services, and economic development;

(b) "Indian retailer" or "retailer" means (i) a retailer wholly owned and operated by an Indian tribe, (ii) a business wholly owned and operated by a tribal member and licensed by the tribe, or (iii) a business owned and operated by the Indian person or persons in whose name the land is held in trust; and

(c) "Indian tribe" or "tribe" means a federally recognized Indian tribe located within the geographical boundaries of the state of Washington.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor is authorized to enter into cigarette tax contracts with the Squaxin Island Tribe, the Nisqually Tribe, Tulalip Tribes, the Muckleshoot Indian Tribe, the Quinault Nation, the Jamestown S'Klallam Indian Tribe, the Port Gamble S'Klallam Tribe, the Stillaguamish Tribe, the Sauk-Suiattle Tribe, the Skokomish Indian Tribe, the Nooksack Indian Tribe, the Lummi Nation, the Chehalis Confederated Tribes, and the Upper Skagit Tribe. Each contract adopted under this section shall provide that the tribal cigarette tax rate be one hundred percent of the state cigarette and state and local sales and use taxes within three years of enacting the tribal tax and shall be set no lower than eighty percent of the state cigarette and state and local sales and use taxes during the three-year phase-in period. The three-year phase-in period shall be shortened by three months each quarter the number of cartons of nontribal manufactured cigarettes is at least ten percent or more than the quarterly average number of cartons of nontribal manufactured cigarettes from the six-month period preceding the imposition of the tribal tax under the contract. Sales at a retailer operation not in existence as of the date a tribal tax under this section is imposed are subject to the full rate of the tribal tax under the contract. The tribal cigarette tax is in lieu of the state cigarette and state and local sales and use taxes, as provided in section 2(3) of this act.

(2) A cigarette tax contract under this section is subject to section 2 of this act.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales of cigarettes by an Indian retailer during the effective period of a cigarette tax contract subject to section 2 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of cigarettes sold by an Indian retailer during the effective period of a cigarette tax contract subject to section 2 of this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.24 RCW to read as follows:

(1) The taxes imposed by this chapter do not apply to the sale, use, consumption, handling, possession, or distribution of cigarettes by an Indian retailer during the effective period of a cigarette tax contract subject to section 2 of this act.

(2) Effective July 1, 2002, wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps required under this chapter a sum computed at the rate of six dollars per one thousand stamps purchased or affixed by them.

**NEW SECTION. Sec. 7.** RCW 82.24.070 (Compensation of dealers), as now or hereafter amended, and 1987 c 496 s 5, 1987 c 80 s 2, 1971 ex.s. c 299 s 14, 1965 ex.s. c 173 s 24, 1961 ex.s. c 24 s 4, & 1961 c 15 s 82.24.070 are each repealed.

**Sec. 8.** RCW 82.24.510 and 1986 c 321 s 5 are each amended to read as follows:

(1) The licenses issuable under this chapter are as follows:

- (a) A wholesaler's license.
- (b) A retailer's license.

(2) Application for the licenses shall be made through the master license system under chapter 19.02 RCW. The department of revenue shall adopt rules regarding the regulation of the licenses. The department of revenue may refrain from the issuance of any license under this chapter if the department has reasonable cause to believe that the applicant has wilfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the department has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. In addition, for the purpose of reviewing an application for a wholesaler's license and for considering the denial, suspension, or revocation of any such license, the department may consider criminal convictions of the applicant related to the selling of cigarettes within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW shall not apply to such cases. The department may, in its discretion, grant or refuse the wholesaler's license, subject to the provisions of RCW 82.24.550.

(3) No person may qualify for a wholesaler's license under this section without first undergoing a criminal background check. The background check shall be performed by the liquor control board and must disclose any criminal convictions related to the selling of cigarettes within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions. A person who possesses a valid license on the effective date of this section is subject to this subsection and subsection (2) of this section beginning on the date of the person's master license expiration, and thereafter. If the applicant or licensee also has a license issued under chapter 66.24 RCW, the background check done under the authority of chapter 66.24 RCW satisfies the requirements of this section.

(4) Each such license shall expire on the master license expiration date, and each such license shall be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the department of revenue made pursuant thereto.

NEW SECTION. Sec. 9. Section 7 of this act takes effect July 1, 2002."

Correct the title.

Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Santos; Van Luven and Veloria.

Voting yea: Representatives Berkey, Cairnes, Carrell, Conway, Morris, Roach, Santos, Van Luven, and Veloria.

Excused: Representative Pennington.

Passed to Committee on Rules for second reading.

March 30, 2001

ESB 5374 Prime Sponsor, Senator Constantine: Imposing criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, personal care products, nonprescription drugs, or medical devices. (REVISED FOR ENGROSSED: Imposing criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, nonprescription drugs, or medical devices.) Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 9, strike all of subsection (i) and insert the following:

"(i) At which two or more persons offer personal property for sale or exchange and at which (A) these persons are charged a fee for sale or exchange of personal property or (B) prospective buyers are charged a fee for admission to the area at which personal property is offered or displayed for sale or exchange; or"

On page 2, line 25, after "or" strike "less" and insert "fewer"

On page 2, line 31, after "(4)" strike all material through "means" and insert ""Nonprescription drug," which may also be referred to as an over-the-counter drug, means"

On page 2, line 34, after "and" strike "should" and insert "required to"

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5376 Prime Sponsor, Senate Committee on Transportation: Restricting telephone service for household goods carriers operating without a permit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Morell; Ogden; Rockefeller; Romero; Simpson; Sump and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Mielke and Schindler.

Voting yea: Representatives Ahern, Anderson, Armstrong, G. Chandler, Cooper, Edmonds, Ericksen, Fisher, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Lovick, Marine, Mitchell, Morell, Rockefeller, Romero, Simpson, Skinner, Sump, and Woods.

Voting nay: Representatives Mielke, and Schindler.

Excused: Representatives Murray, Ogden, Reardon, and Wood.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5377 Prime Sponsor, Senator Gardner: Marking the gross weight on certain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Hatfield; Jackley; Jarrett; Marine; Mielke; Morell; Ogden; Romero; Schindler; Simpson; Skinner; Sump and Woods.

Voting yea: Representatives Ahern, Anderson, Armstrong, G. Chandler, Cooper, Edmonds, Ericksen, Fisher, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Lovick, Marine, Mielke, Mitchell, Morell, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, and Woods.

Excused: Representatives Murray, Ogden, Reardon, and Wood.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5390 Prime Sponsor, Senator Constantine: Clarifying tax exemptions for sale or use of orthotic devices. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Santos; Van Luven and Veloria.

Voting yea: Representatives Berkey, Cairnes, Carrell, Conway, Morris, Roach, Santos, Van Luven, and Veloria.

Excused: Representative Pennington.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5392 Prime Sponsor, Senator Long: Changing provisions relating to emancipation of minors. Reported by Committee on Juvenile Justice



MAJORITY recommendation: Do pass as amended.

On page 1, at the beginning of line 6, insert "(1)"

On page 1, line 8, after "whether:" strike "(1)" and insert "~~((4))~~ (a)"

On page 1, line 10, after "responsibilities;" strike "(2)" and insert "~~((2))~~ (b)"

On page 1, after line 12, insert the following:

"(2) For the purposes of this section, the term "judicial officer" means: (a) a judge; (b) a superior court commissioner of a unified family court if the county operates a unified family court; or (c) any superior court commissioner if the county does not operate a unified family court. The term does not include a judge pro tempore."

Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Carrell; Darneille and Tokuda.

Voting yea: Representatives Armstrong, Carrell, Darneille, Delvin, Dickerson, Eickmeyer, Marine, and Tokuda.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5393 Prime Sponsor, Senator Long: Revising provisions relating to truancy records. Reported by Committee on Juvenile Justice

MAJORITY recommendation: Do pass as amended.

On page 1, line 16, after "address," strike "sex" and insert "gender"

Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Carrell; Darneille and Tokuda.

Voting yea: Representatives Armstrong, Carrell, Darneille, Delvin, Dickerson, Eickmeyer, Marine, and Tokuda.

Passed to Committee on Rules for second reading.

March 30, 2001

ESB 5394 Prime Sponsor, Senator Kline: Revising provisions concerning the use of judges pro tempore. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 6, strike all material through "judge." on line 10 and insert "A case in the superior court of any county may be tried by a judge pro tempore(~~(, who must be)~~) either (1) with the agreement of the parties if the judge pro tempore is a member of the bar, who is agreed upon in writing by the parties litigant(~~(;)~~) or their attorneys of record, and who is approved by the court(~~(;)~~) and sworn to try the case; (~~and his~~) or (2) without the agreement of the parties if the judge pro tempore is a sitting elected judge and is acting as a judge pro tempore pursuant to supreme court rule. The supreme court rule must require assignments of judges pro tempore based on the judges' experience and must provide for the right, exercisable once during a case, to a change of judge pro tempore. Such right shall be in addition to any other right provided under RCW 4.12.050."

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5400 Prime Sponsor, Senate Committee on Economic Development & Telecommunications: Clarifying that the community economic revitalization board may make loans and grants to federally recognized Indian tribes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Fromhold, Democratic Vice Chair; Jackley and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern; Mulliken; Pflug and Woods.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Fromhold, Jackley and O'Brien.

Voting nay: Representatives Ahern, Mulliken, Pflug and Woods.

Excused: Representative Gombosky.

Referred to Committee on Capital Budget.

March 28, 2001

SSB 5401 Prime Sponsor, Senate Committee on State & Local Government: Eliminating boards and commissions. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 20 strike all of subsection (3)

On page 6, beginning on line 37, strike all of section 402

Renumber the following sections consecutively, correct internal references accordingly, and correct the title.

On page 8, after line 5, insert:

**"NEW SECTION. Sec. 1001.** It is the intent of the legislature that the department of social and health services and the department of ecology, in consultation with affected constituent groups, continue appropriate public involvement and outreach mechanisms designed to provide cost-effective public input on their programs and policies."

Renumber the following sections consecutively and correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Schindler, Haigh, Lambert, McDermott and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5407 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Allowing more simulcast horse racing. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5433 Prime Sponsor, Senate Committee on Health & Long-Term Care: Providing for establishment of parent and child relationship for children born through alternative reproductive medical technology. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Marine, McMorris, Pennington and Ruderman.

Excused: Representatives Edmonds and Edwards.

Passed to Committee on Rules for second reading.

March 29, 2001

ESSB 5434 Prime Sponsor, Senate Committee on Transportation: Removing the photo requirement for special identification cards for persons issued disabled parking permits. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Ahern, Anderson, Armstrong, G. Chandler, Cooper, Edmonds, Ericksen, Fisher, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Lovick, Marine, Mielke, Mitchell, Morell, Murray, Ogden, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood, and Woods.

Excused: Representative Reardon.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5437 Prime Sponsor, Senator Oke: Requiring holders of fish and wildlife licenses purchased over the internet or telephone to provide enforcement officers with photo identification. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.15.080 and 2000 c 107 s 233 are each amended to read as follows:

Based upon articulable facts that a person is engaged in fishing or hunting activities, fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title. For licenses purchased over the internet or telephone, fish and wildlife officers may require the person, if age eighteen or older, to exhibit a driver's license or other photo identification.

**Sec. 2.** RCW 77.32.420 and 2000 c 107 s 272 are each amended to read as follows:

Recreational licenses are not transferable. Upon request of a fish and wildlife officer, ex officio fish and wildlife officer, or authorized fish and wildlife employee, a person hunting for game animals and furbearers, digging for, fishing for, or possessing shellfish, or seaweed or fishing for or possessing food fish or game fish for personal use shall exhibit the required recreational license and write his or her signature for comparison with the signature on the license. A person who has purchased a license over the internet or by telephone may be required to also exhibit a valid driver's license, or other photo identification, if age eighteen or older. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license."

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Edwards, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Passed to Committee on Rules for second reading.

March 30, 2001

SB 5439 Prime Sponsor, Senator Jacobsen: Modifying provisions concerning the licensing of fishing guides.  
Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.65.010 and 1998 c 190 s 93 are each amended to read as follows:

(1) Except as otherwise provided by this title, a person may not engage in any of the following activities without a license or permit issued by the director:

- (a) Commercially fish for or take food fish or shellfish;
- (b) Deliver food fish or shellfish taken in offshore waters;
- (c) Operate a charter boat or commercial fishing vessel engaged in a fishery;
- (d) Engage in processing or wholesaling food fish or shellfish; or
- (e) Act as a fishing guide (~~for salmon for personal use~~) in freshwater rivers and streams, other than that part of the Columbia river below the bridge at Longview.

(2) No person may engage in the activities described in subsection (1) of this section unless the licenses or permits required by this title are in the person's possession, and the person is the named license holder or an alternate operator designated on the license and the person's license is not suspended.

(3) A valid Oregon license that is equivalent to a license under this title is valid in the concurrent waters of the Columbia river if the state of Oregon recognizes as valid the equivalent Washington license. The director may identify by rule what Oregon licenses are equivalent.

(4) No license or permit is required for the production or harvesting of private sector cultured aquatic

products as defined in RCW 15.85.020 or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

**Sec. 2.** RCW 77.65.150 and 2000 c 107 s 36 are each amended to read as follows:

(1) The director shall issue the charter licenses and angler permits listed in this section according to the requirements of this title. The licenses and permits and their annual fees and surcharges are:

License or Permit	Annual Fee (RCW 77.95.090 Surcharge)		Governing Section
	Resident	Nonresident	
(a) Nonsalmon charter	\$225	\$375	
(b) Salmon charter	\$380 (plus \$100)	\$685 (plus \$100)	RCW 77.70.050
(c) Salmon angler	\$ 0	\$ 0	RCW 77.70.060
(d) Salmon roe	\$ 95	\$ 95	RCW 77.65.350

(2) A salmon charter license designating a vessel is required to operate a charter boat to take salmon, other food fish, and shellfish. The director may issue a salmon charter license only to a person who meets the qualifications of RCW 77.70.050.

(3) A nonsalmon charter license designating a vessel is required to operate a charter boat to take food fish other than salmon and shellfish. As used in this subsection, "food fish" does not include salmon.

(4) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish, game fish, or shellfish for personal use, and that brings food fish or shellfish into state ports or brings food fish or shellfish taken from state waters into United States ports. The director may specify by rule when a vessel is a "charter boat" within this definition. "Charter boat" does not mean a vessel used by a guide for clients fishing for food fish or game fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(5) A charter boat licensed in Oregon may fish without a Washington charter license under the same rules as Washington charter boat operators in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

(6) A salmon charter license under subsection (1)(b) of this section may be renewed if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

**Sec. 3.** RCW 77.65.370 and 1998 c 190 s 98 are each amended to read as follows:

(1) A natural person shall not offer or perform the services of a professional (~~(salmon))~~ fishing guide in the taking of (~~(salmon))~~ game fish and food fish for personal use in freshwater rivers and streams, other than in that part of the Columbia river below the bridge at Longview, without a professional (~~(salmon))~~ fishing guide license.

(2) Only an individual at least sixteen years of age may hold a professional (~~(salmon))~~ fishing guide license. No

individual may hold more than one professional ~~((salmon))~~ fishing guide license. No individual may hold a professional fishing guide license unless they can demonstrate to the department's satisfaction that they have a current first aid card and a current cardiopulmonary resuscitation card, a Washington state business license, and adequate liability insurance. For purposes of this subsection, "adequate liability insurance" means general liability insurance coverage that extends to both the guide and employees in an amount of at least three hundred thousand dollars for occurrences of bodily injury and property damage in any one accident.

(3) The director may specify by rule the requirements for identifying boats engaged in professional fish guiding.

**Sec. 4.** RCW 77.65.440 and 2000 c 107 s 55 are each amended to read as follows:

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

Personal License	Annual Fee (RCW 77.95.090 Surcharge)		Governing Section
	Resident	Nonresiden t	
(1) Alternate Operator	\$ 35	\$ 35	RCW 77.65.130
(2) Geoduck Diver	\$185	\$295	RCW 77.65.410
(3) <del>((Salmon Guide))</del> <u>Fishing</u> <u>Guide</u>	<del>((130))</del> <u>\$175</u> (plus \$20)	<del>((630))</del> <u>\$620</u> (plus \$100)	RCW 77.65.370

**Sec. 5.** RCW 77.65.480 and 1991 sp.s. c 7 s 4 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred eighty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred eighty dollars.

~~(3) ((A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred eighty dollars for a resident and six hundred dollars for a nonresident.~~

~~————(4))~~ (4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the rules adopted pursuant to this title. The fee for this license is seventy-two dollars for the first year and forty-eight dollars for each following year.

~~(((5)))~~ (4) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty-four dollars.

~~(((6)))~~ (5) A fishing or field trial permit allows the holder to promote, conduct, hold, or sponsor a fishing or field trial contest in accordance with rules of the commission. The fee for a fishing contest permit is twenty-four dollars. The fee for a field trial contest permit is twenty-four dollars.

~~(((7)))~~ (6) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian ~~((fishermen))~~ fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director. The fee for this license is one hundred eighty dollars."

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; Edwards; Jackley; Murray and Pennington.

MINORITY recommendation: Without recommendation. Signed by Representatives G. Chandler; Eickmeyer

and Ericksen.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, Edwards, Jackley, Murray and Pennington.

Voting nay: Representatives G. Chandler, Eickmeyer and Ericksen.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5442 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Allowing the use of certain salmon fishing gear with an experimental fishery permit. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 77.50 RCW to read as follows:

It is the intent of the legislature to ensure that a sustainable level of salmon is made available for harvest for commercial fishers in the state. Maintaining consistent harvest levels has become increasingly difficult with the listing of salmonid species under the federal endangered species act. Without a stable level of harvest, fishers cannot develop niche markets that maximize the economic value of the harvest. New tools and approaches are needed by fish managers to bring increased stability to the fishing industry.

In the short term, it is the legislature's intent to provide managers with tools to assure that commercial harvest of targeted stocks can continue and expand under the constraints of the federal endangered species act. There are experimental types of commercial fishing gear that could allow fishers to stabilize harvest levels by selectively targeting healthy salmon stocks.

For the longer term, the department of fish and wildlife shall proceed with changes to the operation of certain hatcheries in order to stabilize harvest levels by allowing naturally spawning and hatchery origin fish to be managed as a single run. Scientific information from such hatcheries would guide the department's approach to reducing the need to mass mark hatchery origin salmon where appropriate.

**Sec. 2.** RCW 77.50.030 and 1998 c 190 s 77 are each amended to read as follows:

(1) A person shall not use, operate, or maintain a gill net which exceeds (~~(+500)~~) one thousand five hundred feet in length or a drag seine in the waters of the Columbia river for catching salmon.

(2) A person shall not construct, install, use, operate, or maintain within state waters a pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance for catching salmon or steelhead except under the authority of a trial or experimental fishery permit, when an emerging commercial fishery has been designated allowing use of one or more of these gear types. The director must consult with the commercial fishing interests that would be affected by the trial or experimental fishery permit. The director may authorize the use of this gear for scientific investigations.

(3) The department, in coordination with the Oregon department of fish and wildlife, shall adopt rules to regulate the use of monofilament in gill net webbing on the Columbia river.

**Sec. 3.** RCW 77.70.180 and 1993 c 340 s 43 are each amended to read as follows:

(1) Within five years after adopting rules to govern the number and qualifications of participants in an emerging commercial fishery, the director shall provide to the appropriate senate and house of representatives committees a report which outlines the status of the fishery and a recommendation as to whether a separate commercial fishery license, license fee, or limited harvest program should be established for that fishery.

(2) For any emerging commercial fishery designated under RCW 77.50.030, the report must also include:

(a) Information on the extent of the program, including to what degree mass marking and

supplementation programs have been utilized in areas where emerging commercial fisheries using selective fishing gear have been authorized;

(b) Information on the benefit provided to commercial fishers including information on the effectiveness of emerging commercial fisheries using selective fishing gear in providing expanded fishing opportunity within mixed stocks of salmon;

(c) Information on the effectiveness of selective fishing gear in minimizing postrelease mortality for nontarget stocks, harvesting fish so that they are not damaged by the gear, and aiding the creation of niche markets; and

(d) Information on the department's efforts at operating hatcheries in an experimental fashion by managing wild and hatchery origin fish as a single run as an alternative to mass marking and the utilization of selective fishing gear. The department shall consult with commercial fishers, recreational fishers, federally recognized treaty tribes with a fishing right, regional fisheries enhancement groups, and other affected parties to obtain their input in preparing the report under this subsection (2)."

Correct the title.

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 5443 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Changing required renewal dates in order to validly renew certain commercial fishing licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.65.160 and 2000 c 107 s 37 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 77.70.090 may hold a license listed in this subsection. The licenses and their annual fees and surcharges under RCW 77.95.090 are:

Fishery License	Residen t Fee	Nonresid ent Fee	Surcha rge
(a) Salmon Gill Net--Grays Harbor-Columbia river	\$380	\$685	plus \$100
(b) Salmon Gill Net--Puget Sound	\$380	\$685	plus \$100



(c) Salmon Gill Net--Willapa Bay- Columbia river	\$380	\$685	plus \$100
(d) Salmon purse seine	\$530	\$985	plus \$100
(e) Salmon reef net	\$380	\$685	plus \$100
(f) Salmon troll	\$380	\$685	plus \$100

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 77.65.100.

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department ~~((by August 1st))~~ before the third Monday in September of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge before the third Monday in September, in order to be considered a valid renewal and eligible to renew the license the following year.

(7) Notwithstanding the annual license fees and surcharges established in subsection (1) of this section, a person who holds a resident commercial salmon fishery license shall pay an annual license fee of one hundred dollars without a surcharge if all of the following conditions are met:

(a) The license holder is at least seventy-five years of age;

(b) The license holder owns a fishing vessel and has fished with a resident commercial salmon fishery license for at least twenty years;  
and

(c) The commercial salmon fishery license is for a geographical area other than the Puget Sound.

An alternate operator may not be designated for a license renewed at the one hundred dollar annual fee under this subsection (7).

**Sec. 2.** RCW 77.65.030 and 1993 c 340 s 3 are each amended to read as follows:

The application deadline for a commercial license or permit established in this chapter is December 31<sup>st</sup> of the calendar year for which the license or permit is sought. The department shall accept no license or permit

applications after December 31<sup>st</sup> of the calendar year for which the license or permit is sought. The application deadline in this section does not apply to a license or permit that has not been renewed because of the death of the license or permit holder. The license or permit holder's surviving spouse, estate, or estate beneficiary must be given a reasonable opportunity to renew the license or permit.

**Sec. 3.** RCW 77.65.070 and 1996 c 267 s 27 are each amended to read as follows:

(1) A commercial license issued under this chapter permits the license holder to engage in the activity for which the license is issued in accordance with this title and the rules of the department.

(2) No security interest or lien of any kind, including tax liens, may be created or enforced in a license issued under this chapter.

(3) Unless otherwise provided in this title or rules of the department, commercial licenses and permits issued under this chapter expire at midnight on December 31<sup>st</sup> of the calendar year for which they are issued. In accordance with this title, licenses may be renewed annually upon application and payment of the prescribed license fees. In accordance with RCW 77.65.030, the department must provide a license or permit holder's surviving spouse, estate, or estate beneficiary a reasonable opportunity to renew the license or permit.

Correct the title.

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Passed to Committee on Rules for second reading.

March 28, 2001

ESSB 5449 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Prohibiting identity theft. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

On page 3, line 4, strike "government issued" and insert "government-issued"

On page 3, line 5, strike "government issued" and insert "government-issued"

On page 3, line 9, after "(c)" strike "The" and insert "A"

On page 3, line 28, after "judgment" insert ", "

On page 11, line 9, after "identification" insert "."

On page 17, line 9, after "identification" insert "."

On page 18, beginning on line 34, strike all of section 7 and insert the following:

**NEW SECTION. Sec. 7.** A new section is added to chapter 9.35 RCW to read as follows:

The legislature finds that the practices covered by RCW 9.35.010 and 9.35.020 are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Violations of RCW 9.35.010 or 9.35.020 are not reasonable in relation to the development and preservation of business. A violation of RCW 9.35.010 or 9.35.020 is an unfair or deceptive act in trade or commerce and an

unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Nothing in RCW 9.35.010 or 9.35.020 limits a victim's ability to receive treble damages under RCW 19.86.090."

On page 11, line 26, after the word "batching" insert ",recording"

On page 12, line 2, after "instruments;" strike "or"

On page 12, line 4, after "or similar proceeding" insert ";or (v) the oral contact is made for the purpose of investigating , confirming, or authenticating the information received from the debtor, to provide additional information to the debtor, or to request additional information from the debtor needed by the licensee to accurately record the debtor's information in the licensee's records"

On page 17, line 22, after the word "batching" insert ",recording"

On page 17, line 37, after "instruments;" strike "or"

On page 17, line 39, after "or similar proceeding" insert ";or (v) the oral contact is made for the purpose of investigating , confirming, or authenticating the information received from the debtor, to provide additional information to the debtor, or to request additional information from the debtor needed by the licensee to accurately record the debtor's information in the licensee's records"

Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

March 30, 2001

ESSB 5465 Prime Sponsor, Senate Committee on Human Services & Corrections: Changing provisions relating to sex offender treatment providers. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

On page 3, line 5, after "provision" strike "is limited by" and insert "does not eliminate"

On page 3, line 9, after "victims." insert "This limited liability provision applies only to the conduct of the certified sex offender treatment provider and not the conduct of the state."

Signed by: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5472 Prime Sponsor, Senate Committee on Judiciary: Changing provisions relating to termination of

municipal courts and service contracts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 5474 Prime Sponsor, Senate Committee on Ways & Means: Modifying provisions concerning the general administration services account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 39.35.060 and 1996 c 186 s 404 are each amended to read as follows:

The department may impose fees upon affected public agencies for the review of life-cycle cost analyses. The fees shall be deposited in the ~~((energy efficiency services account established in RCW 39.35C.110))~~ general administration services account. The purpose of the fees is to recover the costs by the department for review of the analyses. The department shall set fees at a level necessary to recover all of its costs related to increasing the energy efficiency of state-supported new construction. The fees shall not exceed one-tenth of one percent of the total cost of any project or exceed two thousand dollars for any project unless mutually agreed to. The department shall provide detailed calculation ensuring that the energy savings resulting from its review of life-cycle cost analysis justify the costs of performing that review.

**Sec. 2.** RCW 43.19.025 and 1998 c 105 s 1 are each amended to read as follows:

The general ~~((services))~~ administration ~~((general administration services))~~ services account is created in the custody of the state treasurer and shall be used for all activities previously budgeted and accounted for in the following internal service funds: The motor transport account, the general administration management fund, the general administration facilities and services revolving fund, the central stores revolving fund, the surplus property purchase revolving fund, ~~((and))~~ the risk management account, and the energy efficiency services account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW.

**Sec. 3.** RCW 43.19.1923 and 1998 c 105 s 6 are each amended to read as follows:

The general administration services account shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include utilities services. ~~((Disbursements from the account for the purchasing and contract administration activities of the division of purchasing within the department are subject to appropriation and allotment procedures under chapter 43.88 RCW. Disbursements for all other state purchasing activities within the general administration services account are not subject to appropriation.))~~ The account shall be credited with all receipts from the rental, sale, or distribution of supplies, equipment, and services rendered to the various state agencies. Central stores, utilities services, and other activities within the general administration services account shall be treated as separate operating entities for financial and accounting control. Financial records involving the general administration services account shall be designed to provide data for achieving maximum effectiveness and economy of each individual activity within the account.

NEW SECTION. **Sec. 4.** RCW 39.35C.110 (Energy efficiency services account--Fees) and 1996 c 186 s 415 & 1991 c 201 s 12 are each repealed."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Alexander, Barlean, Benson, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Sehlin, Sommers, Talcott, and Tokuda.

Excused: Representatives Gombosky, Kessler, and Lisk.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5478 Prime Sponsor, Senator Franklin: Reducing childhood lead exposure. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Excused: Representatives Edmonds, and Edwards.

Referred to Committee on Appropriations.

March 29, 2001

SSB 5484 Prime Sponsor, Senate Committee on Ways & Means: Providing a limited sales tax exemption for certain sales of conifer seed. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Santos; Van Luven and Veloria.

Voting yea: Representatives Berkey, Cairnes, Carrell, Conway, Morris, Roach, Santos, Van Luven, and Veloria.

Excused: Representative Pennington.

Passed to Committee on Rules for second reading.

March 30, 2001

SB 5491 Prime Sponsor, Senator Kline: Revising small claims proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Lantz,

Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Carrell, Lantz, Hurst, Lambert, Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5494 Prime Sponsor, Senate Committee on Transportation: Clarifying noise laws for motor vehicles.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.37.390 and 1977 ex.s. c 355 s 33 are each amended to read as follows:

(1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out bypass, or similar device upon a motor vehicle on a highway.

(2)(a) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 1 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a)(i) above.

(b) No motor vehicle first sold and registered prior to January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 2 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b)(i) above.

(c) For the purposes of this subsection the following definitions shall apply:

(i) "Opacity" means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background;

(ii) "Ringelmann chart" means the Ringelmann smoke chart with instructions for use as published by the United States bureau of mines in May 1967 and as thereafter amended, information circular 7718.

(3) No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection so that the vehicle's exhaust noise exceeds ninety-five decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998). It is not a violation of this subsection unless proven by proper authorities that the exhaust system modification results in noise amplification in excess of ninety-five decibels under the prescribed SAE test standard. A court may dismiss an infraction notice for a violation of this subsection if there is reasonable grounds to believe that the vehicle was not operated in violation of this subsection.

This subsection (3) does not apply to vehicles twenty-five or more years old or to passenger vehicles being operated off the highways in an organized racing or competitive event conducted by a recognized sanctioning body."

Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Ahern, Anderson, Armstrong, G. Chandler, Cooper, Edmonds, Ericksen, Fisher, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Lovick, Marine, Mielke, Mitchell, Morell, Murray, Ogden, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood, and Woods.

Excused: Representative Reardon

Passed to Committee on Rules for second reading.

March 28, 2001

ESB 5495 Prime Sponsor, Senator Jacobsen: Modifying the appointment process for members of the community outdoor athletic fields advisory council. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 79A.25.810 and 1998 c 264 s 2 are each amended to read as follows:

(1) A community outdoor athletic fields advisory council is established within the interagency committee for outdoor recreation. The advisory council shall consist of nine members, from the public at large, appointed as follows: (a) Four members appointed by the chairperson of the interagency committee for outdoor recreation; (b) two members appointed by the house of representatives, one each appointed by the speaker of the house of representatives and the minority leader of the house of representatives; (c) two members appointed by the senate, one each appointed by the majority leader of the senate and the minority leader of the senate; and (d) one member appointed by the governor, who shall serve as chairperson of the advisory council. If a position on the advisory council which is supposed to be filled by an appointment by either the house of representatives or the senate is vacant for more than ninety days because of a failure to make the appointment, the chairperson of the interagency committee may appoint a person to fill the vacancy. The appointments must reflect an effort to achieve a balance among the appointed members based upon factors of geographic, population density, racial, ethnic, and gender diversity, and with a sense and awareness of community outdoor athletic fields needs, including the complete variety of outdoor athletic activities.

(2) The community outdoor athletic fields advisory council shall annually advise, provide information to, and make recommendations to the interagency committee for outdoor recreation on how to allocate all of the funds deposited in the youth athletic facility account created in RCW 43.99N.060(4). These recommendations must include, at a minimum, recommendations concerning the distribution of funds deposited in the youth athletic facility account between the maintenance of existing athletic facilities, the development of new athletic facilities, the improvement of existing athletic facilities, and the award of funds from the youth athletic facility ~~((grant))~~ ~~account ((created in RCW 43.99N.060(4),))~~ to cities, counties, and qualified nonprofit organizations for acquiring, developing, equipping, maintaining, and improving youth or community athletic facilities, including but not limited to community outdoor athletic fields.

(3) The members shall serve three-year terms. Of the initial members, two shall be appointed for a one-year term, three shall be appointed for a two-year term, and the remainder shall be appointed for three-year terms. Thereafter, members shall be appointed for three-year terms. The member appointed by the governor

shall serve as chairperson of the advisory council for the duration of the member's term.

(4) Members of the advisory council shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060."

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Buck, G. Chandler, Doumit, Edwards, Eickmeyer, Ericksen, Jackley, Murray, Pearson, Pennington, Rockefeller, and Sump.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5497 Prime Sponsor, Senate Committee on Agriculture & International Trade: Excluding farm and agricultural land from forest land under the forest practices act. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Excused: Representative Delvin.

Passed to Committee on Rules for second reading.

March 28, 2001

ESSB 5500 Prime Sponsor, Senate Committee on Human Services & Corrections: Revising programs and proceedings for children under the BECCA and HOPE acts. Reported by Committee on Juvenile Justice

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.32A.030 and 2000 c 123 s 2 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center, or his or her designee.

(3) "At-risk youth" means a juvenile:

(a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent; or

(b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or



(c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse; or

(d) Who refuses or fails to comply with the compulsory school attendance laws as provided under chapter 28A.225 RCW in addition to either (a), (b), or (c) of this subsection.

(4) "Child," "juvenile," and "youth" mean any unemancipated individual who is under the chronological age of eighteen years.

(5) "Child in need of services" means a juvenile:

(a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person;

(b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours on two or more separate occasions from the home of either parent, a crisis residential center, an out-of-home placement, or a court-ordered placement; and

(i) Has exhibited a serious substance abuse problem; or

(ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or

(c)(i) Who is in need of: (A) Necessary services, including food, shelter, health care, clothing, or education; or (B) services designed to maintain or reunite the family;

(ii) Who lacks access to, or has declined to utilize, these services; and

(iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

(6) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department seeking adjudication of placement of the child.

(7) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(8) "Custodian" means the person or entity who has the legal right to the custody of the child.

(9) "Department" means the department of social and health services.

(10) "Extended family member" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

(11) "Guardian" means that person or agency that (a) has been appointed as the guardian of a child in a legal proceeding other than a proceeding under chapter 13.34 RCW, and (b) has the right to legal custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

(12) "Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent. The team shall include the parent, a department case worker, a local government representative when authorized by the local government, and when appropriate, members from the mental health and substance abuse disciplines. The team may also include, but is not limited to, the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, therapists, medical personnel, social service providers, placement providers, and extended family members. The team members shall be volunteers who do not receive compensation while acting in a capacity as a team member, unless the member's employer chooses to provide compensation or the member is a state employee.

(13) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(14) "Parent" means the parent or parents who have the legal right to custody of the child. "Parent" includes custodian or guardian.

(15) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(16) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or

specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(17) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department with a ratio of at least one adult staff member to every two children.

(18) "Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

**Sec. 2.** RCW 13.32A.160 and 2000 c 123 s 19 are each amended to read as follows:

(1) When a proper child in need of services petition to approve an out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding hearing to be held: (A) For a child who resides in a place other than his or her parent's home and other than an out-of-home placement, within five calendar days unless the last calendar day is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day; or (B) for a child living at home or in an out-of-home placement, within ten days; and (ii) notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving a child in need of services petition; (e) notify the parents of their rights under this chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to file a motion requesting that the court convert the petition to an at-risk youth petition, the right to submit an application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition; and (f) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of a child in need of services petition, the child may be placed, if not already placed by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence other than a HOPE center to be determined by the department. The court may place a child in a crisis residential center for a temporary out-of-home placement as long as the requirements of RCW 13.32A.125 are met.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three judicial days upon the request of the juvenile or the juvenile's parent.

**Sec. 3.** RCW 13.32A.170 and 2000 c 123 s 20 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper child in need of services petition, giving due weight to the intent of the legislature that families have the right to place reasonable restrictions and rules upon their children, appropriate to the individual child's developmental level. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. At the commencement of the hearing, the court shall advise the parents of their rights as set forth in RCW 13.32A.160(1). If the court approves or denies a child in need of services petition, a written statement of the reasons must be filed.

(2) The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence, including a departmental recommendation for approval or dismissal of the petition, that:

(a) The child is a child in need of services as defined in RCW 13.32A.030(5);

(b) If the petitioner is a child, he or she has made a reasonable effort to resolve the conflict;

(c) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(d) A suitable out-of-home placement resource is available.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

The court may not grant the petition if the child is the subject of a proceeding under chapter 13.34 RCW.

(3) Following the fact-finding hearing the court shall: (a) Approve a child in need of services petition and, if appropriate, enter a temporary out-of-home placement for a period not to exceed fourteen days pending approval of a disposition decision to be made under RCW 13.32A.179(2); (b) approve the parent's motion to convert the petition to an at-risk youth petition (~~filed by the parents and dismiss the child in need of services petition~~) and approve the at-risk youth petition; or (c) dismiss the petition.

At any time the court may order the department to review the case to determine whether the case is appropriate for a dependency petition under chapter 13.34 RCW.

**Sec. 4.** RCW 13.32A.179 and 2000 c 123 s 21 are each amended to read as follows:

(1) A disposition hearing shall be held no later than fourteen days after the approval of the temporary out-of-home placement. The parents, child, and department shall be notified by the court of the time and place of the hearing.

(2) At the conclusion of the disposition hearing, the court may: (a) Reunite the family and dismiss the petition; (b) approve the parent's motion to convert the petition to an at-risk youth petition (~~filed by the parents and dismiss the child in need of services petition~~) and approve the at-risk youth petition; (c) approve an out-of-home placement requested in the child in need of services petition by the parents; or (d) order an out-of-home placement at the request of the child or the department not to exceed ninety days.

At any time the court may order the department to review the matter for purposes of filing a dependency petition under chapter 13.34 RCW. Whether or not the court approves or orders an out-of-home placement, the court may also order any conditions of supervision as set forth in RCW 13.32A.196(3).

(3) The court may only enter an order under subsection (2)(d) of this section if it finds by clear, cogent, and convincing evidence that: (a)(i) The order is in the best interest of the family; (ii) the parents have not requested an out-of-home placement; (iii) the parents have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable efforts to resolve the problems that led to the filing of the petition; (v) the problems cannot be resolved by delivery of services to the family during continued placement of the child in the parental home; (vi) reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and (vii) a suitable out-of-home placement resource is available; (b)(i) the order is in the best interest of the child; and (ii) the parents are unavailable; or (c) the parent's actions cause an imminent threat to the child's health or safety.

(4) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. The plan, if ordered, shall address the needs of the child, and the perceived needs of the parents if the order was entered under subsection (2)(d) of this section or if specifically agreed to by the parents. If the parents do not agree or the order was not entered under subsection (2)(d) of this section the plan may only make recommendations regarding services in which the parents may voluntarily participate. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided with timely notification of all court hearings.

(5) At any time during the pendency of a child in need of services petition or following approval of a child in need of services petition, the court may order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department if the department has sufficient resources and agrees to perform the assessment.

(6) A child who fails to comply with a court order issued under this section shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within one year after the entry of the order.

~~((6))~~ (7) After the court approves or orders an out-of-home placement, the parents or the department may request, and the court may grant, dismissal of the child in need of services proceeding when it is not feasible for the department to provide services due to one or more of the following circumstances:

- (a) The child has been absent from court approved placement for thirty consecutive days or more;
- (b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or
- (c) The department has exhausted all available and appropriate resources that would result in reunification.

~~((7))~~ (8) The court shall dismiss a placement made under subsection (2)(c) of this section upon the request of the parents.

**Sec. 5.** RCW 13.32A.190 and 1996 c 133 s 25 are each amended to read as follows:

(1) Upon making a dispositional order under RCW 13.32A.179, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel and/or a guardian ad litem to represent the child at the review hearing, advise parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their rights to present evidence at the hearing. Where resources are available, the court shall encourage the parent and child to participate in programs for reconciliation of their conflict.

(2) At the review hearing, the court shall approve or disapprove the continuation of the dispositional plan in accordance with this chapter. The court shall determine whether reasonable efforts have been made to reunify the family and make it possible for the child to return home. The court shall discontinue the placement and order that the child return home if the court has reasonable grounds to believe that the parents have made reasonable efforts to resolve the conflict and the court has reason to believe that the child's refusal to return home is capricious. If out-of-home placement is continued, the court may modify the dispositional plan.

(3) At its discretion, the court may hold a hearing to review a child in need of services matter at any time throughout the duration of the proceeding.

(4) Out-of-home placement may not be continued past one hundred eighty days from the day the review hearing commenced. The court shall order the child to return to the home of the parent at the expiration of the placement. If an out-of-home placement is disapproved prior to one hundred eighty days, the court shall enter an order requiring the child to return to the home of the child's parent.

~~((4))~~ (5) The parents and the department may request, and the juvenile court may grant, dismissal of an out-of-home placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:

- (a) The child has been absent from court approved placement for thirty consecutive days or more;
- (b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or
- (c) The department has exhausted all available and appropriate resources that would result in reunification.

~~((5))~~ (6) The court shall terminate a placement made under this section upon the request of a parent unless the placement is made pursuant to RCW 13.32A.179(3).

~~((6))~~ (7) The court may dismiss a child in need of services petition filed by a parent at any time if the court finds good cause to believe that continuation of out-of-home placement would serve no useful purpose.

~~((7))~~ (8) The court shall dismiss a child in need of services proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

**Sec. 6.** RCW 13.32A.196 and 2000 c 123 s 24 are each amended to read as follows:

(1) A dispositional hearing shall be held no later than fourteen days after the fact-finding hearing. Each party shall be notified of the time and date of the hearing.

(2) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control

of the child and assist the family to resolve family conflicts or problems.

(3) The court may set conditions of supervision for the child that include:

(a) Regular school attendance;

(b) Counseling;

(c) Participation in a substance abuse or mental health outpatient treatment program;

(d) Reporting on a regular basis to the department or any other designated person or agency; and

(e) Any other condition the court deems an appropriate condition of supervision including but not limited to: Employment, participation in an anger management program, and refraining from using alcohol or drugs.

(4) No dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

(5) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled.

(6) The parent may request dismissal of an at-risk youth proceeding or out-of-home placement at any time. Upon such a request, the court shall dismiss the matter and cease court supervision of the child unless: (a) A contempt action is pending in the case; (b) a petition has been filed under RCW 13.32A.150 and a hearing has not yet been held under RCW 13.32A.179; or (c) an order has been entered under RCW 13.32A.179(3) and the court retains jurisdiction under that subsection. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

(7) An at-risk youth proceeding converted from a truancy proceeding under chapter 28A.225 RCW shall revert to being a truancy proceeding under chapter 28A.225 RCW if, pursuant to subsection (6) of this section, the at-risk youth petition is dismissed.

(8) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

(9) At any time during the pendency of an at-risk youth petition or following approval of an at-risk youth petition, the court may order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department if the department has sufficient resources and agrees to perform the assessment.

**Sec. 7.** RCW 13.32A.198 and 1990 c 276 s 15 are each amended to read as follows:

(1) Upon making a disposition regarding an adjudicated at-risk youth, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel for the child, advise the parent of the right to be represented by legal counsel at the review hearing at the parent's own expense, and notify the parties of their rights to present evidence at the hearing.

(2) At the review hearing, the court shall approve or disapprove the continuation of court supervision in accordance with the goal of assisting the parent to maintain the care, custody, and control of the child. The court shall determine whether the parent and child are complying with the dispositional plan. If court supervision is continued, the court may modify the dispositional plan.

(3) At its discretion, the court may hold a hearing to review an at-risk youth matter at any time throughout the duration of the proceeding.

(4) Court supervision of the child may not be continued past one hundred eighty days from the day the review hearing commenced unless the court finds, and the parent agrees, that there are compelling reasons for an extension of supervision. Any extension granted pursuant to this subsection shall not exceed ninety days.

~~((4))~~ (5) The court may dismiss an at-risk youth proceeding at any time if the court finds good cause to believe that continuation of court supervision would serve no useful purpose or that the parent is not cooperating with the court-ordered case plan. The court shall dismiss an at-risk youth proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

(6) An at-risk youth proceeding converted from a truancy proceeding under chapter 28A.225 RCW shall revert to being a truancy proceeding under chapter 28A.225 RCW if, pursuant to this section, the at-risk youth petition is dismissed.

**Sec. 8.** RCW 28A.225.035 and 1999 c 319 s 3 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

- (a) The child has unexcused absences during the current school year;
- (b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and
- (c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4) When a petition is filed under RCW 28A.225.030 or 28A.225.015, the juvenile court shall schedule a hearing at which the court shall consider the petition, or if the court determines that a referral to an available community truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court.

(5) If a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within thirty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The agreement shall be presented to the juvenile court for its approval.

(6) The court shall approve the agreement by order or schedule a hearing. The court may, if the school district and community truancy board agree, permit the truancy board to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015, and report on compliance with the order.

(7) If the truancy board fails to reach an agreement, the truancy board shall return the case to the juvenile court for a hearing.

(8) Notwithstanding the provisions in subsection (4) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. When a juvenile court hearing is held, the court shall:

- (a) Separately notify the child, the parent of the child, and the school district of the hearing;
- (b) Notify the parent and the child of their rights to present evidence at the hearing; and
- (c) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(9) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(10) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(11) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

(16) At any time after the filing of a truancy petition on his or her child, and subsequent to a family assessment as provided under RCW 13.32A.150(1), a parent may file with the court a motion requesting the matter be converted to an at-risk youth proceeding under chapter 13.32A RCW. The court shall approve the motion unless there is a pending contempt action under this chapter or the court has reason to believe the conversion would not be in the best interest of the child.

**Sec. 9.** RCW 28A.225.090 and 2000 c 162 s 6 and 2000 c 61 s 1 are each reenacted and amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, including suspensions;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the drug assessment at no expense to the school.

(2)(a) If the child fails to comply with the court order, the court may order the child to be placed in confinement for contempt, either in a juvenile detention facility operated by or under a contract with a county or in a secure facility that is a separate, secure section of a juvenile detention facility, or may impose alternatives to confinement such as community service. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. In no case may a child in contempt be confined in a secure facility that is freestanding outside a juvenile detention facility.

(b) If the child fails to comply with the court order, the court may order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department if the department has sufficient resources and agrees to perform the assessment. The court shall hold a review hearing within fourteen days of the contempt finding and, pursuant to the results of the assessment, may order

conditions of supervision, including regular school attendance, counseling, participation in a substance abuse or mental health outpatient treatment program, and any other condition the court deems an appropriate condition of supervision.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4)(a) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(b) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department if the department has sufficient resources and agrees to perform the assessment. The court shall hold a review hearing within fourteen days of the contempt finding and, pursuant to the results of the assessment, may order conditions of supervision, including regular school attendance, counseling, participation in a substance abuse or mental health outpatient treatment program, and any other condition the court deems an appropriate condition of supervision.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015.

**Sec. 10.** RCW 28A.225.090 and 2000 c 162 s 15 and 2000 c 61 s 1 are each reenacted and amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, including suspensions;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such



testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the drug assessment at no expense to the school.

(2)(a) If the child fails to comply with the court order, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community service. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(b) If the child fails to comply with the court order, the court may order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department if the department has sufficient resources and agrees to perform the assessment. The court shall hold a review hearing within fourteen days of the contempt finding and, pursuant to the results of the assessment, may order conditions of supervision, including regular school attendance, counseling, participation in a substance abuse or mental health outpatient treatment program, and any other condition the court deems an appropriate condition of supervision.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4)(a) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(b) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department if the department has sufficient resources and agrees to perform the assessment. The court shall hold a review hearing within fourteen days of the contempt finding and, pursuant to the results of the assessment, may order conditions of supervision, including regular school attendance, counseling, participation in a substance abuse or mental health outpatient treatment program, and any other condition the court deems an appropriate condition of supervision.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015.

**NEW SECTION. Sec. 11.** A new section is added to chapter 74.15 RCW to read as follows:

Any person acting reasonably, in good faith, and in compliance with the requirements of the HOPE act (chapter 267, Laws of 1999) shall be immune from civil or criminal liability for receiving or sheltering the child. Immunity does not apply to acts of intentional misconduct or gross negligence.

**Sec. 12.** RCW 13.32A.070 and 1996 c 133 s 13 are each amended to read as follows:

(1) A law enforcement officer acting in good faith pursuant to this chapter is immune from civil or criminal liability for such action.

(2) A person with whom a child is placed pursuant to this chapter and who acts reasonably and in good

faith is immune from civil or criminal liability ((for the act of receiving the child)). The immunity does not release the person from liability under any other law.

**Sec. 13.** RCW 13.32A.125 and 1995 c 312 s 44 are each amended to read as follows:

In approving a petition under this chapter, a child may be placed in a semi-secure crisis residential center as a temporary out-of-home placement under the following conditions: (1) No other suitable out-of-home placement is available; (2) space is available in the semi-secure crisis residential center; and (3) no child will be denied access for a five-day placement due to this placement.

Any child referred to a semi-secure crisis residential center by a law enforcement officer, the department, or himself or herself shall have priority over a temporary out-of-home placement in the facility. Any out-of-home placement order shall be subject to this priority, and the administrator of the semi-secure crisis residential center shall transfer the temporary out-of-home placement youth to a new out-of-home placement as necessary to ensure access for youth needing the semi-secure crisis residential center.

A crisis residential center and any person employed at the center acting reasonably and in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

**Sec. 14.** 1999 c 267 s 24 (uncodified) is amended to read as follows:

The Washington state institute for public policy shall review the effectiveness of the HOPE centers and the responsible living skills programs. The study shall include the characteristics of the youth being served, the services offered to participating youth, the success of permanent placement of youth, the number of youth participating in each program, the number of youth who successfully complete the responsible living skills program, educational achievement of participants, employment history of participants, the outcomes for youth who have progressed through the programs, and other measures that the institute deems helpful in determining the measurable outcomes of sections 10 through 26 of this act.

The review shall be submitted to the legislature and the governor not later than December 1, ((2001)) 2002.

NEW SECTION. **Sec. 15.** Section 9 of this act expires July 1, 2002.

NEW SECTION. **Sec. 16.** Section 10 of this act takes effect July 1, 2002."

Correct the title.

Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Darneille and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representative Carrell.

Voting yea: Representatives Delvin, Dickerson, Eickmeyer, Marine, Armstrong, Darneille and Tokuda.  
Excused: Representative Carrell.

Referred to Committee on Appropriations.

March 29, 2001

SSB 5511 Prime Sponsor, Senate Committee on Judiciary: Adding a factor a court is to consider in determining residential time between parents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 3, line 8, strike "Which" and insert "If none of the limitations of RCW 26.09.191 apply, which"

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Boldt; Dickerson; Esser; Lovick and McDermott.

MINORITY recommendation: Do not pass. Signed by Representatives Lambert, Republican Vice Chair; Casada.

Voting yea: Representatives Carrell, Lantz, Hurst, Boldt, Dickerson, Esser, Lovick and McDermott.  
Voting nay: Representatives Lambert and Casada.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5518 Prime Sponsor, Senator Horn: Waiving the motorcycle exam for trained operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump and Woods.

Voting yea: Representatives Ahern, Anderson, Armstrong, G. Chandler, Cooper, Edmonds, Ericksen, Fisher, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Lovick, Marine, Mielke, Mitchell, Morell, Murray, Ogden, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood, and Woods.  
Excused: Representative Reardon.

Passed to Committee on Rules for second reading.

March 29, 2001

ESSB 5522 Prime Sponsor, Senate Committee on Human Services & Corrections: Creating an office of mental health ombudsman. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 3, line 28, after "order;" delete "and"

On page 3, line 30, after hospitals" insert "; and

(g) Establish the jurisdiction of the mental health ombudsman so that it does not overlap with other state ombudsman offices and allows contact and coordination among the various state ombudsman offices"

On page 10, line 7, after "(2)" strike all material through "act." and insert the following: "The legislature intends that federal medicaid requirements be met.

(3)The legislature intends that the implementation and operation of the state mental health ombudsman program shall have no additional fiscal impact for the first two years of the program, and that:

(a) The department of community, trade, and economic development shall expend no more than:

(i) The amount annually expended for mental health ombudsman and quality review team services, and related administration by regional support networks, and state hospitals and their subcontractors, pursuant to contracts with the department of social and health services;

(ii) The amount annually expended by the mental health division of the department of social and health services in staff support, monitoring oversight, and subcontracted training and consultation for community mental health ombudsman and quality review team services and state hospital mental health patient advocate or

ombudsman-related services.

(b) Costs and expenses, as referenced in this section, must include any and all expenses associated with the implementation and operation of the state mental health ombudsman program by the department of community, trade, and economic development, the office of mental health ombudsman, and its contractors or subcontractors. Any costs incurred in the planning and implementation of the state mental health ombudsman program while services are still being provided within the regional support networks and state hospitals must be made up out of the next fiscal year's total amount of the interagency agreement between the department of community, trade, and economic development with the department of social and health services.

(c) Nothing in this section may be construed to prevent the solicitation and use of private funds by the office of mental health ombudsman. Any funds received from private sources may be expended in excess of the limitations imposed in this section.

Re-number the sections consecutively and correct any internal references accordingly.

Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

MINORITY recommendation: Without recommendation. Signed by Representatives Skinner, Republican Vice Chair; Alexander.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Ballasiotes, Conway, Darneille, Marine, McMorris, Pennington and Ruderman.

Voting nay: Representatives Skinner and Alexander.

Excused: Representatives Edmonds and Edwards.

Referred to Committee on Appropriations.

March 29, 2001

SSB 5533 Prime Sponsor, Senate Committee on Education: Posting and notification of pesticide applications at schools. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 17.21.020 and 1994 c 283 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agricultural commodity" means any plant or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) "Agricultural land" means land on which an agricultural commodity is produced or land that is in a government-recognized conservation reserve program. This definition does not apply to private gardens where agricultural commodities are produced for personal consumption.

(3) "Antimicrobial pesticide" means a pesticide that is used for the control of microbial pests, including but not limited to viruses, bacteria, algae, and protozoa, and is intended for use as a disinfectant or sanitizer.

(4) "Apparatus" means any type of ground, water, or aerial equipment, device, or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized handsized household

device used to apply any pesticide, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application, or any other small equipment, device, or contrivance that is transported in a piece of equipment licensed under this chapter as an apparatus.

~~((4))~~ (5) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

~~((5))~~ (6) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA or the director as a restricted use pesticide.

~~((6))~~ (7) "Commercial pesticide applicator" means any person who engages in the business of applying pesticides to the land of another.

~~((7))~~ (8) "Commercial pesticide operator" means any employee of a commercial pesticide applicator who uses or supervises the use of any pesticide and who is required to be licensed under provisions of this chapter.

~~((8))~~ (9) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

~~((9))~~ (10) "Department" means the Washington state department of agriculture.

~~((10))~~ (11) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

~~((11))~~ (12) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, but not including equipment used for the application of pesticides when sold separately from the pesticides.

~~((12))~~ (13) "Direct supervision" by certified private applicators shall mean that the designated restricted use pesticide shall be applied for purposes of producing any agricultural commodity on land owned or rented by the applicator or the applicator's employer by a competent person acting under the instructions and control of a certified private applicator who is available if and when needed, even though such certified private applicator is not physically present at the time and place the pesticide is applied. The certified private applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied. Direct supervision by all other certified applicators means direct on-the-job supervision and shall require that the certified applicator be physically present at the application site and that the person making the application be in voice and visual contact with the certified applicator at all times during the application. Direct supervision of an aerial apparatus means the pilot of the aircraft must be appropriately certified.

~~((13))~~ (14) "Director" means the director of the department or a duly authorized representative.

~~((14))~~ (15) "Engage in business" means any application of pesticides by any person upon lands or crops of another.

~~((15))~~ (16) "EPA" means the United States environmental protection agency.

~~((16))~~ (17) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.

~~((17))~~ (18) "FIFRA" means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

~~((18))~~ (19) "Fumigant" means any pesticide product or combination of products that is a vapor or gas or forms a vapor or gas on application and whose method of pesticidal action is through the gaseous state.

~~((19))~~ (20) "Fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, and yeasts, except those on or in a living person or other animals.

~~((20))~~ (21) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

~~((21))~~ (22) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed or other higher plant.

~~((22))~~ (23) "Immediate service call" means a landscape application to satisfy an emergency customer request for service, or a treatment to control a pest to landscape plants.

~~((23))~~ (24) "Insect" means any small invertebrate animal, in any life stage, whose adult form is segmented and which generally belongs to the class insecta, comprised of six-legged, usually winged forms, as, for example, beetles, bugs, bees, and flies. The term insect shall also apply to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

~~((24))~~ (25) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect.

~~((25))~~ (26) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices, and contrivances, appurtenant to or situated on, fixed or mobile, including any used for transportation.

~~((26))~~ (27) "Landscape application" means an application ~~((by a certified applicator))~~ of any EPA registered pesticide to any exterior landscape ~~((plants found))~~ area around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by certified private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.

~~((27))~~ (28) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

~~((28))~~ (29) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts. Nematodes may also be called nemas or eelworms.

~~((29))~~ (30) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

~~((30))~~ (31) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a living person or other animal or in or on processed food or beverages or pharmaceuticals, which is normally considered to be a pest, or which the director may declare to be a pest.

~~((31))~~ (32) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used.

~~((32))~~ (33) "Pesticide advisory board" means the pesticide advisory board as provided for in this chapter.

~~((33))~~ (34) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

~~((34))~~ (35) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of any pesticide classified by the EPA or the director as a restricted use pesticide, for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

~~((35))~~ (36) "Private-commercial applicator" means a certified applicator who uses or supervises the use

of any pesticide classified by the EPA or the director as a restricted use pesticide for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

~~((36))~~ (37) "Residential property" includes property less than one acre in size zoned as residential by a city, town, or county, but does not include property zoned as agricultural or agricultural homesites.

~~((37))~~ (38) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

~~((38))~~ (39) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

~~((39))~~ (40) "School facility" means any facility used for licensed day care center purposes or for the purposes of a public kindergarten or public elementary or secondary school. School facility includes the buildings or structures, playgrounds, landscape areas, athletic fields, school vehicles, or any other area of school property.

(41) "Snails or slugs" include all harmful mollusks.

~~((40))~~ (42) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

~~((41))~~ (43) "Weed" means any plant which grows where it is not wanted.

**Sec. 2.** RCW 17.21.410 and 1994 c 283 s 33 are each amended to read as follows:

(1) A certified applicator making a landscape application to:

(a) Residential property shall at the time of the application place a marker at the usual point of entry to the property. If the application is made to an isolated spot that is not a substantial portion of the property, the applicator shall only be required to place a marker at the application site. If the application is in a fenced or otherwise isolated backyard, no marker is required.

(b) Commercial properties such as apartments or shopping centers shall at the time of application place a marker in a conspicuous location at or near each site being treated.

(c) A golf course shall at the time of the application place a marker at the first tee and tenth tee or post the information in a conspicuous location such as on a central message board.

(d) A school, nursery school, or licensed day care shall at the time of the application place a marker at each primary point of entry to the school grounds. A school employee making an application to a school facility shall comply with the posting requirements in section 3 of this act.

(e) A park, cemetery, rest stop, or similar property as may be defined in rule shall at the time of the application place a marker at each primary point of entry.

(2) An individual making a landscape application to a school grounds, nursery school, or licensed day care, and not otherwise covered by subsection (1) of this section, shall ~~((be required to comply with the posting requirements in subsection (1)(d) of this section))~~ at the time of the application place a marker at each primary point of entry to the school grounds.

(3) The marker shall be a minimum of four inches by five inches. It shall have the words: "THIS LANDSCAPE HAS BEEN TREATED BY" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. Larger size requirements for markers may be established in rule for specific applications. The company name and service mark ~~((with the applicator's telephone number where information can be obtained))~~ shall be included between the headline and the footer on ~~((the marker. The letters and service marks))~~ a marker placed by a commercial applicator. The applicator's telephone number where information can be obtained about the application shall be included in the footer of the marker. Markers shall be printed in colors contrasting to the background.

(4) The property owner or tenant shall remove the marker according to the schedule established in rule. A ~~((commercial))~~ certified applicator or individual who complies with this section is not liable for the removal of markers by unauthorized persons or removal outside the designated removal time.

(5) A certified applicator or individual who complies with this section cannot be held liable for personal property damage or bodily injury resulting from markers that are placed as required.

**NEW SECTION. Sec. 3.** A new section is added to chapter 17.21 RCW to read as follows:

(1) As used in this section, "school" means a licensed day care center or a public kindergarten or a public elementary or secondary school.

(2) A school shall provide written notification annually or upon enrollment to parents or guardians of students and employees describing the school's pest control policies and methods, including the posting and notification requirements of this section.

(3) A school shall establish a notification system that, as a minimum, notifies interested parents or guardians of students and employees at least forty-eight hours before a pesticide application to a school facility. The notification system shall include posting of the notification in a prominent place in the main office of the school.

(4) All notifications to parents, guardians, and employees shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (a) The product name of the pesticide to be applied;
- (b) The intended date and time of application;
- (c) The location to which the pesticide is to be applied;
- (d) The pest to be controlled; and
- (e) The name and phone number of a contact person at the school.

(5) A school facility application must be made within forty-eight hours following the intended date and time stated in the notification or the notification process shall be repeated.

(6) A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d).

(a) Notification signs for applications made to school grounds by school employees shall be placed at the location of the application and at each primary point of entry to the school grounds. The signs shall be a minimum of four inches by five inches and shall include the words: "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. The footer shall provide the name and telephone number of a contact person at the school.

(b) Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application. The signs shall be a minimum of eight and one-half by eleven inches and shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (i) The product name of the pesticide applied;
- (ii) The date and time of application;
- (iii) The location to which the pesticide was applied;
- (iv) The pest to be controlled; and
- (v) The name and phone number of a contact person at the school.

(c) Notification signs shall be printed in colors contrasting to the background.

(d) Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label.

(7) A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.

(8) The prenotification requirements of this section do not apply if the school facility application is made when the school is not occupied by students for at least two consecutive days after the application.

(9) The prenotification requirements of this section do not apply to any emergency school facility application for control of any pest that poses an immediate human health or safety threat, such as an application to control stinging insects. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application. The notification shall



include information consistent with subsection (6)(b) of this section.

(10) A school shall make the records of all pesticide applications to school facilities required under this chapter, including an annual summary of the records, readily accessible to interested persons.

(11) A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.320 RCW to read as follows:

Schools as defined in section 3 of this act shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW.

NEW SECTION. **Sec. 5.** A new section is added to chapter 74.15 RCW to read as follows:

Licensed day care centers shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW.

NEW SECTION. **Sec. 6.** Except for section 7 of this act, this act takes effect July 1, 2002.

NEW SECTION. **Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 17.21.020 and 17.21.410; adding a new section to chapter 17.21 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 74.15 RCW; creating a new section; and providing an effective date."

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Quall; Roach and Sump.

MINORITY recommendation: Without recommendation. Signed by Representative Schoesler.

Voting yea: Representatives G. Chandler, Linville, Cooper, Mielke, B. Chandler, Delvin, Dunshee, Grant, Hunt, Quall, Roach and Sump.

Voting nay: Representative Schoesler.

Excused: Representative Kirby.

Referred to Committee on Appropriations.

March 29, 2001

SSB 5543 Prime Sponsor, Senate Committee on Education: Improving student safety. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that a supportive learning environment enhances student academic achievement. A supportive learning environment is one that is safe, civil, healthy, and intellectually stimulating where students are engaged in learning and are committed to acquiring the knowledge, attitudes, skills, and behaviors to succeed in the twenty-first century.

The legislature intends to improve the student learning environment by helping school districts implement comprehensive safe school plans that assist schools in providing a safe learning environment.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

A consistent comprehensive approach to school safety includes a comprehensive safe school plan and implementation of the plan covering prevention, intervention, all hazards and crisis response, and postcrisis recovery. Staff, students, parents, the community, law enforcement, and emergency preparedness shall be involved in the development and implementation of the plan.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, each local school board shall establish a policy requiring that each school in its district develop a written comprehensive safe school plan consistent with this section.

(2) The school district board of directors shall establish a process for approval of individual school plans. Plans shall be approved by September 1, 2002. Once approved, the school district shall develop a process to inform students, staff, volunteers, and parents about its comprehensive safe school plans.

(3) Each school shall annually conduct an evaluation of its comprehensive safe school plan and conduct reviews, drills, or simulated practices in coordination with local fire, law enforcement, medical, and emergency management agencies. Districts also shall annually provide information on the implementation and evaluation of the plans to parents and students.

(4) Each school shall maintain a copy of its comprehensive safe school plan and documentation of yearly reviews, drills, or simulated practices within the office of the school principal and shall make a copy of the report available for review upon written request.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.300 RCW to read as follows:

To the extent funds are appropriated for this purpose, a school safety center shall be established to provide school districts with: The assistance necessary to create a consistent, comprehensive approach to school safety for every school and every school district; the means to share safety information among school districts; and a process for schools to effectively integrate safe school planning with emergency preparedness personnel, the criminal justice training commission, and local, county, and state law enforcement officers.

The safety center shall disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

The school safety center shall be established in the office of the superintendent of public instruction. The superintendent of public instruction shall appoint and participate in a school safety center advisory committee that includes, but is not limited to, representatives of educators, other school staff, administrators, the American society for industrial security, the state criminal justice training commission, law enforcement agencies, and others deemed appropriate and approved by the school safety center advisory committee. The advisory committee shall select a chair.

The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.320 RCW to read as follows:

To the extent funds are appropriated, a per pupil allocation shall be distributed to each school district, however no school district may be allocated less than two thousand dollars. School districts shall use the funds to carry out district activities to develop and implement a comprehensive safe school plan.

**NEW SECTION. Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Cox; Ericksen; Keiser; Pearson; Rockefeller; Santos and Schual-Berke.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Cox, Ericksen, Keiser, McDermott, Pearson, Rockefeller, Santos, Schmidt and Schual-Berke.

Voting nay: Representative Schindler.

Referred to Committee on Appropriations.

March 30, 2001

SSB 5558 Prime Sponsor, Senate Committee on Judiciary: Clarifying penalty procedures for alcohol violators.  
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 32, strike section 2

Correct the title accordingly.

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Boldt; Casada; Esser; Lovick and McDermott.

MINORITY recommendation: Without recommendation. Signed by Representative Lambert, Republican Vice Chair.

Voting yea: Representatives Boldt, Carrell, Casada, Dickerson, Esser, Hurst, Lantz, Lovick, and McDermott.

Voting nay: Representative Lambert.

Passed to Committee on Rules for second reading.

March 29, 2001

ESSB 5566 Prime Sponsor, Senate Committee on Health & Long-Term Care: Requiring uniform prescription drug information cards. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edwards, Marine, McMorris, Pennington and Ruderman.

Excused: Representative Edmonds.

Referred to Committee on Appropriations.

March 28, 2001

SSB 5572 Prime Sponsor, Senate Committee on Transportation: Authorizing Crime Stoppers signs in view of specified highway systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; Edmonds; Haigh; Hatfield; Hurst; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Ahern, Anderson, Armstrong, Cooper, Edmonds, Ericksen, Fisher, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Lovick, Marine, Mielke, Mitchell, Morell, Murray, Ogden, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, Wood, and Woods.  
Excused: Representatives G. Chandler, and Reardon.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5573 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Authorizing raffles by student groups and public hospital districts. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 1, line 9, after "fide" insert "charitable"

On page 2, line 3, after "body" strike "fund program" and insert "program fund"

Signed by Representatives Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hunt; Kenney and Lisk.

MINORITY recommendation: Without recommendation. Signed by Representatives Clements, Republican Co-Chair; B. Chandler, Republican Vice Chair; McMorris.

Voting yea: Representatives Conway, Wood, Hunt, Kenney and Lisk.

Voting nay: Representatives Clements, B. Chandler and McMorris.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5582 Prime Sponsor, Senator Roach: Authorizing the conditional employment of teachers with lapsed certificates. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

"**Sec. 1.** RCW 28A.410.010 and 1992 c 159 s 3 and 1992 c 60 s 2 are each reenacted and amended to read as follows:

(1) The state board of education shall establish, publish, and enforce rules (~~and regulations~~) determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law((-) subject to the following conditions:

(a) The rules shall require that the initial application for certification shall require a record check of the applicant through the Washington state patrol criminal identification system and through the federal bureau of investigation at the applicant's expense. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The superintendent of public instruction may waive

the record check for any applicant who has had a record check within the two years before application.

(b) The rules shall permit a holder of a lapsed certificate who has separated from service with a school district or approved private school located in the state of Washington to be employed on a conditional basis for a maximum of two years by a school district or approved private school under the following conditions:

(i) The holder's certificate has not been suspended or revoked;

(ii) The holder has successfully completed state-mandated background checks;

(iii) The holder must complete any certificate renewal requirements established by the state board of education within two years of initial reemployment, and must develop and file with the employer a mutually agreed upon written plan for achieving the requirements within the allotted time; and

(iv) If hired by a school district, the holder shall be employed under a one-year provisional contract that may be renewed no more than once. The holder must make satisfactory progress toward the achievement of the certificate renewal requirements before the provisional contract may be renewed.

(2) In establishing rules pertaining to the qualifications of instructors of American sign language the state board shall consult with the national association of the deaf, "sign instructors guidance network" (s.i.g.n.), and the Washington state association of the deaf for evaluation and certification of sign language instructors.

(3) The superintendent of public instruction shall act as the administrator of any such rules (~~and regulations~~) and have the power to issue any certificates or permits and revoke the same in accordance with board rules (~~and regulations~~).

On page 1, line 2 of the title, after "certificates;" strike the remainder of the title and insert "and reenacting and amending RCW 28A.410.010."

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler and Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representatives Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schindler, Schmidt, and Talcott.

Voting nay: Representative Schual-Berke.

Passed to Committee on Rules for second reading.

March 29, 2001

ESSB 5583 Prime Sponsor, Senate Committee on Human Services & Corrections: Implementing recommendations of the joint legislative audit and review committee's performance audit of the public mental health system. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 2, line 21, strike New Section 5 and renumber the remaining sections accordingly.

On page 9, after line 17, insert the following:

"NEW SECTION. Sec. 8. RCW 71.24.155 (Grants to counties--Accounting) and 1987 c 505 s 65, 1986 c 274 s 9, & 1982 c 204 s 9 71.24.155 are each repealed."

Renumber the remaining section accordingly and correct internal references.

Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille;

Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Excused: Representative Edmonds.

Referred to Committee on Appropriations.

March 29, 2001

E2SSB 5593 Prime Sponsor, Senate Committee on Ways & Means: Changing the public accountancy act.

Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Commerce & Labor.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.04.015 and 1992 c 103 s 1 are each amended to read as follows:

(1) It is the policy of this state and the purpose of this chapter:

(a) To promote the dependability of information which is used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private or governmental; and

(b) To protect the public interest by requiring that:

(i) ~~Persons who hold themselves out ((to the public)) as ((certified public accountants who offer to perform, or perform for clients, professional services, including but not limited to one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, the preparation of tax returns, or the furnishing of advice on tax matters, perform such services))~~ licensees or certificate holders conduct themselves in a competent, ethical, and professional manner;

(ii) A public authority be established that is competent to prescribe and assess the qualifications of certified public accountants, including certificate holders who are not licensed for the practice of public accounting;

(iii) Persons other than ~~((certified public accountants))~~ licensees refrain from using the words "audit," "review," and "compilation" when designating a report customarily prepared by someone knowledgeable in accounting; ~~((and))~~

(iv) A public authority be established to provide for consumer alerts and public protection information to be published regarding persons or firms who violate the provisions of this act or board rule and to provide general consumer protection information to the public; and

(v) The use of accounting titles likely to confuse the public be prohibited.

(2) The purpose of this act is to make revisions to chapter 234, Laws of 1983 and chapter 103, Laws of 1992 to: Fortify the public protection provisions of this act; establish one set of qualifications to be a licensee; revise the regulations of certified public accountants; make revisions in the ownership of certified public accounting firms; assure to the greatest extent possible that certified public accountants from Washington state are substantially equivalent with certified public accountants in other states and can therefore perform the duties of certified public accountants in as many states and countries as possible; assure certified public accountants from other states and countries have met qualifications that are substantially equivalent to the certified public accountant qualifications of this state; and clarify the authority of the board of accountancy with respect to the activities of persons holding licenses and certificates under this chapter. It is not the intent of this act to in any way restrict or limit the activities of persons not holding licenses or certificates under this chapter except as otherwise specifically restricted or limited by chapter 234, Laws of 1983 and chapter 103, Laws of 1992.

(3) A purpose of chapter 103, Laws of 1992, revising provisions of chapter 234, Laws of 1983, is to

clarify the authority of the board of accountancy with respect to the activities of persons holding certificates under this chapter. Furthermore, it is not the intent of chapter 103, Laws of 1992 to in any way restrict or limit the activities of persons not holding certificates under this chapter except as otherwise specifically restricted or limited by chapter 234, Laws of 1983.

**Sec. 2.** RCW 18.04.025 and 1999 c 378 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of accountancy created by RCW 18.04.035.

(2) "Certificate holder" means the holder of a certificate as a certified public accountant who has not become a licensee, has maintained CPE requirements, and who does not practice public accounting.

(3) "Certified public accountant" or "CPA" means a person holding a certified public accountant license or certificate.

~~((3))~~ (4) "State" includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

~~((4))~~ (5) "Reports on financial statements" means any reports or opinions prepared by ~~((certified public accountants))~~ licensees, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting. "Reports on financial statements" does not include services referenced in RCW 18.04.350(6) provided by persons not holding a license under this chapter.

~~((5))~~ (6) The "practice of public accounting" means performing or offering to perform by a person or firm holding itself out to the public as a licensee, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters. The "practice of public accounting" shall not include practices that are permitted under the provisions of RCW 18.04.350(6) by persons or firms not required to be licensed under this chapter.

~~((6))~~ (7) "Firm" means a sole proprietorship, a corporation, or a partnership. "Firm" also means a limited liability company formed under chapter 25.15 RCW.

~~((7))~~ (8) "CPE" means continuing professional education.

~~((8))~~ (9) "Certificate" means a certificate as a certified public accountant issued prior to July 1, 2001, as authorized under the provisions of this chapter ~~((, or a corresponding certificate issued by another state or foreign jurisdiction that is recognized in accordance with the reciprocity provisions of RCW 18.04.180 and 18.04.183)).~~

~~((9))~~ (10) "Licensee" means the holder of a ~~((valid))~~ license to practice public accountancy issued under this chapter.

~~((10))~~ (11) "License" means a license to practice public accountancy issued to an individual under this chapter, or a license issued to a firm under this chapter.

~~((11))~~ (12) "Manager" means a manager of a limited liability company licensed as a firm under this chapter.

(13) "NASBA" means the national association of state boards of accountancy.

(14) "Quality assurance review" means a process established by and conducted at the direction of the board of study, appraisal, or review of one or more aspects of the ~~((professional))~~ attest work of a ~~((person))~~ licensee or licensed firm in the practice of public accountancy by a person or persons who hold ~~((certificates))~~ licenses and who are not affiliated with the person or firm being reviewed.

~~((12))~~ ~~"Quality review")~~ (15) "Peer review" means a study, appraisal, or review of one or more aspects of the ~~((professional))~~ attest work of a ~~((person))~~ licensee or licensed firm in the practice of public accountancy by a person or persons who hold ~~((certificates))~~ licenses and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control

policies and procedures, but not including the "quality assurance review" under subsection ~~((14))~~ (14) of this section.

~~((13))~~ (16) "Review committee" means any person carrying out, administering or overseeing a ~~((quality))~~ peer review authorized by the reviewee.

~~((14))~~ (17) "Rule" means any rule adopted by the board under authority of this chapter.

~~((15))~~ (18) "Holding out" means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person or firm that the person or firm ~~((is a certified public accountant))~~ holds a license under this chapter and that the person or firm offers to perform any professional services to the public as a ~~((certified public accountant))~~ licensee. "Holding out" shall not affect or limit ~~((a person not required to hold a certificate under this chapter or))~~ a person or firm not required to hold a license under this chapter from engaging in practices identified in RCW 18.04.350~~((6))~~.

(19) "Natural person" means a living, human being.

(20) "Inactive" means the certificate is in an inactive status because a person who held a valid certificate before July 1, 2001, has not met the current requirements of licensure and has been granted inactive certificate holder status through an approval process established by the board.

**Sec. 3.** RCW 18.04.035 and 1992 c 103 s 3 are each amended to read as follows:

(1) There is created a board of accountancy for the state of Washington to be known as the Washington state board of accountancy. Effective June 30, 2001, the board shall consist of ~~((seven))~~ nine members appointed by the governor. Members of the board shall include ~~((four))~~ six persons who ~~((hold valid certified public accountant certificates and have been in public practice as certified public accountants))~~ have been licensed in this state continuously for the previous ten years ~~((and two persons who have held a valid certified public accountant's certificate in this state for at least ten years))~~. ~~((The seventh))~~ Three members shall be ~~((the))~~ public members ~~((and shall be a person who is))~~ qualified to judge whether the qualifications, activities, and professional practice of those regulated under this chapter conform with standards to protect the public interest, including one public member qualified to represent the interests of clients of individuals and firms licensed under this chapter.

(2) The members of the board ~~((of accountancy))~~ shall be appointed by the governor to a term of three years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of a member's term of office, the member shall continue to serve until a successor has been appointed and has assumed office. The governor shall remove from the board any member whose ~~((certificate or))~~ license to practice has been revoked or suspended and may, after hearing, remove any member of the board for neglect of duty or other just cause. No person who has served two successive complete terms is eligible for reappointment.

Appointment to fill an unexpired term is not considered a complete term. In order to stagger their terms, of the two new appointments made to the board upon June 11, 1992, the first appointed member shall serve a term of two years initially.

**Sec. 4.** RCW 18.04.045 and 1992 c 103 s 4 are each amended to read as follows:

(1) The board shall annually elect a chair, a vice-chair, and a secretary from its members.

(2) A majority of the board constitutes a quorum for the transaction of business.

(3) The board shall have a seal which shall be judicially noticed.

(4) The board shall keep records of its proceedings, and of any proceeding in court arising from or founded upon this chapter. Copies of these records certified as correct under the seal of the board are admissible in evidence as tending to prove the content of the records.

(5) The governor shall appoint an executive director of the board, who shall serve at the pleasure of the governor. The executive director may employ such personnel as is appropriate for carrying out the purposes of this chapter. The executive director shall hold a valid Washington ~~((CPA certificate))~~ license. The board may arrange for such volunteer assistance as it requires to perform its duties. Individuals or committees assisting the board constitute volunteers for purposes of chapter 4.92 RCW.

(6) The board shall file an annual report of its activities with the governor. The report shall include, but not be limited to, a statement of all receipts and disbursements. Upon request, the board shall mail a copy of



each annual report to any member of the public.

(7) In making investigations concerning alleged violations of the provisions of this chapter and in all proceedings under RCW 18.04.295 or chapter 34.05 RCW, the board chair, or a member of the board, or a board designee acting in the chair's place, may administer oaths or affirmations to witnesses appearing before the board, subpoena witnesses and compel their attendance, take testimony, and require that documentary evidence be submitted.

(8) The board may review the publicly available professional work of licensees on a general and random basis, without any requirement of a formal complaint or suspicion of impropriety on the part of any particular licensee. If as a result of such review the board discovers reasonable grounds for a more specific investigation, the board may proceed under its investigative and disciplinary rules.

(9) The board may provide for consumer alerts and public protection information to be published regarding persons or firms who violate the provisions of this chapter or board rule and may provide general consumer protection information to the public.

(10) As provided in RCW 18.04.370, the board may enter into stipulated agreements and orders of assurance with persons who have violated the provisions of RCW 18.04.345 or certify the facts to the prosecuting attorney of the county in which such person resides for criminal prosecution.

**Sec. 5.** RCW 18.04.055 and 1992 c 103 s 5 are each amended to read as follows:

The board may adopt and amend rules under chapter 34.05 RCW for the orderly conduct of its affairs. The board shall prescribe rules consistent with this chapter as necessary to implement this chapter. Included may be:

- (1) Rules of procedure to govern the conduct of matters before the board;
- (2) Rules of professional conduct for all ~~((certificate and license holders))~~ licensees, certificate holders, and nonlicensee owners of licensed firms, in order to establish and maintain high standards of competence and ethics ~~((of certified public accountants))~~ including rules dealing with independence, integrity, objectivity, and freedom from conflicts of interest;
- (3) Rules specifying actions and circumstances deemed to constitute holding oneself out as a licensee in connection with the practice of public accountancy;
- (4) Rules specifying the manner and circumstances of the use of the titles "certified public accountant" and "CPA," by holders of certificates who do not also hold licenses under this chapter;
- (5) Rules specifying the educational requirements to take the certified public accountant examination ~~((or for the issuance of the certificate or license of certified public accountant))~~;
- (6) Rules designed to ensure that ~~((certified public accountants'))~~ licensees' "reports on financial statements" meet the definitional requirements for that term as specified in RCW 18.04.025;
- (7) Requirements for ~~((continuing professional education))~~ CPE to maintain or improve the professional competence of ~~((certificate and license holders))~~ licensees as a condition to maintaining their ~~((certificate or))~~ license ~~((to practice))~~ and certificate holders as a condition to maintaining their certificate under RCW 18.04.215;
- (8) Rules governing ~~((sole proprietors, partnerships, and corporations practicing public accounting))~~ firms issuing or offering to issue reports on financial statements or using the title "certified public accountant" or "CPA" including, but not limited to, rules concerning their style, name, title, and affiliation with any other organization, and establishing reasonable practice and ethical standards to protect the public interest;
- (9) The board may by rule implement a quality assurance review program as a means to monitor licensees' quality of practice and compliance with professional standards. The board may exempt from such program, licensees who undergo periodic ~~((quality))~~ peer reviews in programs of the American Institute of Certified Public Accountants, ~~((National Association of State Boards of Accountancy))~~ NASBA, or other programs recognized and approved by the board;
- (10) The board may by rule require licensed firms to obtain professional liability insurance if in the board's discretion such insurance provides additional and necessary protection for the public; ~~((and))~~
- (11) Rules specifying the experience requirements in order to qualify for a license;
- (12) Rules specifying the requirements for certificate holders to qualify for a license under this chapter which must include provisions for meeting CPE and experience requirements prior to application for licensure;

(13) Rules specifying the registration requirements, including ethics examination and fee requirements, for resident nonlicensee partners, shareholders, and managers of licensed firms;

(14) Rules specifying the ethics CPE requirements for certificate holders and owners of licensed firms, including the process for reporting compliance with those requirements;

(15) Rules specifying the experience and CPE requirements for licensees offering or issuing reports on financial statements; and

(16) Any other rule which the board finds necessary or appropriate to implement this chapter.

**Sec. 6.** RCW 18.04.065 and 1992 c 103 s 6 are each amended to read as follows:

The board shall set its fees at a level adequate to pay the costs of administering this chapter.

~~((Beginning in the 1993-95 biennium,))~~ All fees for ((certified public accountants')) licenses, ((certificates,)) registrations of nonlicensee partners, shareholders, and managers of licensed firms, renewals of licenses, renewals of registrations of nonlicensee partners, shareholders, and managers of licensed firms, renewals of certificates, reinstatements of lapsed licenses, reinstatements of lapsed certificates, reinstatements of lapsed registrations of nonlicensee partners, shareholders, and managers of licensed firms, practice privileges under RCW 18.04.350, and delinquent filings received under the authority of this chapter shall be deposited in the certified public accountants' account created by RCW 18.04.105. Appropriation from such account shall be made only for the cost of administering the provisions of this chapter.

**Sec. 7.** RCW 18.04.105 and 2000 c 171 s 2 are each amended to read as follows:

(1) ~~((The certificate of "certified public accountant"))~~ A license to practice public accounting shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a ((certificate)) license on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional and ethical responsibilities of a ((certified public accountant)) licensee and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a ((certificate)) license because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met the educational standards established by rule as the board determines to be appropriate; ~~((The board may, in its discretion, waive the educational requirements for any person if it is satisfied through review of documentation of successful completion of an equivalency examination that the person's educational qualifications are an acceptable substitute for the requirements of (b) of this subsection; and))~~

(c) Who has passed ((a written)) an examination;

(d) Who has had one year of experience which is gained:

(i) Through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills;

(ii) While employed in government, industry, academia, or public practice; and

(iii) Meeting the competency requirements in a manner as determined by the board to be appropriate and established by board rule; and

(e) Who has paid appropriate fees as established by rule by the board.

(2) ~~The examination described in subsection (1)(c) of this section ((shall be in writing, shall be held twice a year, and))~~ shall test the applicant's knowledge of the subjects of accounting and auditing, and other related fields the board may specify by rule. The time for holding the examination is fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and taking the examination, including methods for grading ((papers)) examinations and determining a passing grade required of an applicant for a ((certificate)) license. The board shall to the extent possible see to it that the grading of the examination, and the passing grades, are uniform with those applicable to all other states. The board may make use of all or a part of the uniform certified public accountant examination and advisory grading service of the American Institute of Certified Public Accountants and may contract with third parties to perform administrative services with respect to the examination as the board deems appropriate to assist it in performing its duties under

this chapter. The board shall establish by rule provisions for transitioning to a new examination structure or to a new media for administering the examination.

~~(3) ((An applicant is required to pass all sections of the examination provided for in subsection (2) of this section in order to qualify for a certificate. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that he or she passed, and need not take those sections again: PROVIDED, That:~~

~~———— (a) The applicant took all sections of the examination at that sitting;~~

~~———— (b) The applicant attained a minimum grade of fifty on each section not passed at that sitting;~~

~~———— (c) The applicant passes the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;~~

~~———— (d) At each subsequent sitting at which the applicant seeks to pass additional sections, the applicant takes all sections not yet passed; and~~

~~———— (e) In order to receive credit for passing additional sections in a subsequent sitting, the applicant attains a minimum grade of fifty on sections written but not passed on the sitting.~~

~~———— (4) The board may waive or defer any of the requirements of subsection (3) of this section for candidates transferring conditional CPA exam credits from other states or for qualifying reciprocity certification applicants who met the conditioning requirements of the state or foreign jurisdiction issuing their original certificate.~~

~~———— (5)) The board shall charge each applicant an examination fee for the initial examination ((under subsection (1) of this section,)) or for reexamination ((under subsection (3) of this section for each subject in which the applicant is reexamined)). The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination.~~

~~((6) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.~~

~~———— (7) A certificate of a "certified public accountant" under this chapter is issued every three years with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.~~

~~———— (8) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:~~

~~———— (a) Provide that a certified public accountant shall verify to the board that he or she has completed at least an accumulation of one hundred twenty hours of continuing professional education during the last three year period to maintain the certificate;~~

~~———— (b) Establish continuing professional education requirements;~~

~~———— (c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education;~~

~~———— (d) Provide that failure to furnish verification of the completion of the continuing professional education requirement shall make the certificate invalid and subject to reinstatement, unless the board determines that the failure was due to retirement, reasonable cause, or excusable neglect; and~~

~~———— (e) Provide for transition from existing to new continuing professional education requirements.~~

~~———— (9) The board may adopt by rule new CPE standards that differ from those in subsection (8) of this section or RCW 18.04.215 if: (a) The new standards are consistent with the continuing professional education standards of other states so as to provide to the greatest extent possible, consistent national standards; and (b) the new standards are at least as strict as the standards set forth in subsection (8) of this section or RCW 18.04.215.)~~

(4) Persons who on June 30, 2001, held valid certificates previously issued under this chapter shall be deemed to be certificate holders, subject to the following:

(a) Certificate holders may, prior to June 30, 2004, petition the board to become licensees by

documenting to the board that they have gained one year of experience through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills, without regard to the eight-year limitation set forth in (b) of this subsection, while employed in government, industry, academia, or public practice.

(b) Certificate holders who do not petition to become licensees prior to June 30, 2004, may after that date petition the board to become licensees by documenting to the board that they have one year of experience acquired within eight years prior to applying for a license through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills in government, industry, academia, or public practice.

(c) Certificate holders who petition the board pursuant to (a) or (b) of this subsection must also meet competency requirements in a manner as determined by the board to be appropriate and established by board rule.

(d) Any certificate holder petitioning the board pursuant to (a) or (b) of this subsection to become a licensee must submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of CPE during the thirty-six months preceding the date of filing the petition.

(e) Any certificate holder petitioning the board pursuant to (a) or (b) of this subsection to become a licensee must pay the appropriate fees established by rule by the board.

(5) Certificate holders shall comply with the prohibition against the practice of public accounting in RCW 18.04.345.

(6) Persons who on June 30, 2001, held valid certificates previously issued under this chapter are deemed to hold inactive certificates, subject to renewal as inactive certificates, until they have petitioned the board to become licensees and have met the requirements of subsection (4) of this section. No individual who did not hold a valid certificate before July 1, 2001, is eligible to obtain an inactive certificate.

(7) Persons deemed to hold inactive certificates under subsection (6) of this section shall comply with the prohibition against the practice of public accounting in subsection (8)(b) of this section and RCW 18.04.345, but are not required to display the term inactive as part of their title, as required by subsection (8)(a) of this section until renewal. Certificates renewed to any persons after June 30, 2001, are inactive certificates and the inactive certificate holders are subject to the requirements of subsection (8) of this section.

(8) Persons holding an inactive certificate:

(a) Must use or attach the term "inactive" whenever using the title CPA or certified public accountant or referring to the certificate, and print the word "inactive" immediately following the title, whenever the title is printed on a business card, letterhead, or any other document, including documents published or transmitted through electronic media, in the same font and font size as the title; and

(b) Are prohibited from practicing public accounting.

**Sec. 8.** RCW 18.04.180 and 1992 c 103 s 8 are each amended to read as follows:

~~(1) The board shall issue a ((certificate to a holder of a certificate issued by another state, or shall issue a certificate and)) license to a holder of a certificate/valid license issued by another state that entitles the holder to practice public accountancy, provided that:~~

~~((4)) (a) Such state makes similar provision to grant reciprocity to a holder of a ((certificate or)) valid certificate ((and valid)) or license in this state; ((and~~

~~(2)) (b) The applicant meets the ((continuing professional education)) CPE requirements of RCW ((18.04.105(8)) 18.04.215(5); ((and~~

~~(3) If the application is for a certificate only:~~

~~(a) The applicant passed the examination required for issuance of his or her certificate with grades that would have been passing grades at that time in this state; and~~

~~(b) The applicant: Meets all current requirements in this state for issuance of a certificate at the time application is made; or at the time of the issuance of the applicant's certificate in the other state, met all the requirements then applicable in this state; or~~

~~(4) If the application is for a certificate and license:~~

~~(a)) (c) The applicant meets the good character requirements of RCW 18.04.105(1)(a); and~~

~~(d) The applicant passed the examination required for issuance of his or her certificate or license with~~

grades that would have been passing grades at that time in this state~~((;))~~ and

~~((b) The applicant;))~~ meets all current requirements in this state for issuance of a license at the time application is made; or at the time of the issuance of the applicant's license in the other state, met all the requirements then applicable in this state; or has had five years of experience within the ten years immediately preceding application in the practice of public accountancy that meets the requirements prescribed by the board.

(2) The board may accept NASBA's designation of the applicant as substantially equivalent to national standards as meeting the requirement of subsection (1)(d) of this section.

(3) A licensee who has been granted a license under the reciprocity provisions of this section shall notify the board within thirty days if the license or certificate issued in the other jurisdiction has lapsed or if the status of the license or certificate issued in the other jurisdiction becomes otherwise invalid.

**Sec. 9.** RCW 18.04.183 and 1999 c 378 s 3 are each amended to read as follows:

The board shall grant a ~~((certificate or))~~ license as a certified public accountant to a holder of a permit, license, or certificate issued by a foreign country's board, agency, or institute, provided that:

(1) The foreign country where the foreign permit, license, or certificate was issued is a party to an agreement on trade with the United States that encourages the mutual recognition of licensing and certification requirements for the provision of covered services by the parties under the trade agreement; ~~((and))~~

(2) Such foreign country's board, agency, or institute makes similar provision to allow a person who holds a valid ~~((certificate))~~ license issued by this state to obtain such foreign country's comparable permit, license, or certificate; ~~((and))~~

(3) The foreign permit, license, or certificate:

(a) Was duly issued by such foreign country's board, agency, or institute that regulates the practice of public accountancy; and

(b) Is in good standing at the time of the application; and

(c) Was issued upon the basis of educational, examination, experience, and ethical requirements substantially equivalent currently or at the time of issuance of the foreign permit, license, or certificate to those in this state; ~~((and))~~

(4) The applicant has within the thirty-six months prior to application completed an accumulation of one hundred twenty hours of ~~((continuing professional education))~~ CPE as required under RCW ~~((18.04.105(8)))~~ 18.04.215(5). The board shall provide for transition from existing to new ~~((continuing professional education))~~ CPE requirements; ~~((and))~~

(5) ~~((If the application is for a certificate:~~

~~——(a))~~ The applicant's foreign permit, license, or certificate was the type of permit, license, or certificate requiring the most stringent qualifications if, in the foreign country, more than one type of permit, license, or certificate is issued. This state's board shall decide which are the most stringent qualifications; ~~((and~~

~~——(b))~~ (6) The applicant has passed a written examination or its equivalent, approved by the board, that tests knowledge in the areas of United States accounting principles, auditing standards, commercial law, income tax law, and Washington state rules of professional ethics; ~~((or~~

~~——(6) If the application is for a certificate and license:~~

~~——(a) The requirements of subsections (1) through (5) of this section are satisfied;))~~ and

~~((b))~~ (7) The applicant has within the ~~((five))~~ eight years prior to applying for ~~((the certificate and))~~ a license under this section, demonstrated, in accordance with the rules issued by the board, one year of public accounting experience, within the foreign country where the foreign permit, license, or certificate was issued, equivalent to the experience required under RCW ~~((18.04.215(1)(a)))~~ 18.04.105(1)(d) or such other experience or employment which the board in its discretion regards as substantially equivalent.

The board may adopt by rule new CPE standards that differ from those in subsection (4) of this section or RCW 18.04.215 if the new standards are consistent with the ~~((continuing professional education))~~ CPE standards of other states so as to provide to the greatest extent possible, consistent national standards.

A licensee who has been granted a license under the reciprocity provisions of this section shall notify the board within thirty days if the permit, license, or certificate issued in the other jurisdiction has lapsed or if the status of the permit, license, or certificate issued in the other jurisdiction becomes otherwise invalid.

**Sec. 10.** RCW 18.04.185 and 1999 c 378 s 4 are each amended to read as follows:

~~((1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.~~

~~————(2)) Application for a license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the license to practice.~~

**Sec. 11.** RCW 18.04.195 and 1999 c 378 s 5 are each amended to read as follows:

(1) A sole proprietorship engaged in business in this state ~~((in the practice of public accounting))~~ and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license, as a firm, every three years with the board ~~((as a firm)).~~

~~(a) ((The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.~~

~~————(b)) The ((person)) sole proprietor shall ((be a certified public accountant holding)) hold a license to practice under RCW 18.04.215((-);~~

~~((e)) (b) Each resident ((licensee)) person in charge of an office ((of the sole proprietorship engaged in this state in the practice of public accounting)) located in this state shall ((be a certified public accountant holding)) hold a license to practice under RCW 18.04.215; and~~

~~(c) The licensed firm must meet competency requirements established by rule by the board.~~

(2) A partnership engaged in business in this state ~~((in the practice of public accounting))~~ and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board ~~((as a partnership of certified public accountants)),~~ and shall meet the following requirements:

~~(a) ((The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;~~

~~————(b)) At least one general partner of the partnership shall ((be a certified public accountant holding)) hold a license to practice under RCW 18.04.215;~~

~~((e)) (b) Each resident ((licensee)) person in charge of an office ((of the partnership)) in this state ((and each resident partner personally engaged within this state in the practice of public accounting)) shall ((be a certified public accountant holding)) hold a license to practice under RCW 18.04.215;~~

~~(c) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all partners or owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state. The principal partner of the partnership and any partner having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state; and~~

~~(d) The licensed firm must meet competency requirements established by rule by the board.~~

(3) A corporation ~~((organized for the practice of public accounting and))~~ engaged in business in this state ~~((in the practice of public accounting))~~ and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board ~~((as a corporation of certified public accountants))~~ and shall meet the following requirements:

~~(a) ((The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and~~

~~————(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a license to practice and shall be)) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all shareholders or owners shall be held by natural persons who are licensees or~~

holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state and is principally employed by the corporation or actively engaged in its business. ((No other person may have any interest in the stock of the corporation.)) The principal officer of the corporation and any officer or director having authority over ((the practice of public accounting by the corporation)) issuing reports on financial statements shall ((be a certified public accountant of some state holding)) hold a license ((to practice)) under this chapter or issued by another state that entitles the holder to practice public accounting in this state;

~~((e))~~ (b) At least one shareholder of the corporation shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215;

~~((d))~~ (c) Each resident ((licensee)) person in charge of an office ((of the corporation)) located in this state ((and each shareholder or director personally engaged within this state in the practice of public accounting)) shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215;

~~((e))~~ (d) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; ((and

~~((f))~~ (e) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe; and

(f) The licensed firm must meet competency requirements established by rule by the board.

(4) A limited liability company engaged in business in this state ((in the practice of public accounting)) and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board ((as a limited liability company of certified public accountants)), and shall meet the following requirements:

(a) ((The principal purpose and business of the limited liability company shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

~~((b))~~ (b)) At least one ((manager)) member of the limited liability company shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215;

~~((e))~~ (b) Each resident manager or member in charge of an office ((of the limited liability company)) located in this state ((and each resident manager or member personally engaged within this state in the practice of public accounting)) shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215;

(c) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state. The principal member or manager of the limited liability company and any member having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state; and

(d) The licensed firm must meet competency requirements established by rule by the board.

(5) Application for a license as a firm shall be made upon the affidavit of the proprietor or person designated as managing partner, member, or shareholder for Washington. This person shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for a license. A partnership ((or)), corporation, or limited liability company which is licensed to practice under RCW 18.04.215 may use the designation "certified public accountants" or "CPAs" in connection with its partnership, limited liability company, or corporate name. The board shall be given notification within ninety days after the admission or withdrawal of a partner ((or)), shareholder, or member engaged in this state in the practice of public accounting from any partnership ((or)), corporation, or limited liability company so licensed.

(6) Licensed firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel, after receiving or renewing a license, shall notify the board in writing within thirty days

of its falling out of compliance and propose a time period in which they will come back into compliance. The board may grant a reasonable period of time for a firm to be in compliance with the provisions of this section. Failure to bring the firm into compliance within a reasonable period of time, as determined by the board, may result in suspension, revocation, or imposition of conditions on the firm's license.

(7) Fees for the license as a firm and for notification of the board of the admission or withdrawal of a partner ~~((or))~~, shareholder, or member shall be determined by the board. Fees shall be paid by the firm at the time the license application form or notice of admission or withdrawal of a partner ~~((or))~~, shareholder, or member is filed with the board.

(8) Nonlicensee owners of licensed firms are:

(a) Required to fully comply with the provisions of this chapter and board rules;

(b) Required to be a natural person;

(c) Required to be an active individual participant in the licensed firm or affiliated entities as these terms are defined by board rule; and

(d) Subject to discipline by the board for violation of this chapter.

(9) Resident nonlicensee owners of licensed firms are required to meet:

(a) The ethics examination, registration, and fee requirements as established by the board rules; and

(b) The ethics CPE requirements established by the board rules.

**Sec. 12.** RCW 18.04.205 and 1999 c 378 s 6 are each amended to read as follows:

(1) Each office established or maintained in this state for the ~~((practice of public accounting))~~ purpose of offering to issue or issuing reports on financial statements in this state ~~((by a certified public accountant, or a partnership or corporation of certified public accountants))~~ or that uses the title "certified public accountant" or "CPA," shall register with the board under this chapter every three years.

(2) Each office shall be under the direct supervision of a resident licensee holding a license under RCW 18.04.215 ~~((who may be a sole proprietor, partner, principal shareholder, or a staff employee))~~.

(3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the ~~((practice of public accounting))~~ purpose of offering to issue or issuing reports on financial statements or that use the title "certified public accountant" or "CPA."

(4) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board.

**Sec. 13.** RCW 18.04.215 and 1999 c 378 s 7 are each amended to read as follows:

(1) Three-year licenses shall be issued by the board:

(a) ~~To ((holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent and who, if their certificate was issued more than forty eight months prior to application under this section, submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of continuing professional education during the thirty six months preceding the application;))~~ persons meeting the requirements of RCW 18.04.105(1), 18.04.180, or 18.04.183.

(b) ~~To certificate holders meeting the requirements of RCW 18.04.105(4).~~

(c) ~~To firms under RCW 18.04.195, ((if all offices of the firm in this state are maintained and registered as required under))~~ meeting the requirements of RCW 18.04.205.

(2) The board shall by rule, provide for a system of certificate and license renewal and reinstatement. Applicants for ~~((issuance or))~~ renewal ~~((of certificates or licenses))~~ or reinstatement shall, at the time of filing their applications, list with the board all states and foreign jurisdictions in which they hold or have applied for certificates, permits or licenses to practice.

(3) ~~An inactive certificate is renewed every three years with renewal subject to the requirements of ethics CPE and the payment of fees, prescribed by the board. Failure to renew the inactive certificate shall cause the inactive certificate to lapse and be subject to reinstatement. The board shall adopt rules providing for fees and procedures for renewal and reinstatement of inactive certificates.~~



(4) A license is issued every three years with renewal subject to requirements of CPE and payment of fees, prescribed by the board. Failure to renew the license shall cause the license to lapse and become subject to reinstatement. Persons holding a lapsed license are prohibited from using the title "CPA" or "certified public accountant." Persons holding a lapsed license are prohibited from practicing public accountancy. The board shall adopt rules providing for fees and procedures for issuance, renewal, and reinstatement of licenses.

(5) The board shall adopt rules providing for CPE for licensees and certificate holders. The rules shall:

(a) Provide that a licensee shall verify to the board that he or she has completed at least an accumulation of one hundred twenty hours of CPE during the last three-year period to maintain the license;

(b) Establish CPE requirements; and

(c) Establish when new licensees shall verify that they have completed the required CPE.

(6) A certified public accountant who holds a ~~((permit or))~~ license issued by another state, and applies for a license in this state, may practice in this state from the date of filing a completed application with the board, until the board has acted upon the application provided the application is made prior to holding out as a certified public accountant in this state and no sanctions or investigations, deemed by the board to be pertinent to public accountancy by other jurisdictions or agencies are in process.

~~((4))~~ (7) A ~~((certified public accountant))~~ licensee shall submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of ~~((continuing education))~~ CPE recognized and approved by the board during the preceding three years. Failure to furnish this evidence as required shall make the ~~((certificate invalid))~~ license lapse and subject to reinstatement procedures, unless the board determines the failure to have been due to retirement~~((, or))~~ or reasonable cause~~((, or excusable neglect))~~.

The board in its discretion may renew a certificate or license despite failure to furnish evidence of compliance with requirements of ~~((continuing professional education))~~ CPE upon condition that the applicant follow a particular program of ~~((continuing professional education))~~ CPE. In issuing rules and individual orders with respect to ~~((continuing professional education))~~ CPE requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and may take into account the accessibility of ~~((continuing education))~~ CPE to ~~((applicants))~~ licensees and certificate holders and instances of individual hardship.

~~((5))~~ (8) Fees for ~~((issuance or))~~ renewal or reinstatement of certificates and licenses in this state shall be determined by the board under this chapter ~~((18.04 RCW))~~. Fees shall be paid by the applicant at the time the application form is filed with the board. The board by rule, may provide for proration of fees for ~~((certificates and))~~ licenses or certificates issued between normal renewal dates.

**Sec. 14.** RCW 18.04.295 and 2000 c 171 s 1 are each amended to read as follows:

The board ~~((of accountancy))~~ shall have the power to: Revoke, suspend, ~~((or))~~ refuse to renew ~~((a)), or~~ reinstatement a license or certificate ~~((or license, and may))~~; impose a fine in an amount not to exceed ~~((one))~~ ten thousand dollars plus the board's investigative and legal costs in bringing charges against a certified public accountant, ~~((or))~~ a certificate holder, a licensee, a licensed firm, or a nonlicensee holding an ownership interest in a licensed firm; may impose full restitution to injured parties; may impose conditions precedent to renewal of ~~((the))~~ a certificate or a license ~~((of any certified public accountant))~~; or may prohibit a nonlicensee from holding an ownership interest in a licensed firm, for any of the following causes:

(1) Fraud or deceit in obtaining a ~~((certificate as a certified public accountant, or in obtaining a))~~ license, or in any filings with the board;

(2) Dishonesty, fraud, or negligence while representing oneself as a ~~((CPA))~~ nonlicensee owner holding an ownership interest in a licensed firm, a licensee, or a certificate holder;

(3) A violation of any provision of this chapter;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of ~~((continuing education))~~ CPE in the other state;

(7) Suspension or revocation of the right to practice matters relating to public accounting before any state or federal agency;

For purposes of subsections (6) and (7) of this section, a certified copy of such revocation, suspension, or refusal to renew shall be prima facie evidence;

(8) Failure to maintain compliance with the requirements for issuance, renewal, or reinstatement of ~~((the))~~ a certificate or license, or to report changes to the board;

(9) Failure to cooperate with the board by:

(a) Failure to furnish any papers or documents requested or ordered by the board;

(b) Failure to furnish in writing a full and complete explanation covering the matter contained in the complaint filed with the board or the inquiry of the board;

(c) Failure to respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding;

(10) Failure by a nonlicensee owner of a licensed firm to comply with the requirements of this chapter or board rule; and

(11) Failure to comply with an order of the board.

**Sec. 15.** RCW 18.04.305 and 1992 c 103 s 12 are each amended to read as follows:

The board ~~((of accountancy))~~ may revoke, suspend, or refuse to renew the license issued to a firm if at any time the firm does not meet the requirements of this chapter for licensing, or for any of the causes enumerated in RCW 18.04.295, or for any of the following additional causes:

(1) The revocation or suspension of the ~~((certificate as a certified public accountant))~~ sole-practitioner's license or the revocation or suspension or refusal to renew the ~~((certificate or))~~ license of any partner, manager, member, or shareholder; ~~((or))~~

(2) The revocation, suspension, or refusal to renew the license ~~((or permit))~~ of the firm, or any partner, manager, member, or shareholder thereof, to practice public accounting in any other state or foreign jurisdiction for any cause other than failure to pay a fee or to meet the CPE requirements of ~~((continuing professional education in))~~ the other state or foreign jurisdiction;

(3) Failure by a nonlicensee owner of a licensed firm to comply with the requirements of this chapter or board rule; or

(4) Failure of the firm to comply with the requirements of this chapter or board rule.

**Sec. 16.** RCW 18.04.335 and 1997 c 58 s 812 are each amended to read as follows:

(1) Upon application in writing and after hearing pursuant to notice, the board may:

(a) Modify the suspension of, or reissue a certificate or a license to, an individual whose certificate or license has been revoked or suspended; or

(b) Modify the suspension of, or reissue a license to a firm whose license has been revoked, suspended, or which the board has refused to renew.

(2) In the case of suspension for failure to comply with a support order under chapter 74.20A RCW ~~((or a residential or visitation order under chapter 26.09 RCW)),~~ if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a certificate or a license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order.

**Sec. 17.** RCW 18.04.345 and 1999 c 378 s 8 are each amended to read as follows:

(1) No person may assume or use the designation "certified public accountant-inactive" or "CPA-inactive" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant-inactive or CPA-inactive unless the person holds a

~~((valid))~~ certificate ~~((as a certified public accountant))~~. Persons holding only a certificate may not practice public accounting.

(2) No person may hold himself or herself out to the public ~~((and))~~ or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person holds a ~~((valid certificate as a certified public accountant and holds a valid))~~ license ~~((to practice))~~ under RCW 18.04.215.

(3) No firm may hold itself out to the public as offering to issue or issuing reports on financial statements, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants or CPAs, unless the firm is licensed under RCW 18.04.195~~((, holds a valid license to practice under RCW 18.04.215,))~~ and all offices of the firm in this state ~~((for the practice of public accounting))~~ are maintained and registered under RCW 18.04.205.

(4) No person, partnership, limited liability company, or corporation offering accounting services to the public may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation "certified accountant," "chartered accountant," "licensed accountant," "licensed public accountant," "public accountant," or any other title or designation likely to be confused with "certified public accountant" or any of the abbreviations "CA," "LA," "LPA," or "PA," or similar abbreviations likely to be confused with "CPA." ~~((However, nothing in this chapter prohibits use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter.))~~

(5) No licensed firm may operate under an alias, a firm name, title, or "DBA" that differs from the firm name that is registered with the board.

(6) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an "audit," "review," or "compilation," unless the person holds a license to practice under RCW 18.04.215 and a firm license under RCW 18.04.195, and all of the person's offices in this state ~~((for the practice of public accounting are maintained and))~~ are licensed under RCW 18.04.205.

~~((6))~~ (7) No person may sign, affix, or associate a firm name to any report designated as an "audit," "review," or "compilation," unless the firm is licensed under RCW 18.04.195 and 18.04.215, and all of its offices in this state ~~((for the practice of public accounting))~~ are maintained and registered under RCW 18.04.205.

~~((7))~~ (8) No person, partnership, limited liability company, or corporation not holding a license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an "auditor" with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

~~((8) No person may assume or use the designation "certified public accountant" or "CPA" in conjunction with names indicating or implying that there is a partnership or corporation, if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.~~

~~———— (9) No person, partnership, or corporation holding a license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation "and Associates" or "and Assoc." unless he or she has in fact a partner or employee who holds a license under RCW 18.04.215.))~~

**Sec. 18.** RCW 18.04.350 and 1992 c 103 s 15 are each amended to read as follows:

(1) Nothing in this chapter prohibits any person not ~~((a certified public accountant))~~ holding a license from serving as an employee of a firm licensed~~((, or as assistant to, a certified public accountant or partnership composed of certified public accountants or corporation of certified public accountants holding a valid license))~~ under RCW 18.04.215. However, the employee or assistant shall not issue any accounting or financial statement over his or her name.

(2) ~~((Nothing in this chapter prohibits a certified public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice))~~ (a) An individual, whose principal place of business is not in this state, who has a valid certificate or license as a certified public

accountant from another state, and (i) whose state of licensure has education, examination, and experience requirements that are deemed by the board to be substantially equivalent to this state's requirements or (ii) who, as an individual, has education, examination, and experience that are deemed by the board to be substantially equivalent to this state's requirement shall have all the privileges of license holders of this state without the need to obtain a license under RCW 18.04.105 or 18.04.195. However, such individuals shall notify the board, under such circumstances and in such manner as the board determines by rule, of their intent to enter the state under this section. The board shall have the authority to establish a fee for the practice privilege granted under this section by rule.

(b) An individual that enters the state under this section and is granted this practice privilege shall abide by this chapter and the rules adopted under this chapter and shall be subject to discipline for violation of this chapter. However, such individual is exempt from the continuing education requirements of this chapter provided the individual has met the continuing education requirements of the state in which the individual holds a valid certificate or license. The board may accept NASBA's designation of the individual's state as substantially equivalent to national standards, or NASBA's designation of the applicant as substantially equivalent to national standards, as meeting the requirement for a certified public accountant to be substantially equivalent to this state's requirements.

(c) Any certificate or license holder of another state exercising the privilege afforded under this section consents, as a condition of the grant of this privilege:

(i) To the personal and subject matter jurisdiction of the board;

(ii) To the appointment of the state board which issued the certificate or license as their agent upon whom process may be served in any action or proceeding by this state's board against the certificate holder or licensee.

(d) A licensee of this state offering or rendering services or using their certified public accountant title in another state shall be subject to disciplinary action in this state for an act committed in another state for which the certificate or permit holder would be subject to discipline for an act committed in the other state provided the board receives timely notification of the act. Notwithstanding RCW 18.04.295, the board may investigate any complaint made by the board of accountancy of another state.

(3) Nothing in this chapter prohibits a (~~certified public accountant, a partnership, or corporation of certified public accountants~~) licensee, a licensed firm, or any of their employees from disclosing any data in confidence to other certified public accountants, quality assurance or peer review teams, partnerships, limited liability companies, or corporations of public accountants or to the board or any of its employees engaged in conducting (~~quality,~~) quality assurance(~~;~~) or peer reviews, or any one of their employees in connection with quality or peer reviews of that accountant's accounting and auditing practice conducted under the auspices of recognized professional associations.

(4) Nothing in this chapter prohibits a (~~certified public accountant, a partnership, or corporation of certified public accountants~~) licensee, a licensed firm, or any of their employees from disclosing any data in confidence to any employee, representative, officer, or committee member of a recognized professional association, or to the board (~~of accountancy~~), or any of its employees or committees in connection with a professional investigation held under the auspices of recognized professional associations or the board (~~of accountancy~~).

(5) Nothing in this chapter prohibits any officer, employee, partner, or principal of any organization:

(a) From affixing his or her signature to any statement or report in reference to the affairs of the organization with any wording designating the position, title, or office which he or she holds in the organization; or

(b) From describing himself or herself by the position, title, or office he or she holds in such organization.

(6) Nothing in this chapter prohibits any person(~~;~~) or (~~partnership or corporation~~) firm composed of persons not holding a license under RCW 18.04.215 from offering or rendering to the public bookkeeping, accounting, tax services, the devising and installing of financial information systems, management advisory, or consulting services, the preparation of tax returns, or the furnishing of advice on tax matters, the preparation of financial statements, written statements describing how such financial statements were prepared, or similar

services, provided that persons, partnerships, limited liability companies, or corporations not holding a license under RCW 18.04.215 who offer or render these services do not designate any written statement as an "audit report," "review report," or "compilation report," do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed.

(7) Nothing in this chapter prohibits any act of or the use of any words by a public official or a public employee in the performance of his or her duties.

(8) Nothing contained in this chapter prohibits any person who holds only a valid (~~certified public accountant~~) certificate from assuming or using the designation "certified public accountant-inactive" or "CPA-inactive" or any other title, designation, words, letters, sign, card, or device tending to indicate the person is a (~~certified public accountant~~) certificate holder, provided, that such person (~~shall~~) does not (~~hold himself or herself out to the public as engaged in the practice of public accounting unless that person holds a valid license in addition to the certificate under RCW 18.04.215~~) perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including issuance of reports on financial statements or of one or more kinds of management advisory, financial advisory, consulting services, the preparation of tax returns, or the furnishing of advice on tax matters.

(9) Nothing in this chapter prohibits the use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter. Nothing in this chapter prohibits the use of the title "enrolled agent" or the designation "EA" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter if the person is properly authorized at the time of use to use the title or designation by the United States department of the treasury. The board shall by rule allow the use of other titles by any person regardless of whether the person has been granted a certificate or holds a license under this chapter if the person using the titles or designations is authorized at the time of use by a nationally recognized entity sanctioning the use of board authorized titles.

**Sec. 19.** RCW 18.04.370 and 1983 c 234 s 19 are each amended to read as follows:

(1) Any person who violates any provision of this chapter, shall be guilty of a crime, as follows:

(a) Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than (~~one~~) ten thousand dollars, or to imprisonment for not more than six months, or to both such fine and imprisonment.

(b) Notwithstanding (a) of this subsection, any person who uses a professional title intended to deceive the public, in violation of RCW 18.04.345, having previously entered into a stipulated agreement and order of assurance with the board, is guilty of a felony, and upon conviction thereof, is subject to a fine of not more than ten thousand dollars, or to imprisonment for not more than two years, or to both such fine and imprisonment.

(2) With the exception of first time violations of RCW 18.04.345, subject to subsection (3) of this section whenever the board has reason to believe that any person is violating the provisions of this chapter it shall certify the facts to the prosecuting attorney of the county in which such person resides or may be apprehended and the prosecuting attorney shall cause appropriate proceedings to be brought against such person.

(3) The board may elect to enter into a stipulated agreement and orders of assurance with persons in violation of RCW 18.04.345 who have not previously been found to have violated the provisions of this chapter. The board may order full restitution to injured parties as a condition of a stipulated agreement and order of assurance.

(4) Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive or other relief as above provided.

**Sec. 20.** RCW 18.04.380 and 1986 c 295 s 17 are each amended to read as follows:

(1) The display or presentation by a person of a card, sign, advertisement, or other printed, engraved, or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof (~~(, or "licensed public accountant" or any abbreviation thereof, or "public accountant" or any abbreviation thereof,)~~) shall be prima facie evidence in any action brought under this chapter that the person whose name is so displayed, caused or procured the display or presentation of the card, sign,

advertisement, or other printed, engraved, or written instrument or device, and that the person is holding himself or herself out to be a licensee, a certified public accountant, or a ((public accountant holding a license to practice)) person holding a certificate under this chapter.

(2) The display or presentation by a person of a card, sign, advertisement, or other printed, engraved, or written instrument or device, bearing a person's name in conjunction with the words certified public accountant-inactive or any abbreviation thereof is prima facie evidence in any action brought under this chapter that the person whose name is so displayed caused or procured the display or presentation of the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that the person is holding himself or herself out to be a certified public accountant-inactive under this chapter.

(3) In any ~~((such))~~ action under subsection (1) or (2) of this section, evidence of the commission of a single act prohibited by this chapter is sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

**Sec. 21.** RCW 18.04.390 and 1992 c 103 s 16 are each amended to read as follows:

(1) In the absence of an express agreement between the ~~((certified public accountant))~~ licensee or licensed firm and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a ~~((certified public accountant))~~ licensee or licensed firm incident to or in the course of professional service to clients, except reports submitted by a ~~((certified public accountant to a client))~~ licensee or licensed firm, are the property of the ~~((certified public accountant))~~ licensee or licensed firm.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the ~~((accountant))~~ licensee, partnership, limited liability company, or corporation, or any combined or merged partnership, limited liability company, or corporation, or successor in interest.

(3) A licensee shall furnish to the board or to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers or electronic documents, to the extent that such working papers or electronic documents include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her.

(4) Nothing in this section shall require a licensee to keep any work paper or electronic document beyond the period prescribed in any other applicable statute.

(5) Nothing in this section should be construed as prohibiting any temporary transfer of workpapers or other material necessary in the course of carrying out peer reviews or as otherwise interfering with the disclosure of information pursuant to RCW 18.04.405.

**Sec. 22.** RCW 18.04.405 and 1992 c 103 s 17 are each amended to read as follows:

(1) A ~~((certified public accountant, a partnership or corporation of certified public accountants))~~ licensee, certificate holder, or licensed firm, or any of their employees shall not disclose any confidential information obtained in the course of a professional transaction except with the consent of the client or former client or as disclosure may be required by law, legal process, the standards of the profession, or as disclosure of confidential information is permitted by RCW 18.04.350 (3) and (4), 18.04.295(8), 18.04.390, and this section in connection with ~~((quality,))~~ quality assurance, or peer reviews, investigations, and any proceeding under chapter 34.05 RCW.

(2) This section shall not be construed as limiting the authority of this state or of the United States or an agency of this state, the board, or of the United States to subpoena and use such confidential information obtained by a licensee, or any of their employees in the course of a professional transaction in connection with any investigation, public hearing, or other proceeding, nor shall this section be construed as prohibiting a licensee or certified public accountant whose professional competence has been challenged in a court of law or before an

administrative agency from disclosing confidential information as a part of a defense to the court action or administrative proceeding.

(3) The proceedings, records, and work papers of a review committee shall be privileged and shall not be subject to discovery, subpoena, or other means of legal process or introduction into evidence in any civil action, arbitration, administrative proceeding, or ~~((state accountancy))~~ board proceeding and no member of the review committee or person who was involved in the ~~((quality))~~ peer review process shall be permitted or required to testify in any such civil action, arbitration, administrative proceeding, or ~~((state accountancy))~~ board proceeding as to any matter produced, presented, disclosed, or discussed during or in connection with the ~~((quality))~~ peer review process, or as to any findings, recommendations, evaluations, opinions, or other actions of such committees, or any members thereof. Information, documents, or records that are publicly available are not to be construed as immune from discovery or use in any civil action, arbitration, administrative proceeding, or ~~((state accountancy))~~ board proceeding merely because they were presented or considered in connection with the quality assurance or peer review process.

NEW SECTION. **Sec. 23.** (1) By December 1, 2002, the board of accountancy shall report to the senate committee on labor, commerce, and financial institutions and the house committee on commerce and labor, or successor committees, on the implementation of this act, including but not limited to the provisions governing nonlicensee owners of CPA firms and the fiscal impacts.

(2) This section does not affect the board's authority to proceed with implementation of this act.

(3) This section expires January 1, 2003.

NEW SECTION. **Sec. 24.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Alexander, Barlean, Benson, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Sehlin, Sommers, Talcott, and Tokuda.

Excused: Representatives Boldt, Gombosky, and Kessler.

Passed to Committee on Rules for second reading.

March 30, 2001

SB 5604 Prime Sponsor, Senator Spanel: Allowing the liquor control board to authorize controlled purchase programs. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.44.290 and 1965 c 49 s 1 are each amended to read as follows:

Every person under the age of twenty-one years who purchases or attempts to purchase liquor shall be guilty of a violation of this title. This section does not apply to persons between the ages of eighteen and twenty-one years who are participating in a controlled purchase program authorized by the liquor control board

under rules adopted by the board. Licensees conducting private controlled purchases authorized by the liquor control board must provide written notice describing the controlled purchase program to the licensee's employees. Licensees may not contract with third parties for the conduct of private controlled purchase programs authorized by the liquor control board. Controlled purchases under this section may be coordinated and conducted by the licensee only and may include the participation of the licensee's employees and volunteers only. Violations occurring under a private, controlled purchase program authorized by the liquor control board may not be used for criminal or administrative prosecution."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

March 29, 2001

ESSB 5610 Prime Sponsor, Senate Committee on Transportation: Regulating traffic safety cameras. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.63 RCW to read as follows:

(1) The use of traffic safety cameras is subject to the following regulations:

(a) The appropriate legislative authority must enact an ordinance allowing for their use to detect one or more of the following: Stoplight or railroad crossing or speeding in a construction zone violations. When traffic safety cameras are used to detect speeding in a construction zone, the ordinance must require the appropriate governmental transportation entity to establish the traffic safety camera zone. At a minimum, the local ordinance must contain the restrictions described in sections 1 through 4 of this act. Cities and counties using traffic safety cameras before the effective date of this act are subject to the restrictions described in sections 1 through 4 of this act, but are not required to enact an authorizing ordinance.

(b) Traffic safety cameras may take pictures of the vehicle and the vehicle license plate only.

(c) The jurisdiction must develop a public notification program for areas in which traffic safety cameras will be used. Under their respective jurisdictions, the law enforcement agency shall plainly mark the locations where the traffic safety cameras are used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by traffic safety cameras.

(d) A notice of traffic infraction must be mailed to the registered owner of the vehicle within fourteen days of the infraction occurring. The jurisdiction must not issue an additional infraction to the registered owner of the vehicle during the fourteen-day notification period.

(e) A person receiving a notice of traffic infraction based on evidence detected by a traffic safety camera may respond to the notice by mail.

(2) Infractions detected through the use of traffic safety cameras will be recorded as are stopping, standing, or parking violations under RCW 46.61.560, but are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120.

(3) The traffic safety commission may adopt rules regarding:

(a) Mechanical and operational standards for traffic safety camera equipment;

(b) The placement of signs to notify drivers that they are entering a jurisdiction or area that uses traffic



safety cameras;

(c) Recommendations on how cities and counties will educate the public about traffic safety cameras.

(4) Jurisdictions using traffic safety cameras must comply with any standards adopted under subsection (3) of this section.

**Sec. 2.** RCW 46.63.030 and 1995 c 219 s 5 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; ~~((e))~~

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction; or

(d) When a notice of traffic infraction may be mailed to the registered owner of or the person renting a vehicle as authorized under subsection (2) of this section.

(2) When a traffic safety camera is used in compliance with section 1 of this act, a law enforcement officer, whether present or not during the commission of the infraction, or other issuing agency may issue a notice of traffic infraction by mail to the registered owner of the vehicle or the person renting the vehicle. The registered owner of the vehicle or the person renting the vehicle is responsible for the infraction.

(3) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

~~((3))~~ (4) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

~~((4))~~ (5) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the registered owner of the vehicle.

The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

NEW SECTION. **Sec. 3.** A new section is added to chapter 46.63 RCW to read as follows:

The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(2) unless within fifteen days after notification of the infraction the registered owner furnishes the officials or agents of the municipality that issued the notice of infraction with:

(1) An affidavit made under oath, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner; or

(2) Testimony in open court under oath that the person was not the operator of the vehicle at the time of the alleged infraction.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.63 RCW to read as follows:

If a notice of traffic infraction is sent to the registered owner under RCW 46.63.030(2) and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the issuing agency, within fourteen days of receiving the notice, the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign an affidavit making this declaration. The affidavit must be mailed to the issuing agency within fourteen days of receiving the notice of

infraction. An affidavit form suitable for this purpose must be included with each infraction issued, along with instructions for its completion and use.

**Sec. 5.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read as follows:

(1) In any traffic infraction case involving a violation of this title or equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the notice of traffic infraction was stopping, standing, or parking in violation of any such provision of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, (~~shall~~) constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(2) The foregoing stated presumption (~~shall apply~~) applies only when the procedure prescribed in RCW 46.63.030(~~(3)~~) (4) has been followed.

**NEW SECTION. Sec. 6.** The legislature respectfully requests the Washington state supreme court to amend the Infraction Rules for Courts of Limited Jurisdiction to conform to this act. Furthermore, the legislature respectfully asks the court to create a notice of traffic infraction that is consistent with this act.

For two years following the effective date of this act, those local jurisdictions using traffic safety cameras shall send to the state treasurer for deposit into the judicial information systems ten dollars of the local share of the penalty of each paid infraction detected by use of the cameras to offset the court's computer programming costs associated with this act. The administrator for the courts shall notify the jurisdictions using the cameras if the court's costs have been satisfied before two years have expired. The administrator for the courts shall report to the transportation committees of the house of representatives and the senate by January 1, 2003, on the status of the repayment and the actual costs accrued for related computer programming."

Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Edmonds; Haigh; Hurst; Jackley; Jarrett; Marine; Murray; Ogden; Rockefeller; Romero; Simpson and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Republican Vice Chair; Armstrong; G. Chandler; Hatfield; Mielke; Morell; Schindler; Skinner and Sump.

Voting yea: Representatives Ahern, Anderson, Cooper, Edmonds, Fisher, Haigh, Hankins, Hurst, Jackley, Jarrett, Lovick, Marine, Mitchell, Murray, Rockefeller, Romero, Simpson, and Woods.

Voting nay: Representatives Armstrong, G. Chandler, Ericksen, Hatfield, Mielke, Morell, Schindler, Skinner, and Sump.

Excused: Representatives Ogden, Reardon, and Wood.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5621 Prime Sponsor, Senate Committee on Agriculture & International Trade: Authorizing animal massage.

Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

On page 2, line 27, after "techniques." strike all material through "section."

On page 2, line 28, after "(2)" insert "An applicant who applies for an endorsement within the first year

following the effective date of this act may submit documentation of a minimum of fifty hours of training with up to fifty hours of practical experience or continuing education, or a combination thereof, to fulfill the requirements of this section.

(3)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 2, after line 34, insert the following:

"(5) The board may adopt rules to implement this section."

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Excused: Representative Kirby.

Referred to Committee on Appropriations.

March 30, 2001

SSB 5637 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Creating a program of watershed health monitoring and assessments. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that a comprehensive program of monitoring is fundamental to making sound public policy and programmatic decisions regarding salmon recovery and watershed health. Monitoring provides accountability for results of management actions and provides the data upon which an adaptive management framework can lead to improvement of strategies and programs. Monitoring is also a required element of any salmon recovery plan submitted to the federal government for approval. While numerous agencies and citizen organizations are engaged in monitoring a wide range of salmon recovery and watershed health parameters, there is a greater need for coordination of monitoring efforts, for using limited monitoring resources to obtain information most useful for achieving relevant local, state, and federal requirements regarding watershed health and salmon recovery, and for making the information more accessible to those agencies and organizations implementing watershed health programs and projects. Regarding salmon recovery monitoring, the state independent science panel has concluded that many programs already monitor indicators relevant to salmonids, but the efforts are largely uncoordinated or unlinked among programs, have different objectives, use different indicators, lack support for sharing data, and lack shared statistical designs to address specific issues raised by listing of salmonid species under the federal endangered species act.

Therefore, it is the intent of the legislature to encourage the refocusing of existing agency monitoring activities necessary to implement a comprehensive watershed health monitoring program, with a focus on salmon recovery. The program should: Be based on a framework of greater coordination of existing monitoring activities; require monitoring activities most relevant to adopted local, state, and federal watershed health objectives; and facilitate the exchange of monitoring information with agencies and organizations carrying out watershed health, salmon recovery, and water resources management planning and programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.82 RCW to read as follows:  
In conducting assessments and other studies that include monitoring components or recommendations,

the department and planning units shall implement the monitoring recommendations developed under section 3 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.85 RCW to read as follows:

(1) The monitoring oversight committee is hereby established. The committee shall be comprised of the directors or their designated representatives of:

- (a) The salmon recovery office;
- (b) The department of ecology;
- (c) The department of fish and wildlife;
- (d) The conservation commission;
- (e) The Puget Sound action team;
- (f) The department of natural resources;
- (g) The department of transportation;
- (h) The interagency committee for outdoor recreation; and

(i) Eight legislators designated as follows: The cochairs of the natural resources committee of the house of representatives; the chair and the ranking minority member of the senate natural resources, parks, and shorelines committee; the cochairs of the agriculture and ecology committee of the house of representatives; and the chair and the ranking minority member of the senate environment, energy, and water committee.

(2) The director of the salmon recovery office and the chair of the salmon recovery funding board shall cochair the committee. The cochairs shall convene the committee as necessary to develop, for the consideration of the governor and legislature, a comprehensive and coordinated monitoring strategy and action plan on watershed health with a focus on salmon recovery. The committee shall invite representation from the treaty tribes to participate in the committee's efforts. In addition, the committee shall invite participation by other state, local, and federal agencies and other entities as appropriate. The committee shall address the monitoring recommendations of the independent science panel provided under RCW 77.85.040(7) and of the joint legislative audit and review committee in its report number 01-1 on investing in the environment.

(3) The independent science panel shall act as an advisor to the monitoring oversight committee and shall review all work products developed by the committee and make recommendations to the committee cochairs.

(4) The committee may make recommendations to individual agencies to improve coordination of monitoring activities.

(5) The committee shall:

- (a) Define the monitoring goals, objectives, and questions that must be addressed as part of a comprehensive statewide salmon recovery monitoring and adaptive management framework;
- (b) Identify and evaluate existing monitoring activities for inclusion in the framework, while ensuring data consistency and coordination and the filling of monitoring gaps;
- (c) Recommend statistical designs appropriate to the objectives;
- (d) Recommend performance measures appropriate to the objectives and targeted to the appropriate geographical, temporal, and biological scales;
- (e) Recommend standardized monitoring protocols for salmon recovery and watershed health;
- (f) Recommend procedures to ensure quality assurance and quality control of all relevant data;
- (g) Recommend data transfer protocols to support easy access, sharing, and coordination among different collectors and users;
- (h) Recommend ways to integrate monitoring information into decision making;
- (i) Recommend organizational and governance structures for oversight and implementation of the coordinated monitoring framework;
- (j) Recommend stable sources of funding that will ensure the continued operation and maintenance of the state's salmon recovery and watershed health monitoring programs, once established; and
- (k) Identify administrative actions that will be undertaken by state agencies to implement elements of the coordinated monitoring program.

(6) In developing the coordinated monitoring strategy, the committee shall coordinate with other appropriate state, federal, local, and tribal monitoring efforts, including but not limited to the Northwest power

planning council, the Northwest Indian fisheries commission, the national marine fisheries service, and the United States fish and wildlife service. The committee shall also consult with watershed planning units under chapter 90.82 RCW, lead entities under this chapter, professional organizations, and other appropriate groups.

(7) The cochairs shall provide an interim report to the governor and the members of the appropriate legislative committees by March 1, 2002, on the progress made in implementing this section. By December 1, 2002, the committee shall provide a monitoring strategy and action plan to the governor, and the members of the appropriate legislative committees for achieving a comprehensive watershed health monitoring program with a focus on salmon recovery. The strategy and action plan shall document the results of the committee's actions in addressing the responsibilities described in subsection (5) of this section. In addition, the monitoring strategy and action plan shall include an assessment of existing state agency operations related to monitoring, evaluation, and adaptive management of watershed health and salmon recovery, and shall recommend any operational or statutory changes and funding necessary to fully implement the enhanced coordination program developed under this section. The plan shall make recommendations based upon the goal of fully realizing an enhanced and coordinated monitoring program by June 30, 2007."

Correct the title.

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer Ericksen, Jackley, Murray and Pennington.

Referred to Committee on Appropriations.

March 29, 2001

SSB 5638 Prime Sponsor, Senate Committee on State & Local Government: Making technical corrections to county treasurer statutes. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.02.140 and 1986 c 234 s 20 are each amended to read as follows:

Whenever in any territory forming a part of an incorporated city or town which is part of a road district, and road district regular property taxes are collectable on any property within such territory, the same shall, when collected by the county treasurer, be paid to such city or town and placed in the city or town street fund by the city or town(~~(:—PROVIDED, That)~~); except that road district taxes that are delinquent before the date of incorporation shall be paid to the county and placed in the county road fund. This section shall not apply to excess property tax levies securing general indebtedness or any special assessments due in behalf of such property.

**Sec. 2.** RCW 35.13.270 and 1998 c 106 s 1 are each amended to read as follows:

Whenever any territory is annexed to a city or town which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county treasurer be paid to the city or town and by the city or town placed in the city or town street fund(~~(:—PROVIDED, That)~~); except that road district taxes that are delinquent before the date of annexation shall be paid to the county and placed in the county road fund. This section shall not apply to any special assessments due in behalf of such property. The city or town is required to provide notification by certified mail, that includes a list of annexed parcel numbers, to the county treasurer and assessor at least thirty days before the effective date of the annexation. The county treasurer is only required to remit to the city or town those road taxes collected thirty days or more after receipt of the notification.

**Sec. 3.** RCW 35A.14.801 and 1998 c 106 s 2 are each amended to read as follows:

Whenever any territory is annexed to a code city which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county treasurer be paid to the code city and by the city placed in the city street fund(~~(:—PROVIDED, That)~~); except that road district taxes that are delinquent before the date of annexation shall be paid to the county and placed in the county road fund. This section shall not apply to any special assessments due in behalf of such property. The code city is required to provide notification by certified mail, that includes a list of annexed parcel numbers, to the county treasurer and assessor at least thirty days before the effective date of the annexation. The county treasurer is only required to remit to the code city those road taxes collected thirty or more days after receipt of the notification.

**Sec. 4.** RCW 36.29.010 and 1998 c 106 s 3 are each amended to read as follows:

The county treasurer:

(1) Shall receive all money due the county and disburse it on warrants issued and attested by the county auditor and electronic funds transfer under RCW 39.58.750 as attested by the county auditor;

(2) Shall issue a receipt in duplicate for all money received other than taxes; the treasurer shall deliver immediately to the person making the payment the original receipt and the duplicate shall be retained by the treasurer;

(3) Shall affix on the face of all paid warrants the date of redemption or, in the case of proper contract between the treasurer and a qualified public depository, the treasurer may consider the date affixed by the financial institution as the date of redemption;

(4) Shall (~~indorse~~) endorse, before the date of issue by the county or by any taxing district for whom the county treasurer acts as treasurer, on the face of all warrants for which there are not sufficient funds for payment, "interest bearing warrant." When there are funds to redeem outstanding warrants, the county treasurer shall give notice:

(a) By publication in a legal newspaper published or circulated in the county; or

(b) By posting at three public places in the county if there is no such newspaper; or

(c) By notification to the financial institution holding the warrant;

(5) Shall pay interest on all interest-bearing warrants from the date of issue to the date of notification;

(6) Shall maintain financial records reflecting receipts and disbursement by fund in accordance with generally accepted accounting principles;

(7) Shall account for and pay all bonded indebtedness for the county and all special districts for which

the county treasurer acts as treasurer;

(8) Shall invest all funds of the county or any special district in the treasurer's custody, not needed for immediate expenditure, in a manner consistent with appropriate statutes. If cash is needed to redeem warrants issued from any fund in the custody of the treasurer, the treasurer shall liquidate investments in an amount sufficient to cover such warrant redemptions; and

(9) May provide certain collection services for county departments.

The treasurer, at the expiration of the term of office, shall make a complete settlement with the county legislative authority, and shall deliver to the successor all public money, books, and papers in the treasurer's possession.

**Sec. 5.** RCW 36.29.050 and 1969 ex.s. c 48 s 1 are each amended to read as follows:

When the county treasurer redeems any warrant on which interest is due, ~~((he))~~ the treasurer shall enter on ~~((his))~~ the warrant register account the amount of interest paid, distinct from the principal.

**Sec. 6.** RCW 36.29.090 and 1963 c 4 s 36.29.090 are each amended to read as follows:

Whenever an action based upon official misconduct is commenced against any county treasurer the county commissioners may suspend ~~((him))~~ the treasurer from office until such suit is determined, and may appoint some person to fill the vacancy.

**Sec. 7.** RCW 36.29.100 and 1963 c 4 s 36.29.100 are each amended to read as follows:

The county treasurer of each county in which there is a city of the first class is ex officio collector of city taxes of such city, and before entering upon the duties of ~~((his))~~ office ~~((he))~~ the treasurer shall execute in favor of the city and file with the clerk thereof a good and sufficient bond, the penal sum to be fixed by the city council, such bond to be approved by the mayor of such city or other authority thereof by whom the bond of the city treasurer is required to be approved. All special assessments and special taxation for local improvements assessed on property benefited shall be collected by the city treasurer.

**Sec. 8.** RCW 36.29.160 and 1998 c 106 s 4 are each amended to read as follows:

The county treasurer shall make segregation, collect, and receive from any owner or owners of any subdivision or portion of any lot, tract or parcel of land upon which assessments or charges have been made or may be made by public utility districts, water-sewer districts, or the county, under the terms of Title 54 RCW, Title 57 RCW, or chapter 36.88, 36.89, or 36.94 RCW, such portion of the assessments or charges levied or to be levied against such lot, tract or parcel of land in payment of such assessment or charges as the board of commissioners of the public utility district, the water-sewer district commissioners or the board of county commissioners, respectively, shall certify to be chargeable to such subdivision, which certificate shall state that such property as segregated is sufficient security for the assessment or charges. Upon making collection upon any such subdivision the county treasurer shall note such payment upon ~~((his))~~ the records of the office of the treasurer and give receipt therefor. When a segregation is required, a certified copy of the resolution shall be delivered to the treasurer of the county in which the real property is located who shall proceed to make the segregation ordered upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made.

**Sec. 9.** RCW 36.29.170 and 1963 c 4 s 36.29.170 are each amended to read as follows:

The county treasurer shall keep ~~((his))~~ the office of the treasurer at the ~~((seat of justice of his))~~ county seat, and shall keep the same open for transaction of business during business hours; and ~~((he and his))~~ the treasurer and the treasurer's deputy are authorized to administer all oaths necessary in the discharge of the duties of ~~((his))~~ the office.

**Sec. 10.** RCW 36.35.120 and 1993 c 310 s 1 are each amended to read as follows:

Real property acquired by any county of this state by foreclosure of delinquent taxes may be sold by order of the county legislative authority of the county when in the judgment of the county legislative authority it

is deemed in the best interests of the county to sell the real property.

When the legislative authority desires to sell any such property it may, if deemed advantageous to the county, combine any or all of the several lots and tracts of such property in one or more units, and may reserve from sale coal, oil, gas, gravel, minerals, ores, fossils, timber, or other resources on or in the lands, and the right to mine for and remove the same, and it shall then enter an order on its records fixing the unit or units in which the property shall be sold and the minimum price for each of such units, and whether the sale will be for cash or whether a contract will be offered, and reserving from sale such of the resources as it may determine and from which units such reservations shall apply, and directing the county treasurer to sell such property in the unit or units and at not less than the price or prices and subject to such reservations so fixed by the county legislative authority. The order shall be subject to the approval of the county treasurer if several lots or tracts of land are combined in one unit.

Except in cases where the sale is to be by direct negotiation as provided in ~~((this chapter))~~ RCW 36.35.150, it shall be the duty of the county treasurer upon receipt of such order to publish once a week for three consecutive weeks a notice of the sale of such property in a newspaper of general circulation in the county where the land is situated. The notice shall describe the property to be sold, the unit or units, the reservations, and the minimum price fixed in the order, together with the time and place and terms of sale, in the same manner as foreclosure sales as provided by RCW 84.64.080.

The person making the bid shall state whether he or she will pay cash for the amount of his or her bid or accept a real estate contract of purchase in accordance with the provisions hereinafter contained. The person making the highest bid shall become the purchaser of the property. If the highest bidder is a contract bidder the purchaser shall be required to pay thirty percent of the total purchase price at the time of the sale and shall enter into a contract with the county as vendor and the purchaser as vendee which shall obligate and require the purchaser to pay the balance of the purchase price in ten equal annual installments commencing November 1st and each year following the date of the sale, and shall require the purchaser to pay twelve percent interest on all deferred payments, interest to be paid at the time the annual installment is due; and may contain a provision authorizing the purchaser to make payment in full at any time of any balance due on the total purchase price plus accrued interest on such balance. The contract shall contain a provision requiring the purchaser to pay before delinquency all subsequent taxes and assessments that may be levied or assessed against the property subsequent to the date of the contract, and shall contain a provision that time is of the essence of the contract and that in event of a failure of the vendee to make payments at the time and in the manner required and to keep and perform the covenants and conditions therein required of him or her that the contract may be forfeited and terminated at the election of the vendor, and that in event of the election all sums theretofore paid by the vendee shall be forfeited as liquidated damages for failure to comply with the provisions of the contract; and shall require the vendor to execute and deliver to the vendee a deed of conveyance covering the property upon the payment in full of the purchase price, plus accrued interest.

The county legislative authority may by order entered in its records, direct the coal, oil, gas, gravel, minerals, ores, timber, or other resources sold apart from the land, such sale to be conducted in the manner hereinabove prescribed for the sale of the land. Any such reserved minerals or resources not exceeding two hundred dollars in value may be sold, when the county legislative authority deems it advisable, either with or without such publication of the notice of sale, and in such manner as the county legislative authority may determine will be most beneficial to the county.

**Sec. 11.** RCW 36.35.150 and 1997 c 244 s 2 are each amended to read as follows:



The county legislative authority may dispose of tax foreclosed property by private negotiation, without a call for bids, for not less than the principal amount of the unpaid taxes in any of the following cases: (1) When the sale is to any governmental agency and for public purposes; (2) when the county legislative authority determines that it is not practical to build on the property due to the physical characteristics of the property or legal restrictions on construction activities on the property; (3) when the property has an assessed value of less than five hundred dollars and the property is sold to an adjoining landowner; or (4) when no acceptable bids were received at the attempted public auction of the property, if the sale is made within ~~((six))~~ twelve months from the date of the attempted public auction.

**Sec. 12.** RCW 36.96.040 and 1979 ex.s. c 5 s 4 are each amended to read as follows:

After such hearings, the county legislative authority shall make written findings whether each of the special purpose districts that was a subject of the hearings meets each of the criteria of being "inactive." Whenever a special purpose district other than a public utility district has been found to meet a criterion of being inactive, or a public utility district has been found to meet both criteria of being inactive, the county legislative authority shall adopt an ordinance dissolving the special purpose district if it also makes additional written findings detailing why it is in the public interest that the special purpose district be dissolved, and shall provide a copy of the ordinance to the county treasurer. Except for the purpose of winding up its affairs as provided by this chapter, a special purpose district that is so dissolved shall cease to exist and the authority and obligation to carry out the purposes for which it was created shall cease thirty-one days after adoption of the dissolution ordinance.

**Sec. 13.** RCW 36.96.070 and 1979 ex.s. c 5 s 7 are each amended to read as follows:

Any moneys or funds of the dissolved special purpose district and any moneys or funds received by the board of trustees from the sale or other disposition of any property of the dissolved special purpose district shall be used, to the extent necessary, for the payment or settlement of any outstanding obligations of the dissolved special purpose district. Any remaining moneys or funds shall be used to pay the county legislative authority for all costs and expenses incurred in the dissolution and liquidation of the dissolved special purpose district. Thereafter, any remaining moneys, funds, or property shall become that of the county in which the dissolved special purpose district was located ~~((:—PROVIDED, That))~~. However, if the territory of the dissolved special purpose district was located within more than one county, the remaining moneys, funds, and personal property shall be apportioned and distributed to each county in the proportion that the geographical area of the dissolved special purpose district within the county bears to the total geographical area of the dissolved special purpose district, and any remaining real property or improvements to real property shall be transferred to the county within whose boundaries it lies. A county to which real property or improvements to real property are transferred under this section does not have an obligation to use the property or improvements for the purposes for which the dissolved special purpose district used the property or improvements and the county does not assume the obligations or liabilities of the dissolved special purpose district as a result of the transfer.

**Sec. 14.** RCW 39.44.200 and 1990 c 220 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 39.44.200 through 39.44.240.

(1) "Bond" means "bond" as defined in RCW 39.46.020, but also includes any other indebtedness that may be issued by any local government to fund private activities or purposes where the indebtedness is of a nonrecourse nature payable from private sources, including debt issued under chapter 39.50 RCW.

(2) "Local government" means "local government" as defined in RCW 39.46.020.

(3) "Type of bond" includes: (a) General obligation bonds, including councilmanic and voter-approved bonds; (b) revenue bonds; (c) local improvement district bonds; (d) special assessment bonds such as those issued by irrigation districts and diking districts; and (e) other classes of bonds.

(4) "State" means "state" as defined in RCW 39.46.020 but also includes any commissions or other entities of the state.

**Sec. 15.** RCW 39.46.020 and 1995 c 38 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bond" means any agreement which may or may not be represented by a physical instrument, including notes, warrants, or certificates of indebtedness, that evidences an indebtedness of the state or a local government or a fund thereof, where the state or local government agrees to pay a specified amount of money, with or without interest, at a designated time or times to either registered owners or bearers, including debt issued under chapter 39.50 RCW.

(2) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi municipal corporation, including any public corporation created by such an entity.

(3) "Obligation" means an agreement that evidences an indebtedness of the state or a local government, other than a bond, and includes, but is not limited to, conditional sales contracts, lease obligations, and promissory notes.

(4) "State" includes the state, agencies of the state, and public corporations created by the state or agencies of the state.

(5) "Treasurer" means the state treasurer, county treasurer, city treasurer, or treasurer of any other municipal corporation.

**Sec. 16.** RCW 39.50.010 and 1999 c 153 s 54 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Governing body" means the legislative authority of a municipal corporation by whatever name designated;

(2) "Local improvement district" includes local improvement districts, utility local improvement districts, road improvement districts, and other improvement districts that a municipal corporation is authorized by law to establish;

(3) "Municipal corporation" means any city, town, county, water-sewer district, school district, port district, public utility district, metropolitan municipal corporation, public transportation benefit area, park and recreation district, irrigation district, fire protection district or any other municipal or quasi municipal corporation described as such by statute, or regional transit authority, except joint operating agencies under chapter 43.52 RCW;

(4) "Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the municipal corporation exercising any power under this chapter takes formal action and adopts legislative provisions and matters of some permanency; and

(5) "Short-term obligations" are warrants, notes, capital leases, or other evidences of indebtedness, except bonds.

**Sec. 17.** RCW 39.50.030 and 1995 c 38 s 9 are each amended to read as follows:

(1) The issuance of short-term obligations shall be authorized by ordinance of the governing body which ordinance shall fix the maximum amount of the obligations to be issued or, if applicable, the maximum amount which may be outstanding at any time, the maximum term and interest rate or rates to be borne thereby, the manner of sale, maximum price, form including bearer or registered as provided in RCW 39.46.030, terms, conditions, and the covenants thereof. For those municipalities and taxing and assessment districts for which the county treasurer is not the designated treasurer by law, the ordinance may provide for designation and employment of a paying agent for the short-term obligations and may authorize a designated representative of the municipal corporation, ~~((or if the county, the county treasurer to act on its behalf and))~~ subject to the terms of the ordinance in selling and delivering short-term obligations authorized and fixing the dates, price, interest rates,

and other details as may be specified in the ordinance. For the county and those taxing and assessment districts for which the county treasurer is the designated treasurer by law or other appointment, the county treasurer shall be notified thirty days in advance of borrowing under this chapter and will be the designated paying agent to act on its behalf for all payments of principal, interest, and penalties for that obligation, subject to the terms of the ordinance in selling and delivering short-term obligations authorized and fixing the dates, price, interest rates, and other details as may be specified in the ordinance. Short-term obligations issued under this section shall bear such fixed or variable rate or rates of interest as the governing body considers to be in the best interests of the municipal corporation. Variable rates of interest may be fixed in relationship to such standard or index as the governing body designates.

The governing body may make contracts for the future sale of short-term obligations pursuant to which the purchasers are committed to purchase the short-term obligations from time to time on the terms and conditions stated in the contract, and may pay such consideration as it considers proper for the commitments. Short-term obligations issued in anticipation of the receipt of taxes shall be paid within six months from the end of the fiscal year in which they are issued. For the purpose of this subsection, short-term obligations issued in anticipation of the sale of general obligation bonds shall not be considered to be obligations issued in anticipation of the receipt of taxes.

(2) Notwithstanding subsection (1) of this section, such short-term obligations may be issued and sold in accordance with chapter 39.46 RCW.

**Sec. 18.** RCW 84.38.140 and 1984 c 220 s 27 are each amended to read as follows:

(1) The ~~((county treasurer))~~ department shall collect all the amounts deferred together with interest under this chapter~~((;-)).~~ However, in the event that the department is unable to collect an amount deferred together with interest, that amount deferred together with interest shall be collected by the county treasurer in the manner provided for in chapter 84.56 RCW. For purposes of collection of deferred taxes, the provisions of chapters 84.56, 84.60, and 84.64 RCW shall be applicable.

(2) When any deferred special assessment and/or real property taxes together with interest are collected the moneys shall be ~~((credited to a special account in the county treasury. The county treasurer shall remit the amount of deferred special assessment and/or real property taxes together with interest to the department within thirty days from the date of collection.~~

~~————(3) The department shall deposit the deferred taxes))~~ deposited in the state general fund.

**Sec. 19.** RCW 84.40.042 and 1997 c 393 s 17 are each amended to read as follows:

(1) When real property is divided in accordance with chapter 58.17 RCW, the assessor shall carefully investigate and ascertain the true and fair value of each lot and assess each lot on that same basis, unless specifically provided otherwise by law. For purposes of this section, "lot" has the same definition as in RCW 58.17.020.

(a) For each lot on which an advance tax deposit has been paid in accordance with RCW 58.08.040, the assessor shall establish the true and fair value by October 30 of the year following the recording of the plat, replat, altered plat, or binding site plan. The value established shall be the value of the lot as of January 1 of the year the original parcel of real property was last revalued. An additional property tax shall not be due on the land until the calendar year following the year for which the advance tax deposit was paid if the deposit was sufficient to pay the full amount of the taxes due on the property.

(b) For each lot on which an advance tax deposit has not been paid, the assessor shall establish the true and fair value not later than the calendar year following the recording of the plat, map, subdivision, or replat. For purposes of this section, "subdivision" means a division of land into two or more lots or boundary line adjustments between two or more parcels.

(c) For each subdivision, all current year and delinquent taxes and assessments on the entire tract must be paid in full in accordance with RCW 58.17.160 and 58.08.030. For purposes of this section, "current year taxes" means taxes that are collectible under RCW 84.56.010 subsequent to February 14.

(2) When the assessor is required by law to segregate any part or parts of real property, assessed before or after July 27, 1997, as one parcel or when the assessor is required by law to combine parcels of real property

assessed before or after July 27, 1997, as two or more parcels, the assessor shall carefully investigate and ascertain the true and fair value of each part or parts of the real property and each combined parcel and assess each part or parts or each combined parcel on that same basis.

**Sec. 20.** RCW 84.56.250 and 1961 c 15 s 84.56.250 are each amended to read as follows:

If any county treasurer (~~shall willfully~~) willfully refuses or neglects to collect any taxes assessed upon personal property, where the same is collectible, or to file the delinquent list and affidavit, as herein provided, (~~he~~) the treasurer shall be held, in his or her next settlement with the (~~auditor~~) county legislative authority, liable for the whole amount of such taxes uncollected, and the same shall be deducted from his or her salary and applied to the several funds for which they were levied.

**Sec. 21.** RCW 85.38.220 and 1986 c 278 s 10 are each amended to read as follows:

Any special district may have its operations suspended as provided in this section. The process of suspending a special district's operations may be initiated by: (1) The adoption of a resolution proposing such action by the governing body of the special district; (2) the filing of a petition proposing such action with the county legislative authority of the county in which all or the largest portion of the special district is located, which petition is signed by voters of the special district who own at least ten percent of the acreage in the special district or is signed by ten or more voters of the special district; or (3) the adoption of a resolution proposing such action by the county legislative authority of the county in which all or the largest portion of the special district is located.

A public hearing on the proposed action shall be held by the county legislative authority at which it shall inquire into whether such action is in the public interest. Notice of the public hearing shall be published in a newspaper of general circulation in the special district, posted in at least four locations in the special district to attract the attention of the public, and mailed to the members of the governing body of the special district, if there are any. After the public hearing, the county legislative authority may adopt a resolution suspending the operations of the special district if it finds such suspension to be in the public interest, and shall provide a copy of the resolution to the county treasurer. When a special district is located in more than one county, the legislative authority of each of such counties must so act before the operations of the special district are suspended.

After holding a public hearing on the proposed reactivation of a special district that has had its operations suspended, the legislative authority or authorities of the county or counties in which the special district is located may reactivate the special district by adopting a resolution finding such action to be in the public interest. Notice of the public hearing shall be posted and published as provided for the public hearing on a proposed suspension of a special district's operations. The governing body of a reactivated special district shall be appointed as in a newly created special district.

No special district that owns drainage or flood control improvements may be (~~dissolved~~) suspended unless the legislative authority of a county accepts responsibility for operation and maintenance of the improvements during the suspension period.

**Sec. 22.** RCW 85.38.225 and 1991 c 28 s 2 are each amended to read as follows:

As an alternative to this chapter a drainage district or drainage improvement district located within the boundaries of a county storm drainage and surface water management utility, and which is not currently imposing assessments, may be dissolved by ordinance of the county legislative authority. If the alternative dissolution procedure in this section is used the following shall apply:

(1) The county storm drainage and surface water management utility shall assume responsibility for payment or settlement of outstanding debts of the dissolved drainage district or drainage improvement district, and shall notify the county treasurer at such time of the assumption of responsibility.

(2) All assets, including money, funds, improvements, or property, real or personal, shall become assets of the county in which the dissolved drainage district or drainage improvement district was located.

(3) Notwithstanding RCW 85.38.220, the county storm drainage and surface water management utility may determine how to best manage, operate, maintain, improve, exchange, sell, or otherwise dispose of all property, real and personal, of the dissolved drainage district or drainage improvement district, and may

determine to modify, cease the operation of, and/or remove any or all facilities or improvements to real property of the dissolved drainage district or drainage improvement district.

NEW SECTION. Sec. 23. RCW 84.36.015 (Property valued at less than five hundred dollars--Exceptions) and 1997 c 244 s 1 are each repealed."

Correct the title.

Signed by Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Edwards, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey; Crouse; DeBolt; Dunn; Edmonds; Hatfield; Jarrett and Kirby.

Voting yea: Representatives Berkey, Crouse, DeBolt, Dunn, Dunshee, Edmonds, Edwards, Hatfield, Jarrett, Mielke, and Mulliken.

Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5647 Prime Sponsor, Senate Committee on Environment, Energy & Water: Requiring new energy efficiency measures. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

On page 11, after line 24, insert the following:

"For a building that is leased by the state, energy audits and implementation of cost effective energy conservation measures are required only for that portion of the building that is leased by the state when the state leases less than one hundred percent of the building. When implementing cost effective energy conservation measures in buildings leased by the state, those measures must generate savings sufficient to finance the building modifications and installations over a loan period not greater than ten years and allow repayment during the term of the lease."

Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Casada, Republican Vice Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; Cooper; DeBolt; Esser; Hunt; Linville; Mielke; Morris; Pflug; Simpson and Wood.

MINORITY recommendation: Do not pass. Signed by Representative B. Chandler.

Voting yea: Representatives Crouse, Poulsen, Casada, Ruderman, Anderson, Berkey, Bush, Cooper, DeBolt, Esser, Hunt, Linville, Mielke, Morris, Pflug, Simpson and Wood.

Voting nay: Representative B. Chandler.

Excused: Representatives Delvin and Reardon.

Referred to Committee on Capital Budget.

March 29, 2001

ESSB 5674 Prime Sponsor, Senate Committee on Environment, Energy & Water: Establishing the Washington climate center. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A joint select committee on climate change is established. The joint select committee shall study and make recommendations to the legislature on the potential:

(a) Impacts of climate change in the state; and

(b) Effects of early action by the state, before action by the federal government or other state governments, on the state's competitive position with respect to other states.

(2) The joint select committee shall be composed of fifteen members as follows:

(a) One member of the senate from each of the two major political party caucuses in the senate, appointed by the president of the senate;

(b) One member of the house of representatives from each of the two major political parties in the house of representatives, appointed by the co-speakers of the house of representatives;

(c) Two members from the environmental community, appointed by the president of the senate and the co-speakers of the house of representatives;

(d) Two members from the agriculture industry, appointed by the president of the senate and the co-speakers of the house of representatives;

(e) Two members from the business community, appointed by the president of the senate and the co-speakers of the house of representatives; and

(f) One member from each of the following, appointed by the president of the senate and the co-speakers of the house of representatives: The timber industry, county government, city government, irrigation districts, and municipal water purveyors.

(3) The members of the joint select committee shall elect cochairs from among the committee members who are members of the legislature, each from a different political party. The initial meeting of the joint select committee shall be convened by the directive of the president of the senate and the co-speakers of the house of representatives. Staff support for the joint select committee shall be provided by senate committee services and the office of program research. Members of the committee from the house of representatives and the senate shall be compensated for their expenses as provided by the house of representatives and the senate.

(4) The joint select committee shall report its interim findings to the legislature regarding the issues identified in subsection (1) of this section by December 31, 2001. The joint select committee shall report final recommendations to the legislature regarding the issues identified in subsection (1) of this section by June 30, 2002.

(5) This section expires July 1, 2002."

Correct the title.

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Kirby; Roach and Schoesler.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, and Sump.

Voting nay: Representatives Roach, and Schoesler.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5679 Prime Sponsor, Senate Committee on Health & Long-Term Care: Creating the HIV/AIDS prevention study committee. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 2, line 20, after "2002." insert "This section expires on January 31, 2002."

On page 2, line 24, after "immediately." insert "This section expires on January 31, 2002."

Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Excused: Representative Edmonds.

Referred to Committee on Appropriations.

March 28, 2001

SB 5691 Prime Sponsor, Senator Costa: Adding a limitation on sealing of juvenile offender records. Reported by Committee on Juvenile Justice

MAJORITY recommendation: Do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Carrell; Darneille and Tokuda.

Voting yea: Representatives Armstrong, Carrell, Darneille, Delvin, Dickerson, Eickmeyer, Marine, and Tokuda.

Passed to Committee on Rules for second reading.

March 29, 2001

E2SSB 5695 Prime Sponsor, Senate Committee on Ways & Means: Creating alternative routes to teacher certification. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares:

(1) Teacher qualifications and effectiveness are the most important influences on student learning in schools.

(2) Preparation of individuals to become well-qualified, effective teachers must be high quality.

(3) Teachers who complete high-quality alternative route programs with intensive field-based experience, adequate coursework, and strong mentorship do as well or better than teachers who complete traditional preparation programs.

(4) High-quality alternative route programs can provide more flexibility and expedience for individuals to transition from their current career to teaching.

(5) High-quality alternative route programs can help school districts fill subject matter shortage areas and areas with shortages due to geographic location.

(6) Regardless of route, all candidates for residency teacher certification must meet the high standards required by the state.

The legislature recognizes widespread concerns about the potential for teacher shortages and finds that

classified instructional staff in public schools represent a great untapped resource for recruiting the teachers of the future.

**NEW SECTION. Sec. 2.** There is hereby created a statewide partnership grant program to provide new high-quality alternative routes to residency teacher certification. To the extent funds are appropriated for this specific purpose, funds provided under this partnership grant program shall be used solely for school districts, or consortia of school districts, to partner with state-approved higher education teacher preparation programs to provide one or more of three alternative route programs in section 5 of this act, aimed at recruiting candidates to teaching in subject matter shortage areas and areas with shortages due to geographic location. Districts, or consortia of districts, may also include their educational service districts in their partnership grant program. Partnership programs receiving grants may enroll candidates as early as January 2002.

**NEW SECTION. Sec. 3.** (1) Each district or consortia of school districts applying for state funds through this program shall submit a proposal to the Washington professional educator standards board specifying:

(a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;

(b) The number of candidates that will be enrolled per route;

(c) An identification, indication of commitment, and description of the role of approved teacher preparation programs that are partnering with the district or consortia of districts;

(d) An assurance of district provision of adequate training for mentor teachers either through participation in a state mentor training academy or district-provided training that meets state-established mentor-training standards specific to the mentoring of alternative route candidates;

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in section 5 of this act; and

(g) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan shall include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. For route one and two candidates, before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision. For route three candidates, the mentor of the teacher candidate shall make the decision;

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the state board of education;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; and

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program.

(2) Districts may apply for program funds to pay stipends to both mentor teachers and interns during their mentored internship. For both intern stipends and accompanying mentor stipends, the per intern district request



for funds may not exceed the amount designated by the BA+0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships and mentorships that last less than a full school year. Interns in the program for a full year shall be provided a stipend of at least eighty percent of the amount generated by the BA+0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships that last less than a full school year.

**NEW SECTION. Sec. 4.** (1) The professional educator standards board, with support from the office of the superintendent of public instruction, shall select school districts and consortia of school districts to receive partnership grants from funds appropriated by the legislature for this purpose. Factors to be considered in selecting proposals include:

- (a) The degree to which the district, or consortia of districts in partnership, are currently experiencing teacher shortages;
  - (b) The degree to which the proposal addresses criteria specified in section 3 of this act and is in keeping with specifications of program routes in section 5 of this act;
  - (c) The cost-effectiveness of the proposed program; and
  - (d) Any demonstrated district and in-kind contributions to the program.
- (2) Selection of proposals shall also take into consideration the need to ensure an adequate number of candidates for each type of route in order to evaluate their success.
- (3) Funds appropriated for the partnership grant program in this chapter shall be administered by the office of the superintendent of public instruction.

**NEW SECTION. Sec. 5.** Partnership grants funded under this chapter shall operate one to three specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. For route one and two candidates, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate has successfully completed the program. For route three candidates, the mentor of the teacher candidate shall make the determination that the candidate has successfully completed the program.

(1) Partnership grant programs seeking funds to operate route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

- (a) District or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee;
- (b) Successful passage of the statewide basic skills exam, when available; and
- (c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) Partnership grant programs seeking funds to operate route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via video-conference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

- (a) District or building validation of qualifications, including three years of successful student interaction and leadership as classified staff;
- (b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;
- (c) Successful completion of the content test, once the state content test is available;
- (d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for

teachers; and

(e) Successful passage of the statewide basic skills exam, when available.

(3) Partnership grant programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application, or who hold emergency substitute certificates. When selecting candidates for certification through route three, districts shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. For route three only, the districts may include additional candidates in nonshortage subject areas if the candidates are seeking endorsements with a secondary grade level designation as defined by rule by the state board of education. The districts shall disclose to candidates in nonshortage subject areas available information on the demand in those subject areas. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) Five years' experience in the work force;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(c) Successful completion of the content test, once the state content test is available;

(d) External validation of qualifications, including demonstrated successful experience with students or children, such as references letters and letters of support from previous employers;

(e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(f) Successful passage of statewide basic skills exams, when available.

**NEW SECTION. Sec. 6.** The alternative route conditional scholarship program is created under the following guidelines:

(1) The program shall be administered by the higher education coordinating board. In administering the program, the higher education coordinating board has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the program;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the program.

(2) The Washington professional educator standards board shall select participants who are eligible to receive conditional scholarships.

(3) In order to receive conditional scholarship awards, recipients shall be accepted and maintain enrollment in alternative certification routes through the partnership grant program, as provided in section 5 of this act. Recipients must continue to make satisfactory progress towards completion of the alternative route certification program and receipt of a residency teaching certificate.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients that fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) To the extent funds are appropriated for this specific purpose, the annual amount of the scholarship is the annual cost of tuition for the alternative route certification program in which the recipient is enrolled, not to exceed four thousand dollars. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(7) The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in the student loan account authorized in RCW 28B.102.060.

NEW SECTION. **Sec. 7.** This chapter expires June 30, 2005.

NEW SECTION. **Sec. 8.** The Washington state institute for public policy shall submit to the education and fiscal committees of the legislature, the governor, the state board of education, and the Washington professional educator standards board, an interim evaluation of partnership grant programs funded under this chapter by December 1, 2002, and a final evaluation by December 1, 2004. If specific funding for the purposes of this section, referencing this section and this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this section is null and void.

NEW SECTION. **Sec. 9.** Sections 1 through 8 and 10 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. **Sec. 10.** School districts or approved private schools' ability to employ personnel under certification for emergency or temporary, substitute, or provisional duty as authorized by chapter 28A.410 RCW are not affected by the provisions of this act."

On page 1, line 2 of the title, after "certification;" strike the remainder of the title and insert "adding a new chapter to Title 28A RCW; creating a new section; and providing an expiration date."

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schmidt and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Cox and Schindler.

Voting yea: Representatives Quall, Talcott, Anderson, Haigh, Ericksen, Keiser, McDermott, Pearson, Rockefeller, Santos, Schmidt and Schual-Berke.

Voting nay: Representatives Cox and Schindler.

Referred to Committee on Appropriations.

March 30, 2001

ESSB 5703 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Describing what is not an alteration of a mobile home. (REVISED FOR ENGROSSED: Directing a study to be conducted of mobile/manufactured home alteration and repair permit problems.) Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A joint legislative task force is created to review chapter 43.22 RCW as it pertains to the regulation of manufactured and mobile homes. The task force membership shall consist of:

(a) One member from each caucus of the senate labor, commerce and financial institutions committee, appointed by the president of the senate;

(b) One member from each caucus of the house commerce and labor committee, appointed by the co-speakers of the house of representatives;

(c) Representatives of the mobile/manufactured homeowners, mobile/manufactured home mortgage lenders, mobile/manufactured home manufacturers and retailers, realtors, business and labor representatives of the electrical and plumbing trades, and other state or local government agencies as appropriate, appointed jointly

by the president of the senate and the co-speakers of the house of representatives; and

(d) A representative of the department of labor and industries. The department shall cooperate with the task force and provide such technical expertise as the task force co-chairs may reasonably require.

(2) The task force shall choose its co-chairs from among its membership.

(3) The study shall review at least the following issues:

(a) The fact that many mobile/manufactured homeowners have performed alterations or repairs to their homes without obtaining the required permits with the result that potential buyers may be unable to obtain mortgage financing from the usual sources;

(b) The costs associated with obtaining required permits, particularly on those occasions when an engineering analysis is required;

(c) The possibility of reducing the number and type of repairs and alterations that require a permit, consistent with public health and safety considerations;

(d) The appropriateness of the current legal sanction for not obtaining a permit when required; and

(e) Any methods, procedures, or changes in the law that can assist mobile/manufactured homeowners in the proper and economical maintenance and improvement of their homes, and the protection of their equity.

(4) The task force shall use legislative facilities and staff from senate committee services and the office of program research. Each nonlegislative member of the task force is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. All expenses of the task force, including travel, shall be paid jointly by the senate and the house of representatives.

(5) The task force shall report its findings and recommendations to the legislature by January 1, 2002.

(6) This section expires April 1, 2002."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5777 Prime Sponsor, Senate Committee on Health & Long-Term Care: Permitting retired and disabled employees to obtain health insurance. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Referred to Committee on Appropriations.

March 29, 2001

SSB 5733 Prime Sponsor, Senate Committee on Transportation: Adjusting day labor allowances for county road construction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell,

Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Ogden; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump and Woods.

Voting yea: Representatives Ahern, Anderson, Armstrong, G. Chandler, Cooper, Edmonds, Ericksen, Fisher, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Lovick, Marine, Mielke, Mitchell, Morell, Murray, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, and Woods.

Excused: Representatives Ogden, Reardon, and Wood.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5734 Prime Sponsor, Senate Committee on Agriculture & International Trade: Modifying requirements to receive state allocations for an agricultural fair. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Excused: Representative Delvin.

Passed to Committee on Rules for second reading.

March 30, 2001

ESB 5790 Prime Sponsor, Senator Kline: Revising provisions relating to vehicular assault. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.61.522 and 1996 c 199 s 8 are each amended to read as follows:

(1) A person is guilty of vehicular assault if he or she operates or drives any vehicle:

(a) In a reckless manner~~((;))~~ and ~~((this conduct is the proximate cause of serious))~~ causes substantial bodily ~~((injury))~~ harm to another; or

(b) While under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, and ~~((this conduct is the proximate cause of serious))~~ causes substantial bodily ~~((injury))~~ harm to another; or

(c) With disregard for the safety of others and causes substantial bodily harm to another.

(2) ~~((("Serious bodily injury" means bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.~~

~~—————(3))~~ Vehicular assault is a class B felony punishable under chapter 9A.20 RCW.

(3) As used in this section, "substantial bodily harm" has the same meaning as in RCW 9A.04.110.

**Sec. 2.** RCW 9.41.010 and 1997 c 338 s 46 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an

explosive such as gunpowder.

(2) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(5) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(8) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(9) "Loaded" means:

- (a) There is a cartridge in the Chamber of the firearm;
- (b) Cartridges are in a clip that is locked in place in the firearm;
- (c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;
- (d) There is a cartridge in the tube or magazine that is inserted in the action; or
- (e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(10) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(11) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

- (a) Any crime of violence;

- (b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;
  - (c) Child molestation in the second degree;
  - (d) Incest when committed against a child under age fourteen;
  - (e) Indecent liberties;
  - (f) Leading organized crime;
  - (g) Promoting prostitution in the first degree;
  - (h) Rape in the third degree;
  - (i) Drive-by shooting;
  - (j) Sexual exploitation;
  - (k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;
  - (l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
  - (m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;
  - (n) Any other felony with a deadly weapon verdict under RCW 9.94A.125; or
  - (o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense.
- (13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.
- (14) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.
- (15) "Sell" refers to the actual approval of the delivery of a firearm in consideration of payment or promise of payment of a certain price in money.
- (16) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.
- (17) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

**Sec. 3.** RCW 9.94A.030 and 2000 c 28 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.
- (2) "Commission" means the sentencing guidelines commission.
- (3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.
- (4) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.120(2)(b), 9.94A.650 through 9.94A.670, 9.94A.137, 9.94A.700 through 9.94A.715, or 9.94A.383, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(5) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.

(6) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(7) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(9) "Confinement" means total or partial confinement.

(10) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW



9.94A.660.

(19) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(20) "Earned release" means earned release from confinement as provided in RCW 9.94A.150.

(21) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(22) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(23) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(24) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(25) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(26) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(27) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;
- (p) Sexual exploitation;
- (q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;
- (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
- (s) Any other class B felony offense with a finding of sexual motivation;
- (t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
- (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
- (v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
- (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.
- (28) "Nonviolent offense" means an offense which is not a violent offense.
- (29) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.
- (30) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.
- (31) "Persistent offender" is an offender who:
  - (a)(i) Has been convicted in this state of any felony considered a most serious offense; and
  - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or
  - (b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (31)(b)(i); and
  - (ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only

when the offender was eighteen years of age or older when the offender committed the offense.

(32) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(33) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(34) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(35) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(36) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(37) "Sex offense" means:

(a) A felony that is a violation of:

(i) Chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) RCW 9A.64.020;

(iii) RCW 9.68A.090; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(38) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(39) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(40) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(41) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(42) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(43) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(44) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(45) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.135.

(46) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.137 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(47) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 4.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and 2000 c 66 s 2 are each reenacted and amended to read as follows:

#### TABLE 2

##### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)

- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))  
Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)  
Assault of a Child 1 (RCW 9A.36.120)  
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))  
Rape 1 (RCW 9A.44.040)  
Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)  
Rape 2 (RCW 9A.44.050)  
Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)  
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))  
Kidnapping 1 (RCW 9A.40.020)  
Leading Organized Crime (RCW 9A.82.060(1)(a))  
Malicious explosion 3 (RCW 70.74.280(3))  
Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))  
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- IX Assault of a Child 2 (RCW 9A.36.130)  
Controlled Substance Homicide (RCW 69.50.415)  
Explosive devices prohibited (RCW 70.74.180)  
Homicide by Watercraft by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)  
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))  
Malicious placement of an explosive 2 (RCW 70.74.270(2))  
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)  
Robbery 1 (RCW 9A.56.200)  
Sexual Exploitation (RCW 9.68A.040)  
Vehicular Homicide by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)  
Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))  
Hit and Run--Death (RCW 46.52.020(4)(a))  
Homicide by Watercraft by the operation of any vessel in a reckless manner (RCW 79A.60.050)  
Manslaughter 2 (RCW 9A.32.070)  
Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))  
Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))  
Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia

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- with intent to manufacture methamphetamine (RCW 69.50.440)
  - Promoting Prostitution 1 (RCW 9A.88.070)
  - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
  - Theft of Anhydrous Ammonia (RCW 69.55.010)
  - Vehicular Homicide by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII
- Burglary 1 (RCW 9A.52.020)
  - Child Molestation 2 (RCW 9A.44.086)
  - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
  - Drive-by Shooting (RCW 9A.36.045)
  - Homicide by Watercraft by disregard for the safety of others (RCW 79A.60.050)
  - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
  - Introducing Contraband 1 (RCW 9A.76.140)
  - Involving a minor in drug dealing (RCW 69.50.401(f))
  - Malicious placement of an explosive 3 (RCW 70.74.270(3))
  - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
  - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
  - Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
  - Vehicular Homicide by disregard for the safety of others (RCW 46.61.520)
- VI
- Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
  - Bribery (RCW 9A.68.010)
  - Incest 1 (RCW 9A.64.020(1))
  - Intimidating a Judge (RCW 9A.72.160)
  - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
  - Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
  - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
  - Rape of a Child 3 (RCW 9A.44.079)
  - Theft of a Firearm (RCW 9A.56.300)
  - Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)
- V
- Abandonment of dependent person 1 (RCW 9A.42.060)
  - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
  - Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
  - Child Molestation 3 (RCW 9A.44.089)
  - Criminal Mistreatment 1 (RCW 9A.42.020)
  - Custodial Sexual Misconduct 1 (RCW 9A.44.160)
  - Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
  - Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or

74.34.145)  
 Extortion 1 (RCW 9A.56.120)  
 Extortionate Extension of Credit (RCW 9A.82.020)  
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)  
 Incest 2 (RCW 9A.64.020(2))  
 Kidnapping 2 (RCW 9A.40.030)  
 Perjury 1 (RCW 9A.72.020)  
 Persistent prison misbehavior (RCW 9.94.070)  
 Possession of a Stolen Firearm (RCW 9A.56.310)  
 Rape 3 (RCW 9A.44.060)  
 Rendering Criminal Assistance 1 (RCW 9A.76.070)  
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)  
 Sexually Violating Human Remains (RCW 9A.44.105)  
 Stalking (RCW 9A.46.110)

- IV Arson 2 (RCW 9A.48.030)  
 Assault 2 (RCW 9A.36.021)  
 Assault by Watercraft (RCW 79A.60.060)  
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)  
 Commercial Bribery (RCW 9A.68.060)  
 Counterfeiting (RCW 9.16.035(4))  
 Escape 1 (RCW 9A.76.110)  
 Hit and Run--Injury (RCW 46.52.020(4)(b))  
 Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))  
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)  
 Influencing Outcome of Sporting Event (RCW 9A.82.070)  
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))  
 Malicious Harassment (RCW 9A.36.080)  
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))  
 Residential Burglary (RCW 9A.52.025)  
 Robbery 2 (RCW 9A.56.210)  
 Theft of Livestock 1 (RCW 9A.56.080)  
 Threats to Bomb (RCW 9.61.160)  
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
Vehicular Assault by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)  
 Willful Failure to Return from Furlough (RCW 72.66.060)
- III Abandonment of dependent person 2 (RCW 9A.42.070)  
 Assault 3 (RCW 9A.36.031)  
 Assault of a Child 3 (RCW 9A.36.140)  
 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
 Burglary 2 (RCW 9A.52.030)  
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

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Criminal Gang Intimidation (RCW 9A.46.120)  
 Criminal Mistreatment 2 (RCW 9A.42.030)  
 Custodial Assault (RCW 9A.36.100)  
 Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
 Escape 2 (RCW 9A.76.120)  
 Extortion 2 (RCW 9A.56.130)  
 Harassment (RCW 9A.46.020)  
 Intimidating a Public Servant (RCW 9A.76.180)  
 Introducing Contraband 2 (RCW 9A.76.150)  
 Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))  
 Malicious Injury to Railroad Property (RCW 81.60.070)  
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))  
 Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))  
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
 Perjury 2 (RCW 9A.72.030)  
 Possession of Incendiary Device (RCW 9.40.120)  
 Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)  
 Promoting Prostitution 2 (RCW 9A.88.080)  
     Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
 Securities Act violation (RCW 21.20.400)  
 Tampering with a Witness (RCW 9A.72.120)  
 Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)  
 Theft of Livestock 2 (RCW 9A.56.080)  
 Unlawful Imprisonment (RCW 9A.40.040)  
 Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))  
 Unlawful Use of Building for Drug Purposes (RCW 69.53.010)  
Vehicular Assault by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)  
 Willful Failure to Return from Work Release (RCW 72.65.070)

- II      Computer Trespass 1 (RCW 9A.52.110)  
         Counterfeiting (RCW 9.16.035(3))  
         Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))  
         Escape from Community Custody (RCW 72.09.310)  
         Health Care False Claims (RCW 48.80.030)  
         Malicious Mischief 1 (RCW 9A.48.070)  
         Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))  
         Possession of phencyclidine (PCP) (RCW 69.50.401(d))  
         Possession of Stolen Property 1 (RCW 9A.56.150)  
         Theft 1 (RCW 9A.56.030)  
         Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))



Trafficking in Insurance Claims (RCW 48.30A.015)  
Unlawful Practice of Law (RCW 2.48.180)  
Unlicensed Practice of a Profession or Business (RCW  
18.130.190(7))

- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
False Verification for Welfare (RCW 74.08.055)  
Forged Prescription (RCW 69.41.020)  
Forged Prescription for a Controlled Substance (RCW 69.50.403)  
Forgery (RCW 9A.60.020)  
Malicious Mischief 2 (RCW 9A.48.080)  
Possess Controlled Substance that is a Narcotic from Schedule III, IV,  
or V or Non-narcotic from Schedule I-V (except phencyclidine or  
flunitrazepam) (RCW 69.50.401(d))  
Possession of Stolen Property 2 (RCW 9A.56.160)  
Reckless Burning 1 (RCW 9A.48.040)  
Taking Motor Vehicle Without Permission (RCW 9A.56.070)  
Theft 2 (RCW 9A.56.040)  
Theft of Rental, Leased, or Lease-purchased Property (valued at two  
hundred fifty dollars or more but less than one thousand five hundred  
dollars) (RCW 9A.56.096(4))  
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
Vehicle Prowl 1 (RCW 9A.52.095)"

Correct the title.

Signed by Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice  
Chair; Lambert, Republican Vice Chair; Boldt; Casada; Dickerson; Esser; Lovick and McDermott.

Voting yea: Representatives Boldt, Carrell, Casada, Dickerson, Esser, Hurst, Lambert, Lantz, Lovick, and  
McDermott.

Referred to Committee on Appropriations.

March 28, 2001

SSB 5793 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Creating the holding  
company act for health care service contractors and health maintenance organizations. Reported  
by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield,  
Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes;  
DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser,  
Miloscia, Roach, Santos and Simpson.

Referred to Committee on Appropriations.

March 29, 2001

SB 5829 Prime Sponsor, Senator Prentice: Relating to cooperative activities by local governments. Reported by

## Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Conway; Darneille; Edmonds; Edwards; Marine and Ruderman.

MINORITY recommendation: Without recommendation. Signed by Representatives Skinner, Republican Vice Chair; Alexander; Ballasiotes; McMorris and Pennington.

Voting yea: Representatives Campbell, Cody, Conway, Darneille, Edmonds, Edwards, Marine, Ruderman, and Schual-Berke.

Voting nay: Representatives Alexander, Ballasiotes, McMorris, Pennington, and Skinner.

Passed to Committee on Rules for second reading.

March 29, 2001

ESB 5835 Prime Sponsor, Senator Finkbeiner: Removing the expiration date on emergency administration of epinephrine. (REVISED FOR ENGROSSED: Regarding administration of epinephrine.)  
Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Beginning on page 2, after line 5, strike all of sections 2, 3, and 4

Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5836 Prime Sponsor, Senator Fairley: Creating the community health center capital trust fund account.  
Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that current economic conditions and declining resources at the federal, state, and local level adversely affect the ability of low-income and underserved persons to obtain quality and affordable health care. Community health centers provide access to health care to those persons who are otherwise unable to obtain these services.

(2) The legislature further finds that community health centers face the challenge of meeting a growing demand for services in cramped and outdated facilities and meeting the need of establishing new facilities to serve additional communities with large, underserved populations.

(3) The legislature declares that it is in the public interest to establish a continuously renewable resource known as the community health center capital trust fund account to assist low and very low-income citizens and other underserved citizens to meet their basic health care needs.

**Sec. 2.** RCW 70.37.020 and 1994 c 92 s 505 are each amended to read as follows:

~~((As used in this chapter,)) The ((following words and terms have the following meanings,)) definitions in this section apply throughout this chapter unless the context ((indicates or)) clearly requires ((another or different meaning or intent and the singular of any term shall encompass the plural and the plural the singular unless the context indicates)) otherwise((:)).~~

(1) "Authority" means the Washington health care facilities authority created by RCW 70.37.030 or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers conferred upon the authority shall be given by law.

(2) "Bonds" mean bonds, notes or other evidences of indebtedness of the authority issued pursuant hereto.

(3) "Community health center" means a nonprofit corporation providing health care services to needy populations where all of the following apply: (a) It is tax exempt under section 501(c)(3) of the internal revenue code (26 U.S.C. Sec. 501(c)(3)); (b) it is governed by a community-based board over half of whom are users of health care services; (c) it utilizes a sliding fee scale based on the federal poverty level; (d) at least two-fifths of the patients it serves are uninsured or on medicaid; and (e) at least three-fourths of the patients it serves have incomes below two hundred percent of the federal poverty level.

(4) "Health care facility" means any land, structure, system, machinery, equipment or other real or personal property or appurtenances useful for or associated with delivery of inpatient or outpatient health care service or support for such care or any combination thereof which is operated or undertaken in connection with hospital, clinic, health maintenance organization, diagnostic or treatment center, extended care facility, or any facility providing or designed to provide therapeutic, convalescent, or preventive health care services, and shall include research and support facilities of a comprehensive cancer center, but excluding, however, any facility which is maintained by a participant primarily for rental or lease to self-employed health care professionals or as an independent nursing home or other facility primarily offering domiciliary care.

~~((4))~~ (5) "Participant" means any city, county, or other municipal corporation or agency or political subdivision of the state or any corporation, hospital, comprehensive cancer center, or health maintenance organization authorized by law to operate nonprofit health care facilities, or any affiliate, as defined by ~~((regulations promulgated))~~ rules adopted by the director of the department of financial institutions pursuant to RCW 21.20.450, which is a nonprofit corporation acting for the benefit of any entity described in this subsection.

~~((5))~~ (6) "Project" means a specific health care facility or any combination of health care facilities, constructed, purchased, acquired, leased, used, owned, or operated by a participant, and alterations, additions to, renovations, enlargements, betterments, and reconstructions thereof.

NEW SECTION. **Sec. 3.** (1) The community health center assistance program is created within the authority. The intent of the program is to carry out the purposes of this section and section 4 of this act. The programs and authority powers under this section and section 4 of this act shall be deemed to be in addition to and separate from the other powers, programs, and activities of the authority authorized by law.

(2) The community health center capital trust fund account is created in the custody of the state treasurer. All receipts from private contributions, repayment of loans, and any other sources must be deposited into the account. It is the intent of the legislature that state funds not be appropriated to this account for the biennium ending June 30, 2003. Expenditures from the account may be used only for the purposes of this section and section 4 of this act. Only the authority or the authority's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Subaccounts may also be set up within this account.

(3) The authority shall use moneys from the community health center capital trust fund account established under subsection (2) of this section to guarantee or subsidize loans for community health centers, and for other general purposes associated with making community health center credits more attractive to the municipal bond market, and finance in whole or in part any loans for community health centers.

(4) Activities eligible for assistance from the community health center capital trust fund account established under subsection (2) of this section include but are not limited to:

- (a) New construction, renovation, or acquisition of an existing building, or acquisition of land to be converted into a community health center;
  - (b) Equipment acquisition for community health centers;
  - (c) Technical assistance, design and finance services and consultation, administrative costs for eligible community health centers, and costs associated with providing and administering loans to community health centers;
  - (d) Loan subsidies;
  - (e) Guarantees or payments for eligible projects; and
  - (f) Refinancing of existing debt.
- (5) Moneys in the community health center capital trust fund account may be used only for the purposes of this section and section 4 of this act, and not for the administrative costs of the authority.
- (6) Moneys from repayment of loans issued by the authority from the community health center capital trust fund account may be used for all activities necessary for the proper functioning of the community health center assistance program.
- (7) Organizations that may receive assistance from the authority under this section and section 4 of this act are community health centers as defined in RCW 70.37.020. Eligibility for assistance from the authority under this chapter also requires that the recipient have no outstanding tax warrants under RCW 82.32.210 at the time the grant is made.

**NEW SECTION. Sec. 4.** (1) During each calendar year in which moneys in the community health center capital trust fund account, created in section 3 of this act, are available for use by the authority for the community health center assistance program, the authority shall announce to all known community health centers located in the state of Washington a loan application period of at least ninety days' duration. This announcement shall be made as often as the executive director of the authority deems appropriate for proper utilization of resources. The authority shall then grant as many applications as will utilize available moneys.

(2) The authority shall evaluate applicants based on the following considerations:

- (a) Applicants must demonstrate the ability to provide health care services to a caseload that is comprised primarily of low-income and underserved persons;
- (b) Applicants must demonstrate the ability, stability, and resources to implement the provisions of its application on an ongoing basis; and
- (c) Applicants must meet the definition of community health center as defined in RCW 70.37.020.

**Sec. 5.** RCW 70.37.090 and 1974 ex.s. c 147 s 9 are each amended to read as follows:

The authority shall have power to require community health centers, health care facilities, and other persons applying for its assistance in connection with the investigation and financing of projects to pay fees and charges to provide the authority with funds for investigation, financial feasibility studies, expenses of issuance and sale of bonds and other charges for services provided by the authority in connection with such projects~~((-- All other expenses of the authority))~~, including compensation of its employees and consultants, expenses of administration, and conduct of its work and business and other expenses. These expenses shall be paid out of such fees and charges, out of contributions and grants to ((#) the authority, out of the proceeds of bonds issued for projects of participants, or out of revenues of such projects((; none)). No expense may be paid by the state of Washington. The authority shall have power to establish special funds into which such money shall be received and out of which it may be disbursed by the persons and with the procedure and in the manner established by the authority. The authority has the power to invest revenue from fees and charges or other income in excess of expenses. The authority also has the power to establish special funds into which excess revenue from fees and charges, contributions and grants, and investment earnings on any such moneys shall be received and out of which it may be disbursed by grant, loan, or other financing method to individual participants with total assets of fifty million dollars or less to finance health care facilities in accordance with the provisions of this chapter.

**NEW SECTION. Sec. 6.** Sections 3 and 4 of this act are each added to chapter 70.37 RCW.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Hankins; Hunt; Lantz; O'Brien; Ogden; Poulsen; Reardon; Schoesler; Voloria and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Casada.

Voting yea: Representatives Alexander, Armstrong, Esser, McIntire, Barlean, Bush, Hankins, Hunt, Lantz, Murray, O'Brien, Ogden, Reardon, Schoesler, Voloria, and Woods.

Voting nay: Representative Casada.

Excused: Representative Poulsen.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5837 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Establishing a pilot project culturing shellfish on nonproductive oyster reserve land. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 77.60 RCW to read as follows:

(1) The department shall initiate a pilot project to evaluate the feasibility and potential of intensively culturing shellfish on currently nonproductive oyster reserve land in Puget Sound. The pilot program shall include no fewer than three long-term lease agreements with commercial shellfish growers.

(2) The department shall form one advisory committee each for the Willapa Bay oyster reserve lands and the Puget Sound oyster reserve lands. The advisory committees shall make recommendations on management practices to conserve, protect, and develop oyster reserve lands. The advisory committees may make recommendations regarding the management practices on oyster reserve lands, in particular to ensure that they are managed in a manner that will: (a) Increase revenue through production of high-value shellfish; (b) not be detrimental to the market for shellfish grown on nonreserve lands; and (c) avoid negative impacts to existing shellfish populations. The advisory committees may also make recommendation on the distribution of funds in RCW 77.12.170(1)(k)(i). The department shall attempt to structure each advisory committee to include equal representation between shellfish growers that participate in reserve sales and shellfish growers that do not.

(3) The department shall submit a brief progress report on the status of the pilot programs to the appropriate standing committees of the legislature by January 7, 2003.

(4) The department of natural resources, in consultation with the department of fish and wildlife, shall administer the leases for oyster reserves entered into under this chapter. In administering the leases, the department of natural resources shall exercise its authority under RCW 79.96.090. Vacation of state oyster reserves by the department of fish and wildlife shall not be a requirement for the department of natural resources to lease any oyster reserves under this section. The department of natural resources may recover reasonable costs directly associated with the administration of the leases for oyster reserves entered into under this chapter. All administrative fees collected by the department of natural resources pursuant to this section shall be deposited into the resource management cost account established in RCW 79.64.020. The department of fish and wildlife may not assess charges to recover the costs of consulting with the department of natural resources under this subsection.

(5) The Puget Sound pilot program shall not include the culture of geoduck.

(6) All receipts from revenues from the lease of land or sale of shellfish from oyster reserve lands must be deposited in the state wildlife fund established under RCW 77.12.170.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.71 RCW to read as follows:

(1) The action team shall establish a shellfish - on-site sewage grant program in Puget Sound and for Pacific and Grays Harbor counties. The action team shall provide funds to local health jurisdictions to be used as grants to individuals for improving their on-site sewage systems. The grants may be provided only in areas that have the potential to adversely affect water quality in commercial and recreational shellfish growing areas. A recipient of a grant shall enter into an agreement with the appropriate local health jurisdiction to maintain the improved on-site sewage system according to specifications required by the local health jurisdiction. The action team shall work closely with local health jurisdictions and shall endeavor to attain geographic equity between Willapa Bay and the Puget Sound when making funds available under this program. For the purposes of this subsection, "geographic equity" means issuing on-site sewage grants at a level that matches the funds generated from the oyster reserve lands in that area.

(2) In the Puget Sound, the action team shall give first priority to areas that are:

(a) Identified as "areas of special concern" under WAC 246-272-01001; or

(b) Included within a shellfish protection district under chapter 90.72 RCW.

(3) In Grays Harbor and Pacific counties, the action team shall give first priority to preventing the deterioration of water quality in areas where commercial or recreational shellfish are grown.

(4) The action team and each participating local health jurisdiction shall enter into a memorandum of understanding that will establish an applicant income eligibility requirement for individual grant applicants from within the jurisdiction and other mutually agreeable terms and conditions of the grant program.

(5) The action team may recover the costs to administer this program not to exceed ten percent of the shellfish - on-site sewage grant program.

(6) For the 2001-2003 biennium, the action team may use up to fifty percent of the shellfish - on-site sewage grant program funds for grants to local health jurisdictions to establish areas of special concern under WAC 246-272-01001, or for operation and maintenance programs therein, where commercial and recreational uses are present.

**Sec. 3.** RCW 79.96.110 and 2000 c 11 s 30 are each amended to read as follows:

(1) In ~~((ease the director of))~~ the event that the fish and wildlife commission approves the vacation of the whole or any part of ((said)) a reserve, the department of natural resources may vacate and offer for lease such parts or all of ((said)) the reserve as it deems to be for the best interest of the state, and all moneys received for the lease of such lands shall be paid to the department of natural resources~~((:—PROVIDED, That nothing in RCW 79.96.090 through 79.96.110 shall be construed as authorizing the lease of any tidelands which have heretofore, or which may hereafter, be set aside as))~~.

(2) Notwithstanding RCW 77.60.020, subsection (1) of this section, or any other provision of state law, the state oyster reserves in Eld Inlet, Hammersley Inlet, or Totten Inlet, situated in Mason or Thurston counties~~((:—PROVIDED FURTHER, That any portion of Plat 138, Clifton's Oyster Reserve, which has already been vacated, may be leased by the department))~~ shall permanently be designated as state oyster reserve lands.

**Sec. 4.** RCW 77.12.170 and 2000 c 107 s 216 are each amended to read as follows:

(1) There is established in the state treasury the state wildlife fund which consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes;

(c) The sale of licenses, permits, tags, stamps, and punchcards required by this title, except annual resident adult saltwater and all shellfish licenses, which shall be deposited into the state general fund;

(d) Fees for informational materials published by the department;

(e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;

- (f) Articles or wildlife sold by the director under this title;
- (g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320 or 77.32.380;
- (h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;
- (i) The sale of personal property seized by the department for food fish, shellfish, or wildlife violations;
- ~~((and))~~
- (j) The department's share of revenues from auctions and raffles authorized by the commission; and
- (k) All receipts from revenues from the lease of land or sale of shellfish from oyster reserve lands under section 1 of this act. Revenues deposited into the fund pursuant to this subsection (1)(k) may only be expended in the following manner:
- (i) Up to forty percent for the management expenses incurred by the department that are directly attributable to the management of the oyster reserve lands and for the expenses associated with new research and development activities at the Pt. Whitney and Nahcotta shellfish laboratories managed by the department. As used in this subsection (1)(k)(i), "new research and development activities" includes an emphasis on the control of aquatic nuisance species and burrowing shrimp;
- (ii) Up to ten percent may be deposited into the state general fund; and
- (iii) All remaining revenues deposited into the fund pursuant to this subsection (1)(k) shall be used for the shellfish - on-site sewage grant program established in section 2 of this act.
- (2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife fund."

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "amending RCW 79.96.110 and 77.12.170; adding a new section to chapter 77.60 RCW; and adding a new section to chapter 90.71 RCW."

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer Ericksen, Jackley, Murray and Pennington.

Referred to Committee on Appropriations.

March 30, 2001

ESSB 5845 Prime Sponsor, Senate Committee on Human Services & Corrections: Regulating siting of sex offender treatment facilities. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes that the individualized treatment required for constitutional civil commitment includes the realistic possibility of release to a less restrictive alternative rather than total confinement in appropriate cases. The legislature finds that most persons civilly committed under chapter 71.09 RCW who become eligible for release to a less restrictive alternative do not have appropriate housing and that the lack of housing may unduly restrict the person's ability to move to a less restrictive alternative placement. The legislature also finds that these facilities are essential public facilities, are subject to public protest upon siting, and that some cities and counties have imposed moratoriums on zoning and permitting processes. The legislature further finds that this reaction hampers its ability and the ability of the department of social and health services to comply with constitutional and statutory requirements and with court orders to

create housing for less restrictive alternative placements. The legislature, therefore, intends to provide statewide guidance for the siting of less restrictive alternative housing for persons placed on less restrictive alternative placements under chapter 71.09 RCW.

(2) It is the intent of the legislature to:

(a) Enhance public safety and maximize the potential for successful treatment of sexually violent predators through the tightly managed use of less restrictive alternatives in community-based secure community transition facilities;

(b) Maximize the safety of communities in which secure community transition facilities are located and ensure public input into secure community transition facilities by enabling community participation in decisions involving these essential public facilities;

(c) Comply with federal court orders and require the siting of less restrictive alternative housing facilities and to preclude the possibility that the department of social and health services would be unable to site a facility due to local moratoriums and requirements;

(d) Require the department to work with local jurisdictions to address specific local concerns and develop zoning requirements and development regulations that balance the need for siting with public safety; and

(e) Improve public safety by strengthening the safeguards in placement, oversight, and monitoring of the persons released to a less restrictive alternative in a secure community transition facility, and by establishing minimum standards for the siting and operation of secure community transition facilities.

(3) The legislature finds that community participation in siting and oversight is vital to the success of secure community transition facilities for less restrictive alternatives.

**Sec. 2.** RCW 71.09.020 and 1995 c 216 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(1) ("Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.~~

~~————(2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.)~~ "Department" means the department of social and health services.

(2) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement.

(3) "Likely to engage in predatory acts of sexual violence" means that the person more probably than not will engage in such acts. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(4) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(5) "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

~~((5))~~ (6) "Recent overt act" means any act that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm.

~~((6))~~ (7) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, and public libraries.

(8) "Secretary" means the secretary of social and health services or the secretary's designee.

(9) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter. A secure facility is a facility that provides supervision and sex offender treatment services in a total



confinement setting. Secure facilities include the special commitment center and any similar facility for males or females designated as a secure facility by the secretary.

(10) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision, security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established on McNeil Island pursuant to section 3 of this act, and any community-based housing established under this chapter and operated by the secretary or under contract with the secretary.

(11) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to chapter 71.09 RCW, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

~~((7) "Less restrictive alternative" means court ordered treatment in a setting less restrictive than total confinement.~~

~~(8) "Secretary" means the secretary of social and health services or his or her designee.)~~

(12) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.09 RCW to read as follows:

(1)(a) Notwithstanding any other provision of this act, the secretary is authorized to site and operate a secure community transition facility on McNeil Island.

(b) Notwithstanding RCW 36.70A.103 or any other law, until December 31, 2003, to the extent siting a secure community transition facility on McNeil Island is inconsistent with local comprehensive plans and/or development regulations, this statute preempts and supersedes those local plans and regulations.

(c) Nothing in this section limits the state's authority to site an essential public facility under RCW 36.70A.200 in conformance with local comprehensive plans and development regulations.

(2) Upon enactment into law of this act, the state shall immediately enter into negotiations for a mitigation agreement with the county in which the secure community treatment facility established pursuant to this section is located, and with each city in that county that is located within a ten-mile radius of the facility, that will provide state funding, as appropriated for this purpose, in an amount adequate to mitigate anticipated or realized increased costs in law enforcement resulting from any increased risks to public safety brought about by the presence of sexually violent predators in those communities due to the siting of the facility.

**NEW SECTION. Sec. 4.** A new section is added to chapter 71.09 RCW to read as follows:

On or before December 1, 2002, the department shall submit a report to the appropriate committees of the legislature regarding policies for the subsequent placement of sexually violent predators on court-ordered conditional release residing in the secure community transition facility established pursuant to section 3 of this act. The report shall address the following:

(1) The anticipated number of persons who may be eligible for conditional release to a setting less restrictive than the facility established pursuant to section 3 of this act during the 2003-2005 and 2005-2007

biennia;

(2) The anticipated need, if any, for secure community transition facilities smaller than the facility established pursuant to section 3 of this act;

(3) Policies that will be implemented to ensure that placement of persons eligible in the future for conditional release to a setting less restrictive than the facility established pursuant to section 3 of this act will be equitably distributed among the counties, and within each county, among jurisdictions in the county. These persons shall not be placed in the county where the facility established pursuant to section 3 of this act is located unless the person, or his or her family members, had an established long-term residence in that county at the time the person was civilly committed.

**NEW SECTION. Sec. 5.** A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall adopt rules that balance the average response time of emergency services to the general area of a proposed secure community transition facility, except with respect to the secure community transition facility established pursuant to section 3 of this act, against the proximity of the proposed site to risk potential activities and facilities in existence at the time the site is listed for consideration.

(2) In balancing the competing criteria of proximity and response time the rule shall endeavor to achieve an average law enforcement response time not greater than five minutes and in no case shall the rule permit location of a facility adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a site is listed for consideration. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.

(3) The rule shall require that great weight be given to sites that are the farthest removed from any risk potential activity.

(4) The rule shall specify how distance from the location is measured and any variations in the measurement based on the size of the property within which a proposed facility is to be located.

(5) The rule shall establish a method to analyze and compare the criteria for each site in terms of public safety and security, site characteristics, and program components. In making a decision regarding a site following the analysis and comparison, the secretary shall give priority to public safety and security considerations. The analysis and comparison of the criteria are to be documented and made available at the public hearings prescribed in section 9 of this act.

**NEW SECTION. Sec. 6.** By December 1, 2001, the secretary of the department of social and health services shall determine and report to the legislature whether there is a significant group of potential locations that are outside of a five-minute law enforcement response time zone that are more than two miles from any risk potential activities and whether, in the secretary's judgment, the legislature should require the rule to be revised to permit consideration of these properties.

**NEW SECTION. Sec. 7.** A new section is added to chapter 71.09 RCW to read as follows:

The secretary shall establish criteria for the siting of secure community transition facilities, other than the secure community transition facility established pursuant to section 3 of this act, which shall include at least the following minimum requirements:

(1) No additional secure community transition facility may be sited in a county where the special commitment center and the secure community transition facility established pursuant to section 3 of this act are located.

(2) Any real property listed for consideration for the location of or use as a secure community transition facility must meet all of the following criteria:

(a) The proximity and response time criteria established under section 5 of this act;

(b) The site or building is available for lease for the anticipated use period or for purchase;

(c) Security monitoring services and appropriate back-up systems are available and reliable;

(d) Appropriate mental health and sex offender treatment providers must be available within a reasonable commute; and

(e) Appropriate permitting for a secure community transition facility must be possible under the zoning

code of the local jurisdiction.

(3) For sites which meet the criteria of subsection (2) of this section, the department shall analyze and compare the criteria in subsections (4) through (6) of this section using the method established in section 5 of this act.

(4) Public safety and security criteria shall include at least the following:

(a) Whether limited visibility between the facility and adjacent properties can be achieved prior to placement of any person;

(b) The distance from, and number of, risk potential activities and facilities, as measured using the rules adopted under section 5 of this act;

(c) The existence of or ability to establish barriers between the site and the risk potential facilities and activities;

(d) Suitability of the buildings to be used for the secure community transition facility with regard to existing or feasibly modified features; and

(e) The availability of electronic monitoring that allows a resident's location to be determined with specificity.

(5) Site characteristics criteria shall include at least the following:

(a) Reasonableness of rental, lease, or sale terms including length and renewability of a lease or rental agreement;

(b) Traffic and access patterns associated with the real property;

(c) Feasibility of complying with zoning requirements within the necessary time frame; and

(d) A contractor or contractors are available to install, monitor, and repair the necessary security and alarm systems.

(6) Program characteristics criteria shall include at least the following:

(a) Reasonable proximity to available medical, mental health, sex offender, and chemical dependency treatment providers and facilities;

(b) Suitability of the location for programming, staffing, and support considerations;

(c) Proximity to employment, educational, vocational, and other treatment plan components; and

(d) In facilities designed to house five or fewer residents, a minimum staffing ratio of one staff per resident during normal waking hours and two awake staff during normal sleeping hours. In no case shall all staff on a shift be persons classified as entry or trainee level staff.

(7) Unless otherwise ordered by the court, at least one staff member, or other court-authorized and department-approved person must escort each resident when the resident leaves the site for appointments, employment, or other approved activities. Escorting persons must supervise the resident closely and maintain close proximity to the resident.

(8) For purposes of this section "available" or "availability" of qualified treatment providers includes provider qualifications and willingness to provide services, average commute time, and cost of services.

**NEW SECTION. Sec. 8.** A new section is added to chapter 71.09 RCW to read as follows:

Security systems for secure community transition facilities designed to house five or fewer residents shall meet the following minimum qualifications:

(1)(a) The security panel must be a commercial grade panel with tamper-proof switches and a key-lock to prevent unauthorized access.

(b) There must be an emergency electrical supply system which shall include a battery back-up system and a generator.

(2) The system must include personal panic devices for all staff.

(3) The security system must be capable of being monitored and signaled either by telephone through either a land or cellular telephone system or by private radio network in the event of a total dial-tone failure or through equivalent technologies.

(4) The department shall issue photo-identification badges to all staff which must be worn at all times.

**NEW SECTION. Sec. 9.** A new section is added to chapter 71.09 RCW to read as follows:

(1) Whenever the department operates, or the secretary enters into a contract to operate, a secure community transition facility, the secure community transition facility may be operated only after the public notification and opportunities for review and comment as required by this section.

(2) The secretary shall establish a process for early and continuous public participation in establishing or relocating secure community transition facilities. Except as provided in subsection (3) of this section, the process shall include, at a minimum, public meetings in the local communities affected, as well as opportunities for written and oral comments, in the following manner:

(a) If there are more than three sites initially selected as potential locations and the selection process by the secretary or a service provider reduces the number of possible sites for a secure community transition facility to no fewer than three, the secretary or the chief operating officer of the service provider shall notify the public of the possible siting and hold at least two public hearings in each community where a secure community transition facility may be sited.

(b) When the secretary or service provider has determined the secure community transition facility's location, the secretary or the chief operating officer of the service provider shall hold at least one additional public hearing in the community where the secure community transition facility will be sited.

(c) When the secretary has entered negotiations with a service provider and only one site is under consideration, then at least two public hearings shall be held.

(d) To provide adequate notice of, and opportunity for interested persons to comment on, a proposed location, the secretary or the chief operating officer of the service provider shall provide at least fourteen days' advance notice of the meeting to all newspapers of general circulation in the community, all radio and television stations generally available to persons in the community, any school district in which the secure community transition facility would be sited or whose boundary is within two miles of a proposed secure community transition facility, any library district in which the secure community transition facility would be sited, local business or fraternal organizations that request notification from the secretary or agency, and any person or property owner within a one-half mile radius of the proposed secure community transition facility. Before initiating this process, the department of social and health services shall contact local government planning agencies in the communities containing the proposed secure community transition facility. The department of social and health services shall coordinate with local government agencies to ensure that opportunities are provided for effective citizen input and to reduce the duplication of notice and meetings.

(3) The department shall, prior to operating the secure community transition facility established pursuant to section 3 of this act, hold at least three public hearings in the affected communities within the county where the facility is located. The purpose of the public hearings is to seek input from county and city officials, local law enforcement officials, and the public regarding operations and security measures needed to adequately protect the community from any increased risk to public safety brought about by the presence of sexually violent predators in these communities due to the siting of the facility.

(4) Except as provided in subsection (3) of this section, this section applies only to secure community transition facilities sited after the effective date of this act.

**NEW SECTION. Sec. 10.** A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall develop a process with local governments that allows each community in which a secure community transition facility is located to establish operational advisory boards for the secure community transition facilities. The department of social and health services may conduct community awareness activities to publicize this opportunity. The operational advisory boards developed under this section shall be implemented following the decision to locate a secure community transition facility in a particular community.

(2) The operational advisory boards may review and make recommendations regarding the security and operations of the secure community transition facility and conditions or modifications necessary with relation to any person who the secretary proposes to place in the secure community transition facility.

(3) The operational advisory boards, their members, and any agency represented by a member shall not be liable in any cause of action as a result of its recommendations unless the advisory board acts with gross negligence or bad faith in making a recommendation.

(4) Members of a board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and

43.03.060.

**NEW SECTION. Sec. 11.** A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall adopt a violation reporting policy for persons conditionally released to less restrictive alternative placements in secure community transition facilities. The policy shall require written documentation by the department of social and health services and service providers of all violations of conditions set by the department of social and health services, the department of corrections, or the court and establish criteria for returning a violator to the special commitment center or the less restrictive alternative treatment facility. Any conditionally released person who commits a serious violation of conditions shall be returned to the special commitment center, unless arrested by a law enforcement officer, and the court shall be notified immediately and the court shall initiate proceedings under RCW 71.09.098 to revoke or modify the less restrictive alternative placement unless the department makes a good cause showing why proceedings should not be initiated. Nothing in this section limits the authority of the department to return a person to the special commitment center based on a violation that is not a serious violation as defined in this section. For the purposes of this section, "serious violation" includes but is not limited to:

- (a) The commission of any criminal offense;
- (b) Any unlawful use or possession of a controlled substance; and
- (c) Any violation of conditions targeted to address the person's documented pattern of offense that increases the risk to public safety.

When a person is released to a less restrictive alternative in a secure community transition facility under this chapter and is under the supervision of the department of corrections, notice of any violation of the person's conditions of release must also be made to the department of corrections.

(2) Whenever the secretary contracts with a service provider to operate a secure community transition facility, the contract shall include a requirement that the service provider must report to the department of social and health services any known violation of conditions committed by any resident of the secure community transition facility.

(3) The secretary shall document in writing all violations, penalties, actions by the department of social and health services to remove persons from a secure community transition facility, and contract terminations. The secretary shall give great weight to a service provider's record of violations, penalties, actions by the department of social and health services or the department of corrections to remove persons from a secure community transition facility, and contract terminations in determining to execute, renew, or renegotiate a contract with a service provider.

**NEW SECTION. Sec. 12.** A new section is added to chapter 71.09 RCW to read as follows:

The secretary shall adopt rules that contain a schedule of monetary penalties for contractors operating secure community transition facilities, not to exceed the total compensation set forth in the contract, and include provisions for termination of all contracts with a service provider that has repeated or serious violations of section 11 of this act.

**NEW SECTION. Sec. 13.** A new section is added to chapter 36.70A RCW to read as follows:

(1) On or before September 1, 2002, the legislative authority of each county in the state, except the county where the special commitment center and the secure community transition facility established pursuant to section 3 of this act are located, shall adopt a countywide planning policy to establish the process for siting and to provide for an equitable distribution of secure community transition facilities as defined in RCW 71.09.020 within the county and the cities located in whole or in part within the county. The countywide planning policy required by this section shall be adopted in cooperation with the cities located in whole or in part within the county. Counties planning under the growth management act may integrate the planning policy required in the section with their growth management act planning process.

(2) The department of social and health services shall be notified by each county of its intent to begin the countywide planning policy process required by this section and the department shall be invited to participate in this process.

(3) The countywide planning policy required by this section shall, at a minimum, address the following:

(a) The location of existing secure community transition facilities;

(b) The social, economic, and other impacts of the existing secure community transition facilities on the communities in which they are located and the incremental impacts of siting additional secure community transition facilities in these communities;

(c) A proposed allocation for the siting of future secure community transition facilities among the county and the cities located in whole or in part within the county; and

(d) Coordination of development regulations, including but not limited to zoning regulations and design standards, to ensure that the proposed allocation of future secure community transition facilities can be achieved.

(4) The countywide planning policy required by this section shall:

(a) Be consistent with the siting criteria established pursuant to sections 5 and 7 through 9 of this act; and

(b) Require any local conditional use permit or other development application process not to exceed sixty days in length and provide for an appeal process.

(5) Within six months of the date the countywide planning policy required by subsection (1) of this section is adopted, the county and each city within the county shall adopt development regulations implementing the policy adopted under this section through appropriate revisions to their comprehensive plan and development regulations.

**NEW SECTION. Sec. 14.** A new section is added to chapter 36.70 RCW to read as follows:

Counties planning under this chapter must adopt a countywide planning policy for the siting of secure community transition facilities that complies with the timelines and requirements of section 13 of this act.

**Sec. 15.** RCW 36.70A.200 and 1998 c 171 s 3 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under this chapter shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, ~~((and))~~ group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list. No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

**Sec. 16.** RCW 36.70A.103 and 1991 sp.s. c 32 s 4 are each amended to read as follows:

State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter except as otherwise provided in section 3 of this act.

**NEW SECTION. Sec. 17.** A new section is added to chapter 71.09 RCW to read as follows:

Except as provided in section 4 of this act, nothing in this act shall operate to restrict a court's authority to make less restrictive alternative placements to a committed person's individual residence. A court-ordered less restrictive alternative placement to a committed person's individual residence is not a less restrictive placement to a secure community transition facility.

**NEW SECTION. Sec. 18.** A new section is added to chapter 71.09 RCW to read as follows:

Not more than ten correctional employees, as selected by the secretary, who are members of the emergency response team for the McNeil Island correctional facility, shall have the powers and duties of a peace officer while acting in the apprehension of residents who have escaped from the special commitment center or the secure community transition facility established pursuant to section 3 of this act.

**NEW SECTION. Sec. 19.** This act is necessary for the immediate preservation of the public peace,

health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick and Kagi.

Voting nay: Representatives Cairnes, Kirby and Morell.

Referred to Committee on Appropriations.

March 28, 2001

SB 5852 Prime Sponsor, Senator Franklin: Reporting on issues pertaining to racial profiling. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ahern, Ballasiotes, Cairnes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Referred to Committee on Appropriations.

March 28, 2001

SSB 5862 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Streamlining the process of selling valuable materials from state lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.01.084 and 1982 1st ex.s. c 21 s 150 are each amended to read as follows:

The commissioner of public lands shall cause to be prepared, and furnish to applicants, blank forms of applications for the appraisal, transfer, and purchase of any state lands and the purchase of ~~((timber, fallen-timber, stone, gravel, or other))~~ valuable materials situated thereon, and for the lease of state lands~~((, which))~~. These forms shall contain ~~((such))~~ instructions ~~((as will))~~ to inform and aid ~~((intending))~~ applicants ~~((in making applications))~~.

**Sec. 2.** RCW 79.01.116 and 1982 1st ex.s. c 21 s 152 are each amended to read as follows:

(1) In no case shall any lands granted to the state be offered for sale unless the same shall have been appraised by the board of natural resources within ninety days prior to the date fixed for the sale~~((, and in no case shall any other state lands, or any materials on any state lands, be offered for sale unless the same shall have been appraised by the commissioner of public lands within ninety days prior to the date fixed for the sale))~~.

(2) For the sale of valuable materials from state land under this title, if the board of natural resources is required by law to appraise the sale, the board must establish a minimum appraisal value that is valid for a period of one hundred eighty days, or a longer period as may be established by resolution. The board may reestablish the minimum appraisal value at any time. For any valuable materials sales that the board is required by law to

appraise, the board may by resolution transfer this authority to the commissioner of public lands.

(3) Where the board of natural resources has set a minimum appraisal value for a valuable materials sale, the commissioner of public lands may set the final appraisal value of valuable materials for auction, which must be equal to or greater than the board of natural resources' minimum appraisal value. The commissioner may also appraise any valuable materials sale not required by law to be approved by the board of natural resources.

**Sec. 3.** RCW 79.01.124 and 1982 1st ex.s. c 21 s 154 are each amended to read as follows:

~~((Timber, fallen timber, stone, gravel, or other))~~ Valuable material situated upon state lands may be sold separate from the land, when in the judgment of the commissioner of public lands, it is for the best interest of the state so to sell the same ~~((, and in case the estimated amount of timber on any tract of state lands, shall exceed one million feet to the quarter section, the timber shall be sold separate from the land))~~. When application is made for the purchase of any valuable materials ~~((situated upon state lands, the same inspection and report shall be had as upon an application for the appraisal and sale of such lands, and))~~, the commissioner of public lands shall appraise the value of the valuable materials ~~((applied for))~~ if the commissioner determines it is in the best interest of the state to sell. No ~~((timber, fallen timber, stone, gravel, or other))~~ valuable materials ~~((;))~~ shall be sold for less than the appraised value thereof.

**Sec. 4.** RCW 79.01.132 and 1999 c 51 s 1 are each amended to read as follows:

(1) When ~~((any timber, fallen timber, stone, gravel, or other))~~ valuable materials on state lands ~~((is))~~ are sold separate from the land, ~~((#))~~ they may be sold as a lump sum sale or as a scale sale. Lump sum sales under five thousand dollars appraised value shall be paid for in cash on the day of sale. The initial deposit shall be maintained until all contract obligations of the purchaser are satisfied. However, all or a portion of the initial deposit may be applied as the final payment for the valuable materials in the event the department of natural resources determines that adequate security exists for the performance or fulfillment of any remaining obligations of the purchaser under the sale contract.

(2) The initial deposits required in RCW 79.01.204 ~~((;))~~ may not ~~((#))~~ exceed twenty-five percent of the actual or projected purchase price, but in the case of lump sum sales appraised at over five thousand dollars the initial deposit may not be less than five thousand dollars, and shall be made on the day of the sale ~~((, and in the case of))~~. For those sales appraised below the amount specified in RCW 79.01.200, the department of natural resources may require full cash payment on the day of sale.

(3) The purchaser shall notify the department of natural resources before any ~~((timber is cut and before removal or processing of any valuable materials on the sale area, at which time))~~ operation takes place on the sale site. Upon notification, the department of natural resources ~~((may))~~ shall determine and require ~~((, in the amount determined by the department,))~~ advance payment for the cutting, removal, or processing ~~((, and/or cutting))~~ of ~~((timber or other))~~ the valuable materials, ~~((#))~~ or may allow purchasers to guarantee payment by submitting as adequate security bank letters of credit, payment bonds, ~~((#))~~ assignments of savings accounts, assignments of certificates of deposit, or other methods acceptable to the department as adequate security. The amount of such advance payments and/or security shall be determined by the department and at all times equal or exceed the value of timber cut and other valuable materials processed or removed until paid for. ~~((The initial deposit shall be maintained until all contract obligations of the purchaser are satisfied: PROVIDED HOWEVER, That all or a portion of said initial deposit may be applied as the final payment for said materials in the event the department of natural resources determines that adequate security exists for the performance or fulfillment of any remaining obligations of the purchaser under the sale contract.))~~

(4) In all cases where ~~((timber, fallen timber, stone, gravel, or other))~~ valuable materials ~~((is))~~ are sold separate from the land, the same shall revert to the state if not removed from the land within the period specified in the sale contract. ~~((Said))~~ The specified period shall not exceed five years from the date of the purchase thereof: PROVIDED, That the specified periods in the sale contract for stone, sand, fill material, or building stone shall not exceed ~~((twenty))~~ thirty years ~~((: PROVIDED FURTHER, That))~~.

(5) In all cases where, in the judgment of the department of natural resources, the purchaser is acting in good faith and endeavoring to remove such materials, the department of natural resources may extend the time for the removal thereof for any period not exceeding ~~((twenty))~~ forty years from the date of purchase for the



stone, sand, fill material, or building stone or for a total of ten years beyond the normal termination date specified in the original sale contract for all other material~~((;)).~~ Extension of a contract is contingent upon payment to the state of a sum to be fixed by the department of natural resources, based on the estimated loss of income per acre to the state resulting from the granting of the extension ~~((but)).~~ In no event may the extension payment be less than fifty dollars per extension, plus interest on the unpaid portion of the contract. The interest rate shall be fixed, from time to time by rule adopted by the board of natural resources and shall not be less than six percent per annum. The applicable rate of interest as fixed at the date of sale ~~((and)).~~ the maximum extension payment ~~((shall be set forth in the contract.)),~~ and the method for calculating the unpaid portion of the contract upon which such interest shall be paid by the purchaser shall be set forth in the contract. The department of natural resources shall pay into the state treasury all sums received for such extension and the same shall be credited to the fund to which was credited the original purchase price of the material so sold.

~~((However,))~~ (6) A direct sale of valuable materials may be sold to the applicant for cash at full appraised value without notice or advertising. The board of natural resources shall by resolution, establish the value amount of a direct sale not to exceed twenty thousand dollars in appraised sale value, and establish procedures to assure that competitive market prices and accountability will be guaranteed.

(7) The department may, in addition to any other securities, require a performance security to guarantee compliance with all contract requirements. The security is limited to those types listed in subsection (3) of this section. The value of the performance security will, at all times, equal or exceed the value of work performed or to be performed by the purchaser.

(8) Any time that the department of natural resources sells timber by contract that includes a performance bond, the department shall require the purchaser to present proof of any and all taxes paid prior to the release of the performance bond. Within thirty days of payment of taxes due by the timber purchaser, the county treasurer shall provide certified evidence of taxes paid, clearly disclosing the sale contract number.

(9) The provisions of this section apply unless otherwise provided by statute. The board of natural resources shall establish procedures to protect against cedar theft and to ensure adequate notice is given for persons interested in purchasing cedar.

**Sec. 5.** RCW 79.01.160 and 1959 c 257 s 15 are each amended to read as follows:

All sales of ~~((timber))~~ valuable materials upon state lands shall be made subject to the right, power, and authority of the commissioner of public lands to prescribe rules ~~((and regulations))~~ or procedures governing the manner of the sale and removal of the ~~((timber with a view to the protection of the nonmerchable timber against destruction or injury by fire or from other causes, and))~~ valuable materials. Such ~~((rules or regulations))~~ procedures shall be binding ~~((upon the))~~ when contained within a purchaser's ~~((of the timber))~~ contract for valuable materials and ~~((his))~~ apply to the purchaser's successors in interest and shall be enforced by the commissioner of public lands.

**Sec. 6.** RCW 79.01.184 and 1997 c 116 s 2 are each amended to read as follows:

When the department of natural resources shall have decided to sell any state lands or valuable materials thereon, or with the consent of the board of regents of the University of Washington, or by legislative directive, shall have decided to sell any lot, block, tract, or tracts of university lands, or the ~~((timber, fallen timber, stone, gravel, or other))~~ valuable materials thereon, it shall be the duty of the department to ~~((forthwith))~~ fix the date, place, and time of sale, and no sale shall be had on any day which is a legal holiday.

The department shall give notice of the sale by advertisement ~~((published not less than two times during a four week period prior to the time of sale in at least one newspaper of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold, or the material upon which is to be sold is situated, and by causing))~~ as described in RCW 79.01.188 at least four weeks prior to the sale date, and post a copy of ~~((said))~~ the notice ~~((to be posted))~~ in a conspicuous place in the department's Olympia office ~~((and))~~ the region headquarters administering such sale, and in the office of the county auditor of such county ~~((, which)).~~ The notice shall specify the place, date, and time of sale, the appraised value thereof, and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold ~~((, and)).~~ In the case of valuable materials sales, the estimated volume ~~((thereof,))~~ will be identified and ~~((specify that))~~ the terms of

sale will be ~~((posted))~~ available in the region headquarters and the department's Olympia office.

~~((However,))~~ The advertisement is for informational purposes only, and under no circumstances does the information in the notice of sale constitute a warranty that the purchaser will receive the stated values, volumes, or acreage. All purchasers are expected to make their own measurements, evaluations, and appraisals.

A direct sale of valuable materials may be sold to the applicant for cash at full appraised value without notice or advertising. The board of natural resources shall by resolution, establish the value amount of a direct sale not to exceed twenty thousand dollars in appraised sale value, and establish procedures to ~~((assure))~~ ensure that competitive market prices and accountability will be guaranteed.

**Sec. 7.** RCW 79.01.188 and 1982 1st ex.s. c 21 s 157 are each amended to read as follows:

The commissioner of public lands shall cause to be printed a list of all public lands, or valuable materials thereon, and the appraised value thereof, that are to be sold ~~((in the several counties of the state, said lists)).~~ This list should be published in a pamphlet form to be issued at least four weeks prior to the date of any sale of the lands or valuable materials ~~((enumerated))~~ thereon~~((, such lands and materials to be listed under the name of the county wherein located, in alphabetical order giving the appraised values, the character of the same, and such other information as may be of interest to prospective buyers. Said commissioner of public lands shall cause to be distributed to the auditor of each county in the state a sufficient number of such lists to supply the demands made upon them respectively as reported by such auditors. And said county auditors shall keep the list so furnished in a conspicuous place or receptacle on the counter of the public office of their respective departments, and, when requested so to do, shall mail copies of such lists to residents of their counties)).~~ The list should be organized by county and by alphabetical order, and provide sale information to prospective buyers. The commissioner of public lands shall retain for free distribution in his or her office and the ~~((district))~~ region offices sufficient copies of ~~((said lists))~~ the pamphlet, to be kept in a conspicuous place ~~((or receptacle on the counter of the general office of the commissioner of public lands, and the districts)),~~ and, when requested so to do, shall mail copies of ~~((said lists))~~ the pamphlet as issued to any requesting applicant ~~((therefor)).~~ ~~((Proof of publication of the notice of sale shall be made by affidavit of the publisher, or person in charge, of the newspaper publishing the same and proof of posting the notice of sale and the receipt of the lists shall be made by certificate of the county auditor which shall forthwith be sent to and filed with the commissioner of public lands.))~~ The commissioner of public lands may seek additional means of publishing the information in the pamphlet, such as on the internet, to increase the number of prospective buyers.

**Sec. 8.** RCW 79.01.204 and 1982 c 27 s 2 are each amended to read as follows:

Sales by public auction under this chapter shall be conducted under the direction of the department of natural resources ~~((by))~~ or its authorized representative ~~((or by the county auditor of the county in which the sale is held)).~~ The department or department's representative ~~((and the county auditor))~~ are hereinafter referred to as auctioneers. On or before the time specified in the notice of sale each bidder shall deposit with the auctioneer, in cash or by certified check, cashier's check, ~~((or postal))~~ money order payable to the order of the department of natural resources, or by bid guarantee in the form of bid bond acceptable to the department, an amount equal to the deposit specified in the notice of sale. The deposit shall include a specified amount of the appraised price for the land or valuable materials offered for sale, together with any fee required by law for the issuance of contracts, deeds, or bills of sale. Said deposit may, when prescribed in notice of sale, be considered an opening bid of an amount not less than the minimum appraised price established in the notice of sale. The successful bidder's deposit will be retained by the auctioneer and the difference, if any, between the deposit and the total amount due shall on the day of the sale be paid in cash, certified check, cashier's check, bank draft, ~~((postal))~~ or money order, ~~((or by personal check))~~ made payable to the department. If a bid bond is used, the share of the total deposit due guaranteed by the bid bond shall, within ten days of the day of sale, be paid in cash, certified check, cashier's check, ~~((or postal))~~ money order, or other acceptable payment method payable to the department.

Other deposits, if any, shall be returned to the respective bidders at the conclusion of each sale. The auctioneer shall deliver to the purchaser a memorandum of his or her purchase containing a description of the land or materials purchased, the price bid, and the terms of the sale. The auctioneer shall at once send to the department the cash, certified check, cashier's check, bank draft, ~~((postal))~~ money order, ~~((or))~~ bid guarantee, or other

acceptable payment method received from the purchaser, and a copy of the memorandum delivered to the purchaser, together with such additional report of his or her proceedings with reference to such sales as may be required by the department.

**Sec. 9.** RCW 79.01.232 and 1927 c 255 s 58 are each amended to read as follows:

When (~~(timber, fallen timber, stone, gravel, or other)~~) valuable materials (~~(, shall have been)~~) are sold separate from the land and the purchase price is paid in full, the commissioner of public lands shall cause a bill of sale, signed by the commissioner and attested by the seal of his or her office, setting forth the time within which such material shall be removed, to be issued to the purchaser and to be recorded in the office of the commissioner of public lands, upon the payment of the fee provided for in this chapter.

NEW SECTION. **Sec. 10.** A new section is added to chapter 79.01 RCW to read as follows:

For the purposes of this title, "appraisal" means an estimate of the market value of land or valuable materials. The estimate must reflect the value based on market conditions at the time of the sale or transfer offering. The appraisal must reflect the department of natural resources' best effort to establish a reasonable market value for the purpose of setting a minimum bid at auction or transfer. A purchaser of state lands or valuable materials may not rely upon the appraisal prepared by the department of natural resources for purposes of deciding whether to make a purchase from the department. All purchasers are required to make their own independent appraisals.

**Sec. 11.** RCW 79.01.240 and 1982 1st ex.s. c 21 s 164 are each amended to read as follows:

Any sale, transfer, or lease of state lands (~~(made by mistake, or not in accordance with law, or obtained)~~) in which the purchaser, transfer recipient, or lessee obtains the sale or lease by fraud or misrepresentation (~~(, shall be)~~) is void, and the contract of purchase (~~(;)~~) or lease (~~(, issued thereon,)~~) shall be of no effect (~~(, and the holder of such contract, or lease, shall be required to surrender the same to the department of natural resources, which, except in the case of fraud on the part of the purchaser, or lessee, shall cause the money paid on account of such surrendered contract, or lease, to be refunded to the holder thereof, provided the same has not been paid into the state treasury)~~). In the event of fraud, the contract, transferred property, or lease must be surrendered to the department of natural resources, but the purchaser, transfer recipient, or lessee may not be refunded any money paid on account of the surrendered contract, transfer, or lease. In the event that a mistake is discovered in the sale or lease of state lands, or in the sale of valuable materials on state lands, the department may take action to correct the mistake in accordance with RCW 79.01.740 if maintaining the corrected contract, transfer, or lease is in the best interests of the affected trust or trusts.

**Sec. 12.** RCW 79.01.340 and 1982 1st ex.s. c 21 s 171 are each amended to read as follows:

Any county or city or the United States of America or state agency desiring to locate, establish, and construct a road or street over and across any state lands of the state of Washington shall by resolution of the board of county commissioners of such county, or city council or other governing body of such city, or proper agency of the United States of America, or state agency, cause to be filed in the office of the department of natural resources a petition for a right of way for such road or street, setting forth the reasons for the establishment thereof, accompanied by a duly attested copy of a plat made by the county or city engineer or proper agency of the United States of America, or state agency, showing the location of the proposed road or street with reference to the legal subdivisions, or lots and blocks of the official plat, or the lands, over and across which such right of way is desired, the amount of land to be taken and the amount of land remaining in each portion of each legal subdivision or lot or block bisected by such proposed road or street.

Upon the filing of such petition and plat the department of natural resources, if deemed for the best interest of the state to grant the petition, shall cause the land proposed to be taken to be inspected and shall appraise the value of (~~(any timber)~~) the land and valuable materials thereon and notify the petitioner of such appraised value.

If there (~~(be)~~) are no (~~(timber)~~) valuable materials on the proposed right of way, or upon the payment of the appraised value of (~~(any timber)~~) the land and valuable materials thereon, to the department of natural

resources in cash, or by certified check drawn upon any bank in this state, or ~~((postal))~~ money order, except for all rights of way granted to the department of natural resources on which the ~~((timber))~~ valuable materials, if any, shall be sold at public auction or by sealed bid, the department may approve the plat filed with the petition and file and enter the same in the records of his or her office, and such approval and record shall constitute a grant of such right of way from the state.

**Sec. 13.** RCW 79.01.392 and 1961 c 73 s 8 are each amended to read as follows:

Upon the filing of the plat and field notes, as provided in RCW 79.01.388, the land applied for and the ~~((standing timber and/or reproduction))~~ valuable materials on the right of way applied for, and the marked danger trees to be felled off the right of way, if any, and the improvements included in the right of way applied for, if any, shall be appraised as in the case of an application to purchase state lands. Upon full payment of the appraised value of the land applied for, or upon payment of an annual rental when the department of natural resources deems a rental to be in the best interests of the state, and upon full payment of the appraised value of the ~~((standing timber, reproduction,))~~ valuable materials and improvements, if any, the commissioner of public lands shall issue to the applicant a certificate of the grant of such right of way stating the terms and conditions thereof and shall enter the same in the abstracts and records in his or her office, and thereafter any sale or lease of the lands affected by such right of way shall be subject to the easement of such right of way. Should the corporation, company, association, individual, state agency, political subdivision of the state, or the United States of America, securing such right of way ever abandon the use of the same for a period of sixty months or longer for the purposes for which it was granted, the right of way shall revert to the state, or the state's grantee.

**Sec. 14.** RCW 79.01.795 and 1987 c 126 s 2 are each amended to read as follows:

When the department finds ~~((timber))~~ valuable materials on state land that ~~((is))~~ are damaged by fire, wind, flood, or from any other cause, it shall determine if the ~~((sale))~~ salvage of the damaged ~~((timber))~~ valuable materials is in the best interest of the trust for which the land is held. If ~~((selling))~~ salvaging the ~~((timber))~~ valuable materials is in the best interest of the trust, the department shall proceed to offer the ~~((timber))~~ valuable materials for sale ~~((within a period not to exceed seven months from the date of first identifying the damaged timber)).~~ The valuable materials, when offered for sale, must be sold in the most expeditious and efficient manner as determined by the department. In determining if the sale is in the best interest of the trust the department shall consider the net value of the ~~((timber))~~ valuable materials and relevant elements of the physical and social environment. ~~((If selling the timber is not in the best interest of the trust, the department shall not offer it for sale until such time as in the department's determination it is in the trust's best interest. If elements of the physical or social environment extend the time required to prepare the timber for sale beyond seven months from the date of first identifying the damaged timber, the department shall prepare the timber for sale at the earliest time practicable.))~~

**Sec. 15.** RCW 79.64.030 and 1999 c 279 s 1 are each amended to read as follows:

Funds in the account ~~((derived))~~ from the ~~((gross proceeds of))~~ moneys received from leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting school lands, university lands, scientific school lands, normal school lands, capitol building lands, or institutional lands shall be pooled and expended by the department solely for the purpose of defraying the costs and expenses necessarily incurred in managing and administering all of the trust lands enumerated in this section. Such funds may be used for similar costs and expenses in managing and administering other lands managed by the department provided that such expenditures that have been or may be made on such other lands shall be repaid to the resource management cost account together with interest at a rate determined by the board of natural resources.

Costs and expenses necessarily incurred in managing and administering agricultural college lands shall not be deducted from proceeds ~~((derived))~~ received from the sale of such lands or from the sale of resources that are part of the lands. Costs and expenses incurred in managing and administering agricultural college trust lands shall be funded by appropriation under RCW 79.64.090.

An accounting shall be made annually of the accrued expenditures from the pooled trust funds in the account. In the event the accounting determines that expenditures have been made from moneys ~~((derived))~~

received from trust lands for the benefit of other lands, such expenditure shall be considered a debt and an encumbrance against the property benefitted, including property held under chapter 76.12 RCW. The results of the accounting shall be reported to the legislature at the next regular session. The state treasurer is authorized, upon request of the department, to transfer funds between the forest development account and the resource management cost account solely for purpose of repaying loans pursuant to this section.

**Sec. 16.** RCW 79.64.040 and 1999 c 279 s 2 are each amended to read as follows:

The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the (~~(gross proceeds of)~~) moneys received from all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting public lands, provided that no deduction shall be made from the proceeds from agricultural college lands. Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.01.132 and 79.01.204 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section. The deductions authorized under this section shall in no event exceed twenty-five percent of the (~~(total sum)~~) moneys received by the department in connection with any one transaction pertaining to public lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the (~~(total gross proceeds)~~) moneys received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

**Sec. 17.** RCW 79.64.050 and 1961 c 178 s 5 are each amended to read as follows:

All deductions from (~~(gross proceeds)~~) moneys received made in accordance with RCW 79.64.040 shall be paid into the account and the balance shall be paid into the state treasury to the credit of the fund otherwise entitled to the proceeds.

NEW SECTION. **Sec. 18.** A new section is added to chapter 79.01 RCW to read as follows:

(1) In the event that the department of natural resources determines that regulatory requirements or some other circumstance beyond the control of both the department and the purchaser has made a valuable materials contract wholly or partially impracticable to perform, the department may cancel any portion of the contract which could not be performed. In the event of such a cancellation, the purchaser shall not be liable for the purchase price of any portions of the contract so canceled. Market price fluctuations shall not constitute an impracticable situation for valuable materials contracts.

(2) Alternatively, and notwithstanding any other provision in this title, the department of natural resources may substitute valuable materials from another site in exchange for any valuable materials which the department determines have become impracticable to remove under the original contract. Any substituted valuable materials must belong to the identical trust involved in the original contract, and the substitute materials shall be determined by the department of natural resources to have an appraised value that is not greater than the valuable materials remaining under the original contract. The substitute valuable materials and site shall remain subject to all applicable permitting requirements and the state environmental policy act, chapter 43.21C RCW, for the activities proposed at that site. In any such substitution, the value of the materials substituted shall be fixed at the purchase price of the original contract regardless of subsequent market changes. Consent of the purchaser shall be required for any substitution under this section."

Correct the title.

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer Ericksen, Jackley, Murray and Pennington.

Referred to Committee on Appropriations.

March 28, 2001

SB 5863 Prime Sponsor, Senator Snyder: Allowing the department of natural resources to exchange certain bedlands to obtain clear title to certain property on the Cowlitz river. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Bush; Casada; Hankins; Hunt; Lantz; O'Brien; Ogden; Poulsen; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Barlean, Bush, Casada, Hankins, Hunt, Lantz, O'Brien, Ogden, Poulsen, Reardon, Schoesler, Veloria and Woods.

Passed to Committee on Rules for second reading.

March 29, 2001

ESB 5872 Prime Sponsor, Senator Prentice: Modifying the multiple-unit property tax exemption. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Conway; Santos and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Roach, Republican Vice Chair; Carrell and Van Luven.

Voting yea: Representatives Berkey, Cairnes, Conway, Morris, Santos, and Veloria.

Voting nay: Representatives Carrell, Roach, and Van Luven.

Excused: Representative Pennington.

Passed to Committee on Rules for second reading.

March 29, 2001

ESSB 5877 Prime Sponsor, Senate Committee on Health & Long-Term Care: Providing licensing standards for mental health counselors, marriage and family therapists, and social workers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advanced social work" means the application of social work theory and methods including emotional and biopsychosocial assessment, psychotherapy under the supervision of a licensed independent clinical social worker, case management, consultation, advocacy, counseling, and community organization.

(2) "Applicant" means a person who completes the required application, pays the required fee, is at least eighteen years of age, and meets any background check requirements and uniform disciplinary act requirements.

(3) "Committee" means the Washington state mental health counselors, marriage and family therapists, and social workers advisory committee.

(4) "Department" means the department of health.

(5) "Disciplining authority" means the department.

(6) "Independent clinical social work" means the diagnosis and treatment of emotional and mental disorders based on knowledge of human development, the causation and treatment of psychopathology, psychotherapeutic treatment practices, and social work practice as defined in advanced social work. Treatment modalities include but are not limited to diagnosis and treatment of individuals, couples, families, groups, or organizations.

(7) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of relationships, including marriage and family systems. Marriage and family therapy involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such diagnosed nervous and mental disorders. The practice of marriage and family therapy means the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

(8) "Mental health counseling" means the application of principles of human development, learning theory, psychotherapy, group dynamics, and etiology of mental illness and dysfunctional behavior to individuals, couples, families, groups, and organizations, for the purpose of treatment of mental disorders and promoting optimal mental health and functionality. Mental health counseling also includes, but is not limited to, the assessment, diagnosis, and treatment of mental and emotional disorders, as well as the application of a wellness model of mental health.

(9) "Secretary" means the secretary of health or the secretary's designee.

**NEW SECTION. Sec. 2.** A person must not represent himself or herself as a licensed advanced social worker, licensed independent clinical social worker, licensed mental health counselor, or licensed marriage and family therapist, without being licensed by the department.

**NEW SECTION. Sec. 3.** Nothing in this chapter shall be construed to prohibit or restrict:

(1) The practice of marriage and family therapy, mental health counseling, or social work by an individual otherwise regulated under this title and performing services within the authorized scope of practice;

(2) The practice of marriage and family therapy, mental health counseling, or social work by an individual employed by the government of the United States or state of Washington while engaged in the performance of duties prescribed by the laws of the United States or state of Washington;

(3) The practice of marriage and family therapy, mental health counseling, or social work by a person who is a regular student in an educational program based on recognized national standards and approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(4) The practice of marriage and family therapy, mental health counseling, or social work under the auspices of a religious denomination, church, or religious organization.

**NEW SECTION. Sec. 4.** In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter. Any rules adopted shall be in consultation with the committee;

(2) Establish all licensing, examination, and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue licenses to applicants who have met the education, training, and examination requirements for licensure and to deny a license to applicants who do not meet the requirements;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(6) Administer and supervise the grading and taking of examinations for applicants for licensure;

- (7) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states without examinations;
- (8) Implement and administer a program for consumer education in consultation with the committee;
- (9) Adopt rules implementing a continuing education program in consultation with the committee;
- (10) Maintain the official record of all applicants and licensees; and
- (11) Establish by rule the procedures for an appeal of an examination failure.

**NEW SECTION. Sec. 5.** The secretary shall keep an official record of all proceedings. A part of the record shall consist of a register of all applicants for licensing under this chapter and the results of each application.

**NEW SECTION. Sec. 6.** The Washington state mental health counselors, marriage and family therapists, and social workers advisory committee is established.

(1) The committee shall be comprised of nine members. Two members shall be licensed mental health counselors. Two members shall be licensed marriage and family therapists. One member shall be a licensed independent clinical social worker, and one member shall be a licensed advanced social worker. Three members must be consumers and represent the public at large and may not be licensed mental health care providers.

(2) Three members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and three members shall be appointed for a term of three years. Subsequent members shall be appointed for terms of three years. A person must not serve as a member for more than two consecutive terms.

(3)(a) Each member must be a resident of the state of Washington.

(b) Each member must not hold an office in a professional association for mental health, social work, or marriage and family therapy and must not be employed by the state of Washington.

(c) Each professional member must have been actively engaged as a mental health counselor, marriage and family therapist, or social worker for five years immediately preceding appointment.

(d) The consumer members must represent the general public and be unaffiliated directly or indirectly with the professions licensed under this chapter.

(4) The secretary shall appoint the committee members.

(5) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(6) Committee members shall be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

(7) The committee shall elect a chair and vice-chair.

**NEW SECTION. Sec. 7.** The department of health may seek the advice and assistance of the advisory committee in administering this chapter, including, but not limited to:

(1) Advice and recommendations regarding the establishment or implementation of rules related to the administration of this chapter;

(2) Advice, recommendations, and consultation regarding case disposition guidelines and priorities related to unprofessional conduct cases regarding licensed mental health counselors, licensed clinical social workers, licensed advanced social workers, and licensed marriage and family therapists;

(3) Assistance and consultation of individual committee members as needed in the review, analysis, and disposition of reports of unprofessional conduct and consumer complaints;

(4) Assistance and recommendations to enhance consumer education; and

(5) Assistance and recommendations regarding any continuing education and continuing competency programs administered under the provisions of the chapter.

**NEW SECTION. Sec. 8.** The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licensure, and the discipline of persons licensed under this chapter. The secretary shall be the disciplinary authority under this chapter.



**NEW SECTION. Sec. 9.** (1) The secretary shall issue a license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following education and experience requirements for the applicant's practice area.

(a) Licensed social work classifications:

(i) Licensed advanced social worker:

(A) Graduation from a master's or doctorate social work educational program accredited by the council on social work education and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of three thousand two hundred hours of experience supervised by a licensed independent clinical social worker or a licensed advanced social worker who has been licensed at least two years. Of those hours, fifty hours must include direct supervision by a licensed advanced social worker or licensed independent clinical social worker; the other forty hours may be with an equally qualified licensed mental health practitioner. Forty hours must be in one-to-one supervision and fifty hours may be in one-to-one supervision or group supervision. Distance supervision is limited to forty supervision hours. Eight hundred hours must be in direct client contact; and

(D) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(ii) Licensed independent clinical social worker:

(A) Graduation from a master's or doctorate level social work educational program accredited by the council on social work education and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of four thousand hours of experience, of which one thousand hours must be direct client contact, over a three-year period supervised by a licensed independent clinical social worker, with supervision of at least one hundred thirty hours by a licensed mental health practitioner. Of the total supervision, seventy hours must be with an independent clinical social worker; the other sixty hours may be with an equally qualified licensed mental health practitioner. Sixty hours must be in one-to-one supervision and seventy hours may be in one-to-one supervision or group supervision. Distance supervision is limited to sixty supervision hours; and

(D) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(b) Licensed mental health counselor:

(i) Graduation from a master's or doctoral level educational program in mental health counseling or a related discipline from a college or university approved by the secretary based upon nationally recognized standards;

(ii) Successful completion of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of thirty-six months full-time counseling or three thousand hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor in an approved setting. The three thousand hours of required experience includes a minimum of one hundred hours spent in immediate supervision with the qualified licensed mental health counselor, and includes a minimum of one thousand two hundred hours of direct counseling with individuals, couples, families, or groups; and

(iv) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(c) Licensed marriage and family therapist:

(i) Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards;

(ii) Successful passage of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of two calendar years of full-time marriage and family therapy. Of the total supervision,

one hundred hours must be with a licensed marriage and family therapist with at least five years' clinical experience; the other one hundred hours may be with an equally qualified licensed mental health practitioner. Total experience requirements include:

(A) A minimum of three thousand hours of experience, one thousand hours of which must be direct client contact; at least five hundred hours must be gained in diagnosing and treating couples and families; plus

(B) At least two hundred hours of qualified supervision with a supervisor. At least one hundred of the two hundred hours must be one-on-one supervision, and the remaining hours may be in one-on-one or group supervision.

Applicants who have completed a master's program accredited by the commission on accreditation for marriage and family therapy education of the American association for marriage and family therapy may be credited with five hundred hours of direct client contact and one hundred hours of formal meetings with an approved supervisor; and

(iv) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(2) The department shall establish by rule what constitutes adequate proof of meeting the criteria.

(3) In addition, applicants shall be subject to the grounds for denial of a license or issuance of a conditional license under chapter 18.130 RCW.

**NEW SECTION. Sec. 10.** A person licensed under this chapter must provide clients at the commencement of any program of treatment with accurate disclosure information concerning the practice, in accordance with rules adopted by the department, including the right of clients to refuse treatment, the responsibility of clients to choose the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information must also include the license holder's professional education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, financial requirements, and such other information as required by rule. The disclosure must be acknowledged in writing by the client and license holder.

**NEW SECTION. Sec. 11.** (1) The date and location of examinations shall be established by the secretary. Applicants who have been found by the secretary to meet the other requirements for licensure shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The secretary or the secretary's designees shall examine each applicant by means determined most effective, on subjects appropriate to the scope of practice, as applicable. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of any practical work shall be preserved for a period of not less than one year after the secretary has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(4) The secretary may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirements.

**NEW SECTION. Sec. 12.** Applications for licensing shall be submitted on forms provided by the secretary. The secretary may require any information and documentation which reasonably relates to the need to determine whether the applicant meets the criteria for licensing provided for in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the secretary under RCW 43.70.250. The fee shall accompany the application.

**NEW SECTION. Sec. 13.** Any person certified under chapter 18.19 RCW who has met the applicable experience and education requirements is eligible for a license as an advanced social worker, an independent clinical social worker, a marriage and family therapist, or a mental health counselor under this chapter without taking the examination.

**NEW SECTION. Sec. 14.** An applicant holding a credential in another state may be licensed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the licensing standards in this state.

**NEW SECTION. Sec. 15.** The secretary shall establish by rule the procedural requirements and fees for renewal of a license. Failure to renew shall invalidate the license and all privileges granted by the license. If a license has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by taking continuing education courses, or meeting other standards determined by the secretary.

**NEW SECTION. Sec. 16.** This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 or 18.57 RCW, or in any way infringing upon the practice of psychology as defined in chapter 18.83 RCW, or restricting the scope of the practice of counseling for those registered under chapter 18.19 RCW, or restricting the scope of practice of persons licensed under this chapter.

**Sec. 17.** RCW 18.19.010 and 1987 c 512 s 1 are each amended to read as follows:

The qualifications and practices of counselors in this state are virtually unknown to potential clients. Beyond the regulated practices of psychiatry and psychology, there are a considerable variety of disciplines, theories, and techniques employed by other counselors under a number of differing titles. The legislature recognizes the right of all counselors to practice their skills freely, consistent with the requirements of the public health and safety, as well as the right of individuals to choose which counselors best suit their needs and purposes. This chapter shall not be construed to require or prohibit that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person registered (~~(or certified)~~) under this chapter.

**Sec. 18.** RCW 18.19.020 and 1991 c 3 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(1) ("Certified marriage and family therapist" means a person certified to practice marriage and family therapy pursuant to RCW 18.19.130.~~

~~(2) "Certified mental health counselor" means a person certified to practice mental health counseling pursuant to RCW 18.19.120.~~

~~(3) "Certified social worker" means a person certified to practice social work pursuant to RCW 18.19.110.~~

~~(4))~~ "Client" means an individual who receives or participates in counseling or group counseling.

~~((5))~~ (2) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

~~((6))~~ (3) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

~~((7))~~ (4) "Department" means the department of health.

~~((8))~~ (5) "Secretary" means the secretary of the department or the secretary's designee.

**Sec. 19.** RCW 18.19.030 and 1991 c 3 s 20 are each amended to read as follows:

No person may, for a fee or as a part of his or her position as an employee of a state agency, practice counseling without being registered to practice by the department under this chapter unless exempt under RCW

18.19.040. ~~((No person may represent himself or herself as a certified social worker, certified mental health counselor, or certified marriage and family therapist without being so certified by the department under this chapter.))~~

**Sec. 20.** RCW 18.19.040 and 1987 c 512 s 4 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling by a person without a mandatory charge;

(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;

(5) Evaluation, consultation, planning, policy-making, research, or related services conducted by social scientists for private corporations or public agencies;

(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;

(7) Counselors whose residency is not Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they don't hold themselves out to be registered ~~((or certified))~~ in Washington state.

**Sec. 21.** RCW 18.19.050 and 1991 c 3 s 21 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary has the following authority:

(a) To adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) To set all ~~((certification,))~~ registration~~((s))~~ and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;

(c) To establish forms and procedures necessary to administer this chapter;

(d) To hire clerical, administrative, and investigative staff as needed to implement this chapter;

(e) To issue a registration to any applicant who has met the requirements for registration; and

(f) ~~((To set educational, ethical, and professional standards of practice for certification;~~

~~————(g) To prepare and administer or cause to be prepared and administered an examination for all qualified applicants for certification;~~

~~————(h) To establish criteria for evaluating the ability and qualifications of persons applying for a certificate, including standards for passing the examination and standards of qualification for certification to practice;~~

~~————(i) To evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate and to establish standards and procedures for accepting alternative training in lieu of such graduation;~~

~~————(j) To issue a certificate to any applicant who has met the education, training, and conduct requirements for certification;~~

~~————(k) To set competence requirements for maintaining certification; and~~

~~————(l))~~ To develop a dictionary of recognized professions and occupations providing counseling services to the public included under this chapter.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of ~~((certifications and))~~ registrations and the discipline of ~~((certified practitioners and))~~ registrants under this chapter. The secretary shall be the disciplining authority under this chapter. The absence of educational or training requirements for counselors registered under this chapter or the counselor's use of nontraditional nonabusive

therapeutic techniques shall not, in and of itself, give the secretary authority to unilaterally determine the training and competence or to define or restrict the scope of practice of such individuals.

(3) The department shall publish and disseminate information in order to educate the public about the responsibilities of counselors and the rights and responsibilities of clients established under this chapter. Solely for the purposes of administering this education requirement, the secretary shall assess an additional fee for each ~~((registration and certification))~~ application and renewal, equal to five percent of the fee. The revenue collected from the assessment fee may be appropriated by the legislature for the department's use in educating consumers pursuant to this section. The authority to charge the assessment fee shall terminate on June 30, 1994.

**Sec. 22.** RCW 18.19.060 and 1987 c 512 s 6 are each amended to read as follows:

Persons registered ~~((or certified))~~ under this chapter shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the department, that will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information provided by the counselor, the receipt of which shall be acknowledged in writing by the counselor and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the department may require by rule. The disclosure information shall also include a statement that registration of an individual under this chapter does not include a recognition of any practice standards, nor necessarily imply the effectiveness of any treatment.

**Sec. 23.** RCW 18.19.080 and 1991 c 3 s 23 are each amended to read as follows:

The secretary shall keep an official record of all proceedings, a part of which record shall consist of a register of all applicants for registration ~~((or certification))~~ under this chapter, with the result of each application.

**Sec. 24.** RCW 18.19.180 and 1991 c 3 s 33 are each amended to read as follows:

An individual registered ~~((or certified))~~ under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.19.060 nor any information acquired from persons consulting the individual in a professional capacity when that information was necessary to enable the individual to render professional services to those persons except:

(1) With the written consent of that person or, in the case of death or disability, the person's personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health, or physical condition;

(2) That a person registered ~~((or certified))~~ under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of a crime or harmful act;

(3) If the person is a minor, and the information acquired by the person registered ~~((or certified))~~ under this chapter indicates that the minor was the victim or subject of a crime, the person registered ~~((or certified))~~ may testify fully upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry;

(4) If the person waives the privilege by bringing charges against the person registered ~~((or certified))~~ under this chapter;

(5) In response to a subpoena from a court of law or the secretary. The secretary may subpoena only records related to a complaint or report under chapter 18.130 RCW; or

(6) As required under chapter 26.44 RCW.

**Sec. 25.** RCW 18.19.190 and 1987 c 512 s 18 are each amended to read as follows:

This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW, or in any way infringing upon the practice of psychology as defined in chapter 18.83 RCW, or restricting the scope of the practice of counseling for those registered ~~((or certified))~~ under this chapter.

**Sec. 26.** RCW 18.120.020 and 2000 c 93 s 15 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.
- (2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.
- (3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.
- (4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists licensed under chapter 18.06 RCW; persons registered (~~or certified~~) under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.-- RCW (sections 1 through 16 of this act); dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter 18.88A RCW.
- (5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.
- (6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.
- (7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.
- (8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.
- (9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.
- (10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**Sec. 27.** RCW 18.130.040 and 1999 c 335 s 10 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered (~~or certified~~) under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.-- RCW (sections 1 through 16 of this act);

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

~~((xii))~~ (xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

~~((xiii))~~ (xiv) Health care assistants certified under chapter 18.135 RCW;

~~((xiv))~~ (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

~~((xv))~~ (xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

~~((xvi))~~ (xvii) Sex offender treatment providers certified under chapter 18.155 RCW;

~~((xvii))~~ (xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

~~((xviii))~~ (xix) Persons registered as adult family home providers and resident managers under RCW 18.48.020;

~~((xix))~~ (xx) Denturists licensed under chapter 18.30 RCW;

~~((xx))~~ (xxi) Orthotists and prosthetists licensed under chapter 18.200 RCW; and

~~((xxi))~~ (xxii) Surgical technologists registered under chapter 18.215 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under

chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 28.** RCW 9A.44.010 and 1997 c 392 s 513 and 1997 c 112 s 37 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

(3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.

(5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.

(7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

(8) "Significant relationship" means a situation in which the perpetrator is:

(a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors;

(b) A person who in the course of his or her employment supervises minors; or

(c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be



licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.

(9) "Abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.

(10) "Developmentally disabled," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.

(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.

(12) "Mentally disordered person" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020.

(13) "Chemically dependent person" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020(4).

(14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered (~~or certified~~) under chapter 18.19 RCW or licensed under chapter 18.-- RCW (sections 1 through 16 of this act), regardless of whether the health care provider is licensed, certified, or registered by the state.

(15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

(16) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" also includes a person found incapacitated under chapter 11.88 RCW, a person over eighteen years of age who has a developmental disability under chapter 71A.10 RCW, a person admitted to a long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and a person receiving services from a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW.

**Sec. 29.** RCW 18.100.050 and 1999 c 128 s 1 are each amended to read as follows:

(1) An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of Title 23B RCW for the purpose of rendering professional service. One or more of the legally authorized individuals shall be the incorporators of the professional corporation.

(2) Notwithstanding any other provision of this chapter, registered architects and registered engineers may own stock in and render their individual professional services through one professional service corporation.

(3) Licensed health care professionals, providing services to enrolled participants either directly or through arrangements with a health maintenance organization registered under chapter 48.46 RCW or federally qualified health maintenance organization, may own stock in and render their individual professional services through one professional service corporation.

(4) Professionals may organize a nonprofit nonstock corporation under this chapter and chapter 24.03 RCW to provide professional services, and the provisions of this chapter relating to stock and referring to Title 23B RCW shall not apply to any such corporation.

(5)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, (~~(18.19,))~~ 18.-- (sections 1 through 16 of this act), 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.57, 18.57A, 18.64, 18.71, 18.71A, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may own stock in and render their individual professional services through one professional service corporation and are to be considered, for the purpose of forming a professional service corporation, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are regulated

under chapters 18.59 and 18.74 RCW may own stock in and render their individual professional services through one professional service corporation formed for the sole purpose of providing professional services within their respective scope of practice.

(c) Formation of a professional service corporation under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

**Sec. 30.** RCW 18.205.090 and 1998 c 243 s 9 are each amended to read as follows:

(1) The secretary shall issue a certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Completion of an educational program approved by the secretary or successful completion of alternate training that meets established criteria;

(b) Successful completion of an approved examination, based on core competencies of chemical dependency counseling; and

(c) Successful completion of an experience requirement that establishes fewer hours of experience for applicants with higher levels of relevant education. In meeting any experience requirement established under this subsection, the secretary may not require more than one thousand five hundred hours of experience in chemical dependency counseling for applicants who are licensed under chapter 18.83 RCW or under chapter 18.79 RCW as advanced registered nurse practitioners.

(2) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.

(3) Applicants are subject to the grounds for denial of a certificate or issuance of a conditional certificate under chapter 18.130 RCW.

(4) Certified chemical dependency professionals shall not be required to be registered under chapter 18.19 RCW or licensed under chapter 18.-- RCW (sections 1 through 16 of this act).

**Sec. 31.** RCW 25.05.510 and 1998 c 103 s 1103 are each amended to read as follows:

(1) A person or group of persons licensed or otherwise legally authorized to render professional services, as defined in RCW 18.100.030, within this state may organize and become a member or members of a limited liability partnership under the provisions of this chapter for the purposes of rendering professional service. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a limited liability partnership organized for the purpose of rendering the same professional services. Nothing in this section prohibits a limited liability partnership from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state.

(2)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, ~~((18.19,))~~ 18.-- (sections 1 through 16 of this act), 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.64, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may join and render their individual professional services through one limited liability partnership and are to be considered, for the purpose of forming a limited liability partnership, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are licensed pursuant to chapters 18.57 and 18.71 RCW may join and render their individual professional services through one limited liability partnership and are to be considered, for the purpose of forming a limited liability partnership, as rendering the "same specific professional services" or "same professional services" or similar terms.

(c) Formation of a limited liability partnership under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or any applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

**Sec. 32.** RCW 25.15.045 and 1999 c 128 s 2 are each amended to read as follows:

(1) A person or group of persons licensed or otherwise legally authorized to render professional services within this or any other state may organize and become a member or members of a professional limited liability company under the provisions of this chapter for the purposes of rendering professional service. A "professional limited liability company" is subject to all the provisions of chapter 18.100 RCW that apply to a professional corporation, and its managers, members, agents, and employees shall be subject to all the provisions of chapter 18.100 RCW that apply to the directors, officers, shareholders, agents, or employees of a professional corporation, except as provided otherwise in this section. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a professional limited liability company organized for the purpose of rendering the same professional services. Nothing in this section prohibits a professional limited liability company from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state. Persons engaged in a profession and otherwise meeting the requirements of this chapter may operate under this chapter as a professional limited liability company so long as each member personally engaged in the practice of the profession in this state is duly licensed or otherwise legally authorized to practice the profession in this state and:

(a) At least one manager of the company is duly licensed or otherwise legally authorized to practice the profession in this state; or

(b) Each member in charge of an office of the company in this state is duly licensed or otherwise legally authorized to practice the profession in this state.

(2) If the company's members are required to be licensed to practice such profession, and the company fails to maintain for itself and for its members practicing in this state a policy of professional liability insurance, bond, or other evidence of financial responsibility of a kind designated by rule by the state insurance commissioner and in the amount of at least one million dollars or a greater amount as the state insurance commissioner may establish by rule for a licensed profession or for any specialty within a profession, taking into account the nature and size of the business, then the company's members are personally liable to the extent that, had the insurance, bond, or other evidence of responsibility been maintained, it would have covered the liability in question.

(3) For purposes of applying the provisions of chapter 18.100 RCW to a professional limited liability company, the terms "director" or "officer" means manager, "shareholder" means member, "corporation" means professional limited liability company, "articles of incorporation" means certificate of formation, "shares" or "capital stock" means a limited liability company interest, "incorporator" means the person who executes the certificate of formation, and "bylaws" means the limited liability company agreement.

(4) The name of a professional limited liability company must contain either the words "Professional Limited Liability Company," or the words "Professional Limited Liability" and the abbreviation "Co.," or the abbreviation "P.L.L.C." or "PLLC" provided that the name of a professional limited liability company organized to render dental services shall contain the full names or surnames of all members and no other word than "chartered" or the words "professional services" or the abbreviation "P.L.L.C." or "PLLC."

(5) Subject to the provisions in article VII of this chapter, the following may be a member of a professional limited liability company and may be the transferee of the interest of an ineligible person or deceased member of the professional limited liability company:

(a) A professional corporation, if its shareholders, directors, and its officers other than the secretary and the treasurer, are licensed or otherwise legally authorized to render the same specific professional services as the professional limited liability company; and

(b) Another professional limited liability company, if the managers and members of both professional limited liability companies are licensed or otherwise legally authorized to render the same specific professional services.

(6)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, ~~((18.19,))~~ 18.-- (sections 1 through 16 of this act), 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.57, 18.57A, 18.64, 18.71, 18.71A, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may own membership interests in and render their individual professional services through one

limited liability company and are to be considered, for the purpose of forming a limited liability company, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are regulated under chapters 18.59 and 18.74 RCW may own membership interests in and render their individual professional services through one limited liability company formed for the sole purpose of providing professional services within their respective scope of practice.

(c) Formation of a limited liability company under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or any applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

**Sec. 33.** RCW 48.43.087 and 1996 c 304 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Health carrier" includes disability insurers regulated under chapter 48.20 or 48.21 RCW, health care services contractors regulated under chapter 48.44 RCW, plans operating under the health care authority under chapter 41.05 RCW, the basic health plan operating under chapter 70.47 RCW, the state health insurance pool operating under chapter 48.41 RCW, insuring entities regulated under this chapter, and health maintenance organizations regulated under chapter 48.46 RCW.

(b) "Intermediary" means a person duly authorized to negotiate and execute provider contracts with health carriers on behalf of mental health care practitioners.

(c) Consistent with their lawful scopes of practice, "mental health care practitioners" includes only the following: Any generally recognized medical specialty of practitioners licensed under chapter 18.57 or 18.71 RCW who provide mental health services, advanced practice psychiatric nurses as authorized by the nursing care quality assurance commission under chapter 18.79 RCW, psychologists licensed under chapter 18.83 RCW, ~~((social workers, marriage and family therapists, and mental health counselors certified under chapter 18.19 RCW)) and mental health counselors, marriage and family therapists, and social workers licensed under chapter 18.-- RCW (sections 1 through 16 of this act).~~

(d) "Mental health services" means outpatient services.

(2) Consistent with federal and state law and rule, no contract between a mental health care practitioner and an intermediary or between a mental health care practitioner and a health carrier that is written, amended, or renewed after June 6, 1996, may contain a provision prohibiting a practitioner and an enrollee from agreeing to contract for services solely at the expense of the enrollee as follows:

(a) On the exhaustion of the enrollee's mental health care coverage;

(b) During an appeal or an adverse certification process;

(c) When an enrollee's condition is excluded from coverage; or

(d) For any other clinically appropriate reason at any time.

(3) If a mental health care practitioner provides services to an enrollee during an appeal or adverse certification process, the practitioner must provide to the enrollee written notification that the enrollee is responsible for payment of these services, unless the health carrier elects to pay for services provided.

(4) This section does not apply to a mental health care practitioner who is employed full time on the staff of a health carrier.

NEW SECTION. **Sec. 34.** A new section is added to chapter 70.02 RCW to read as follows:

Mental health counselors, marriage and family therapists, and social workers licensed under chapter 18.-- RCW (sections 1 through 16 of this act) are subject to this chapter.

NEW SECTION. **Sec. 35.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 36.** Sections 1 through 16 of this act constitute a new chapter in Title 18 RCW.

**NEW SECTION. Sec. 37.** The following acts or parts of acts are each repealed:

- (1) RCW 18.19.070 (Council established--Membership--Qualifications--Removal--Vacancy--Duties and powers--Compensation) and 1996 c 191 s 4, 1994 sp.s. c 9 s 501, 1991 c 3 s 22, & 1987 c 512 s 7;
- (2) RCW 18.19.110 (Certification of social workers) and 1991 c 3 s 26 & 1987 c 512 s 12;
- (3) RCW 18.19.120 (Certification of mental health counselors--Practice defined--Continuing education) and 1995 c 183 s 1, 1991 c 3 s 27, & 1987 c 512 s 13;
- (4) RCW 18.19.130 (Certification of marriage and family therapists--Practice defined) and 1993 c 259 s 1, 1991 c 3 s 28, & 1987 c 512 s 14;
- (5) RCW 18.19.140 (Applications for certification) and 1991 c 3 s 29 & 1987 c 512 s 17;
- (6) RCW 18.19.150 (Examination of applicants for certification) and 1991 c 3 s 30 & 1987 c 512 s 16;
- (7) RCW 18.19.160 (Certification of persons credentialed out-of-state--Temporary retirement of certified persons) and 1991 c 3 s 31 & 1987 c 512 s 19; and
- (8) RCW 18.19.170 (Renewal of certificates--Continuing education) and 1998 c 32 s 1, 1996 c 191 s 6, 1991 c 3 s 32, & 1987 c 512 s 15."

Correct the title.

Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Referred to Committee on Appropriations.

March 30, 2001

**SSB 5880** Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Creating a forest products commission. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the creation of a forest products commission would assist in expanding the state's economy, because:

- (1) Marketing is a dynamic and changing part of the Washington forest products industry and a vital element in expanding the state economy;
- (2) The sale in the state and export to other states and abroad of forest products made in the state contribute substantial benefits to the economy of the state, provide a large number of jobs and sizeable tax revenues, and are key components of the health of many local communities because many secondary businesses are largely dependent on the health of the forest products industry; and
- (3) Forest products are made from a renewable resource and are more environmentally sound than many alternative products.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Commission" means the forest products commission.
- (2) "Department" means the department of agriculture.
- (3) "Director" means the director of the department of agriculture or the director's authorized

representative.

(4) "Forest products" or "timber" means trees of any species maintained for eventual harvest whether planted or of natural growth, standing or down, on privately or publicly owned land, and also includes wood products related thereto, but does not include Christmas trees or other trees on which the timber excise tax provided under chapter 84.33 RCW is not imposed.

(5) "Person" includes any individual, corporation, firm, partnership, trust, association, or any other organization of individuals.

(6) "Producer" means any person who harvests timber in Washington state and pays the timber excise tax imposed under chapter 84.33 RCW on at least two million board feet in a calendar year or in four consecutive calendar quarters.

(7) "Eastern Washington" means that portion of the state lying east of the Cascade mountain range.

(8) "Western Washington" means that portion of the state lying west of the Cascade mountain range.

**NEW SECTION. Sec. 3.** (1)(a) There is created a commodity commission to be known and designated as the Washington forest products commission. The commission is composed of nine voting members. The commission may, in its sole discretion, add or remove nonvoting ex officio members to the commission. Of the members, six shall be from western Washington, and three shall be from eastern Washington. After the initial election of commission members, however, if a position cannot be filled by a member from eastern Washington within sixty days from the date on which nominations may first be received because of a lack of candidates, the position may be filled by a member from western Washington. Under no circumstances will there be less than two board members from eastern Washington. If a position was filled by a member from western Washington because of a lack of candidates from eastern Washington, and districts are not used for the nomination and election of members, then a person from eastern Washington must fill the next available vacancy or open position at the next election to bring the number of representatives from eastern Washington up to three members. All members shall be elected by the entire group of producers unless the commission creates districts for the members as authorized in section 5 of this act. If districts are used for the nomination and election of commission members, and it does not appear that one of the positions from eastern Washington will be filled because of a lack of candidates, then a commission member who resides in western Washington must be elected by the entire group of producers as an at-large member. The position of the western Washington member who is elected as an at-large member shall be filled by a member from eastern Washington at the expiration of the term of the at-large member. If districts are not used for the nomination and election of members, the commission shall strive to achieve representation on the commission from the different geographic regions of the state.

(b) Of the six members from western Washington, three members must have annual harvests of more than seventy-five million board feet, and three members must have annual harvests between two million board feet and seventy-five million board feet.

(c) Of the two members from eastern Washington, one member must have an annual harvest greater than forty million board feet, and one member must have an annual harvest between two million board feet and forty million board feet. If there is a third member from eastern Washington, the only harvest requirement is that the member have an annual harvest of at least two million board feet.

(2) The members must be citizens and residents of this state, and over the age of twenty-one years. Each member must currently, and for the five years last preceding his or her election, be actually engaged in producing forest products within the state of Washington, either individually or as an officer of a corporation, firm, partnership, trust, association, or business organization at the level of production required to qualify as a producer. Each member must also derive a substantial amount of his or her income from the production of forest products. The qualifications set forth in this section apply throughout each member's term of office.

(3) No more than one member of the commission may be employed by, or connected in a proprietary capacity with, the same corporation, firm, partnership, trust, association, or business organization.

(4) Five voting members of the commission constitute a quorum for the transaction of all business and the carrying out of the duties of the commission.

(5) The regular term of office of the members is four years from November 1st following their election and until their successors are elected and qualified. However, the first terms of the members elected November

1, 2001, is as follows: Positions one, four, and seven terminate November 1, 2003; positions two, five, and eight terminate November 1, 2004; and positions three, six, and nine terminate November 1, 2005.

**NEW SECTION. Sec. 4.** (1) The director shall call the initial meeting of producers of forest products for the purpose of nominating their respective members of the commission. Public notice of the meeting shall be given by the director in the manner the director determines is appropriate. A producer may on his or her own motion file his or her name with the director for the purpose of receiving notice of the meeting. The nonreceipt of the notice by any interested person does not invalidate the proceedings.

(2) Prior to the nomination of commission members, the department of revenue shall provide the director with a list of all qualified producers within the state based upon tax records of the department.

(3) For the initial election of commission members, any qualified producer may be nominated orally for a commissioner position at the meeting convened by the director. Nominations may also be made within five days prior to the meeting by a written petition filed with the department, signed by at least five producers who reside in the state. If the director determines that one of the positions from eastern Washington will go unfilled because of a lack of candidates, the director shall announce that this position shall be filled by a member from western Washington. If the position designated for eastern Washington is filled by a member from western Washington because of a lack of candidates from eastern Washington, this position shall be designated as position number seven by the director for purposes of section 3(5) of this act. Under no circumstances will there be less than two board members from eastern Washington.

(4) The initial members of the commission shall be elected by secret mail ballot under the supervision of the director at the same time the referendum is submitted under section 12 of this act calling for the creation of the commission and the imposition of the initial assessment. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for the position receiving the largest number of votes.

**NEW SECTION. Sec. 5.** (1) After the initial election of commission members, the commission shall establish rules for electing commission members, including the method used for notification, nominating, and voting. The commission may create commission districts and boundaries, and may also establish a weighted voting procedure for election of commission members. The commission shall hold its annual meeting during the month of October each year for the purpose of nominating commission members and the transaction of other business. Public notice of the meeting shall be given by the commission in the manner it determines is appropriate. A producer may on his or her own motion file his or her name with the commission for the purpose of receiving notice of the meeting. The nonreceipt of the notice by any interested person does not invalidate the proceedings.

(2) Prior to the nomination of commission members, the department of revenue shall provide the commission with a list of all qualified producers within the state based upon tax records of the department.

**NEW SECTION. Sec. 6.** (1) In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, the position until the next annual meeting shall be filled by vote of the remaining members of the commission. At the annual meeting a commissioner shall be elected to fill the balance of the unexpired term.

(2) Each member of the commission shall be compensated in accordance with RCW 43.03.230 and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when on official commission business.

**NEW SECTION. Sec. 7.** Obligations incurred by the commission and liabilities or claims against the commission may be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof or against any member, officer, employee, or agent of the commission in his or her individual capacity. The members of the commission, including employees of the commission, may not be held responsible individually or any way whatsoever to any person for errors in

judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employees, except for their own individual acts of dishonesty or crime. A person or employee may not be held responsible individually for any act or omission of any other members of the commission.

**NEW SECTION. Sec. 8.** The powers and duties of the commission include:

- (1) To elect a chairman and such officers as the commission deems advisable. The commission shall adopt rules for its own governance, which provide for the holding of an annual meeting for the election of officers and transaction of other business and for such other meetings as the commission may direct;
- (2) To adopt any rules necessary to carry out the purposes of this chapter, in conformance with chapter 34.05 RCW;
- (3) To administer and do all things reasonably necessary to carry out the purposes of this chapter;
- (4) At the pleasure of the commission, to employ a treasurer who is responsible for all receipts and disbursements by the commission and the faithful discharge of whose duties shall be guaranteed by a bond at the sole expense of the commission;
- (5) At the pleasure of the commission, to employ and discharge managers, secretaries, agents, attorneys, and employees and to engage the services of independent contractors as the commission deems necessary, to prescribe their duties, and to fix their compensation;
- (6) To engage directly or indirectly in the promotion of Washington forest products and managed forests, and shall in the good faith judgment of the commission be in aid of the marketing, advertising, or sale of forest products, or of research related to such marketing, advertising, or sale of forest products, or of research related to managed forests;
- (7) To enforce the provisions of this chapter, including investigating and prosecuting violations of this chapter;
- (8) To acquire and transfer personal and real property, establish offices, incur expense, and enter into contracts. Contracts for creation and printing of promotional literature are not subject to chapter 43.78 RCW, but such contracts may be canceled by the commission unless performed under conditions of employment which substantially conform to the laws of this state and the rules of the department of labor and industries. The commission may create such debt and other liabilities as may be reasonable for proper discharge of its duties under this chapter;
- (9) To maintain such account or accounts with one or more qualified public depositaries as the commission may direct, to cause moneys to be deposited therein, and to expend moneys for purposes authorized by this chapter by drafts made by the commission upon such institutions or by other means;
- (10) To cause to be kept and annually closed, in accordance with generally accepted accounting principles, accurate records of all receipts, disbursements, and other financial transactions, available for audit by the state auditor;
- (11) To create and maintain a list of producers and to disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly or by arrangement with trade associations or other instrumentalities;
- (12) To employ, designate as agent, act in concert with, and enter into contracts with any person, council, commission, or other entity for the purpose of promoting the general welfare of the forest products industry and particularly for the purpose of assisting in the sale and distribution of Washington forest products in domestic and foreign commerce, expending moneys as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of Washington forest products in domestic or foreign commerce, and employing and paying for vendors of professional services of all kinds;
- (13) To sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter;
- (14) To propose assessment levels for producers subject to referendum approval under section 11 of this act; and
- (15) To participate in federal and state agency hearings, meetings, and other proceedings relating to the regulation, production, manufacture, distribution, sale, or use of forest products.



**NEW SECTION. Sec. 9.** The commission shall create, provide for, and conduct a research, promotional, and educational campaign as sales and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of markets, and degree of public awareness of products, and take into account the information obtained in the discharge of its duties under this chapter.

**NEW SECTION. Sec. 10.** (1) The commission shall cause a list to be prepared of all Washington producers of forest products from any information available from the commission, producers' association, or producers, including tax records from the department of revenue. This list shall contain the names and addresses of all persons who produce forest products within this state, the amount of forest products produced during the period designated by the commission, and the assessment amount for each member. The list is considered confidential and may be reviewed only by the employees of the commission, except for information that may be disclosed to the public and commission members under subsection (4) of this section. A qualified person may, at any time, have his or her name placed upon the list by delivering or mailing the information to the commission. This list shall be corrected and brought up to date in accordance with evidence and information available to the commission on or before December 31st of each year, or as soon thereafter as possible. For all purposes of giving notice and holding referendums, the list on hand, corrected up to the day next preceding the date for issuing notices or ballots as the case may be, is, for purposes of this chapter, the list of all producers entitled to notice or to assent or dissent or to vote.

(2) The commission shall develop a reporting system to document that the producers of forest products in this state are reporting quantities of forest products produced and subject to the assessment as provided in section 11 of this act.

(3) The department of revenue may charge the commission for the reasonable costs of providing reports of harvest activity on a quarterly basis.

(4) Any taxpayer information received by the commission from the department of revenue may only be used for the limited purposes of establishing lists of producers necessary to determine eligibility for voting, eligibility for serving as a commission member, the amount of assessments owed, or other necessary purposes as established by law. Any return or tax information received from the department of revenue may be reviewed only by the employees of the commission. Employees may disclose to the public and commission members a list of commission members, groupings of at least three commission members by the amount of forest products harvested over any time period designated by the commission of at least one quarter, and the members who are eligible for the various positions on the commission.

**NEW SECTION. Sec. 11.** (1) To provide for permanent funding of the forest products commission, an assessment shall be levied by the commission on producers of each species of forest products. The initial rate of assessment that shall be submitted for approval by referendum pursuant to section 12 of this act is fifty-seven cents per thousand board feet. The initial assessment is not effective until approved by a majority of producers as required by section 12 of this act.

(2) After the initial assessment rate is approved, the commission may adjust the amount of the assessment within a range of forty-five cents up to ninety cents per thousand board feet. The commission shall submit any proposed increase in the assessment to producers pursuant to the referendum process established in this section, and shall supply all known producers with a ballot for the referendum. The commission shall establish the assessment for the marketing year by January 1st of each year, or as soon thereafter as possible. Assessments may only be used for the purposes and objects of this chapter.

(3) The forest products commission may raise the assessment on forest products in excess of the fiscal growth factor under chapter 43.135 RCW. The assessment limits established by this section are solely to provide prior legislative authority for the purposes of RCW 43.135.055 and are not a limit on the authority of the forest products commission to alter assessments in any manner not limited by RCW 43.135.055. However, any alteration in assessments made under this section must be made with the procedural requirements established by this chapter for altering such assessments.

(4) The requirement for approval of an assessment is met if: (a) At least fifty-one percent by numbers of

producers replying in the referendum vote affirmatively, and these producers represent at least sixty-one percent of the volume of the producers replying in the referendum; or (b) sixty-five percent by numbers of producers replying in the referendum vote affirmatively, and these producers represent at least fifty-one percent of the volume of the producers replying in the referendum. An assessment shall only be approved if at least forty percent of the eligible producers participate in the vote.

**NEW SECTION. Sec. 12.** (1) For purposes of determining producer participation in the commission, the initial election of commissioners, and for imposition of the original assessment specified in section 11 of this act, the director shall conduct a referendum among all producers of forest products within the state.

(2) The requirement for approval of the assessment and creation of the commission is met if: (a) At least fifty-one percent by numbers of producers replying in the referendum vote affirmatively, and these producers represent at least sixty-one percent of the volume of the producers replying in the referendum; or (b) sixty-five percent by numbers of producers replying in the referendum vote affirmatively, and these producers represent at least fifty-one percent of the volume of the producers replying in the referendum. The referendum shall only be approved if at least forty percent of the eligible producers participate in the vote.

(3) If the director determines that the requisite approval has been given, the director shall declare the establishment of the commission and direct it to put into force the assessment authorized in section 11 of this act. If the director finds that the requisite approval has not been given, then this chapter is not operative.

**NEW SECTION. Sec. 13.** The commission shall deposit moneys collected under section 11 of this act in a separate account in the name of the commission in any bank that is a state depository. All expenditures and disbursements made from this account under this chapter may be made without the necessity of a specific legislative appropriation. RCW 43.01.050 does not apply to this account or to the moneys received, collected, or expended under this chapter.

**NEW SECTION. Sec. 14.** A due and payable assessment levied in the amount determined by the commission under section 11 of this act constitutes a personal debt of every person so assessed, or who otherwise owes the assessment, and the assessment is due and payable to the commission when payment is called for by the commission. If a person fails to pay the commission the full amount of the assessment by the date due, the commission may add to the unpaid assessment an amount not exceeding ten percent of the assessment to defray the cost of enforcing its collection. If the person fails to pay any due and payable assessment or other such sum, the commission may bring a civil action for collection against the person or persons in a court of competent jurisdiction. The action shall be tried and judgment rendered as in any other cause of action for a debt due and payable.

**NEW SECTION. Sec. 15.** All county and state law enforcement officers shall assist in the enforcement of this chapter.

**NEW SECTION. Sec. 16.** The superior courts are hereby vested with jurisdiction to enforce this chapter and the rules of the commission, and to prevent and restrain violations thereof.

**NEW SECTION. Sec. 17.** This chapter shall be liberally construed to effectuate its purposes.

**Sec. 18.** RCW 42.17.31907 and 1996 c 80 s 3 are each amended to read as follows:

The following agricultural business and commodity commission records are exempt from the disclosure requirements of this chapter:

(1) Production or sales records required to determine assessment levels and actual assessment payments to commodity commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.-- (sections 1 through 17 and 22 of this act), and 16.67 RCW or required by the department of agriculture under RCW 15.13.310(4) or 15.49.370(6);

(2) Consignment information contained on phytosanitary certificates issued by the department of

agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture; and

(3) Financial and commercial information and records supplied by persons to commodity commissions formed under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.-- (sections 1 through 17 and 22 of this act), and 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information.

**Sec. 19.** RCW 43.135.055 and 1997 c 303 s 2 are each amended to read as follows:

(1) No fee may increase in any fiscal year by a percentage in excess of the fiscal growth factor for that fiscal year without prior legislative approval.

(2) This section does not apply to an assessment made by an agricultural commodity commission or board created by state statute or created under a marketing agreement or order under chapter 15.65 or 15.66 RCW, or to the forest products commission, if the assessment is approved by referendum in accordance with the provisions of the statutes creating the commission or board or chapter 15.65 or 15.66 RCW for approving such assessments.

NEW SECTION. **Sec. 20.** A new section is added to chapter 82.32 RCW to read as follows:

The forest products commission, created pursuant to chapter 15.-- RCW (sections 1 through 17 and 22 of this act), constitutes a state agency for purposes of applying the exemption contained in RCW 82.32.330(3)(f) for the disclosure of taxpayer information by the department. Disclosure of return or tax information may be made only to employees of the commission and not to commission members. Employees are authorized to use this information in accordance with section 10(4) of this act. Employees are subject to all civil and criminal penalties provided under RCW 82.32.330 for disclosures made to another person not entitled under the provisions of this section or section 10 of this act to knowledge of such information.

NEW SECTION. **Sec. 21.** Sections 1 through 17 and 22 of this act constitute a new chapter in Title 15 RCW.

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

Correct the title.

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley; Murray and Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer Ericksen, Jackley, Murray and Pennington.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5896 Prime Sponsor, Senate Committee on Ways & Means: Providing for additional DNA testing of evidence. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi;

Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

March 29, 2001

SSB 5902 Prime Sponsor, Senate Committee on Agriculture & International Trade: Regulating agricultural commodity commissions. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.66.030 and 1961 c 11 s 15.66.030 are each amended to read as follows:

Marketing orders may be made for any one or more of the following purposes:

- (1) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets or to create new or larger markets for any agricultural commodity grown in the state of Washington;
- (2) To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing of any agricultural commodity;
- (3) To provide for improving standards and grades by defining, establishing and providing labeling requirements with respect to the same;
- (4) To investigate and take necessary action to prevent unfair trade practices;
- (5) To provide information or communicate on matters pertaining to the production, processing, marketing, or uses of an agricultural commodity produced in Washington state to any elected official or officer or employee of any agency;
- (6) To provide marketing information and services for producers of an agricultural commodity;
- (7) To provide information and services for meeting resource conservation objectives of producers of an agricultural commodity;
- (8) To engage in cooperative efforts in the domestic or foreign marketing of food products of an agricultural commodity; and
- (9) To provide for commodity-related education and training.

**Sec. 2.** RCW 15.66.110 and 1961 c 11 s 15.66.110 are each amended to read as follows:

Every marketing order shall establish a commodity commission composed of not less than five nor more than thirteen members. In addition, the director shall be an ex officio member of each commodity commission. Commission members shall be citizens and residents of this state if required by the marketing order, and over the age of ~~((twenty five years))~~ eighteen. The term of office of commission members shall be three years with the terms rotating so than one-third of the terms will commence as nearly as practicable each year. However, the first commission shall be selected, one-third for a term of one year, one-third for a term of two years, and one-third for a term of three years, as nearly as practicable. No less than two-thirds of the commission members shall be elected by the affected producers and such elected members shall all be affected producers. The remaining ~~((one third))~~ members shall be appointed by the commission and shall be either affected producers, others active in matters relating to the affected commodity or persons not so related.

**Sec. 3.** RCW 15.66.140 and 1985 c 261 s 20 are each amended to read as follows:

Every marketing commission shall have such powers and duties in accordance with provisions of this chapter as may be provided in the marketing order and shall have the following powers and duties:

- (1) To elect a chairman and such other officers as determined advisable;
- (2) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order;

- (3) To administer, enforce, direct and control the provisions of the marketing order and of this chapter relating thereto;
- (4) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;
- (5) To acquire personal property and purchase or lease office space and other necessary real property and transfer and convey the same;
- (6) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order;
- (7) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the state auditor or private auditor designated by the state auditor at least every five years;
- (8) Borrow money and incur indebtedness;
- (9) Make necessary disbursements for routine operating expenses;
- (10) To expend funds for commodity-related education, training, and leadership programs as each commission deems expedient;
- (11) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in the commission's marketing order;
- (12) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes provided in the commission's marketing order. Personal service contracts must comply with chapter 39.29 RCW;
- (13) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in the commission's marketing order;
- (14) To enter into contracts or agreements for research in the production, processing, marketing, use, or distribution of an affected commodity;
- (15) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of a commission. The retention of a private attorney is subject to review by the office of the attorney general;
- (16) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by the marketing order;
- (17) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, manufacture, regulation, distribution, sale, or use of affected commodities including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission; and
- (18) Such other powers and duties that are necessary to carry out the purposes of this chapter.

**Sec. 4.** RCW 15.65.040 and 1961 c 256 s 4 are each amended to read as follows:

It is hereby declared to be the policy of this chapter:

- (1) To aid agricultural producers in preventing economic waste in the marketing of their agricultural commodities and in developing more efficient methods of marketing agricultural products.
- (2) To enable agricultural producers of this state, with the aid of the state:
- (a) To develop, and engage in research for developing, better and more efficient production, marketing, and utilization of agricultural products;
- (b) To establish orderly marketing of agricultural commodities;
- (c) To provide for uniform grading and proper preparation of agricultural commodities for market;
- (d) To provide methods and means (including, but not limited to, public relations and promotion) for the maintenance of present markets and for the development of new or larger markets, both domestic and foreign, for agricultural commodities produced within this state and for the prevention, modification, or elimination of trade barriers which obstruct the free flow of such agricultural commodities to market;
- (e) To eliminate or reduce economic waste in the marketing and/or use of agricultural commodities;
- (f) To restore and maintain adequate purchasing power for the agricultural producers of this state;

(g) To provide information or communicate on matters pertaining to the production, processing, marketing, or uses of an agricultural commodity produced in Washington state to any elected official or officer or employee of any agency;

(h) To provide marketing information and services for producers of an agricultural commodity;

(i) To provide information and services for meeting resource conservation objectives of producers of an agricultural commodity;

(j) To engage in cooperative efforts in the domestic or foreign marketing of food products of an agricultural commodity;

(k) To provide for commodity-related education and training; and

~~((g))~~ (l) To accomplish all the declared policies of this chapter.

(3) To protect the interest of consumers by assuring a sufficient pure and wholesome supply of agricultural commodities of good quality at all seasons and times.

**Sec. 5.** RCW 15.65.230 and 1961 c 256 s 23 are each amended to read as follows:

~~((The))~~ A producer member((s)) of each ((such)) commodity board ((shall)) must be a practical producer((s)) of the affected commodity and ((shall)) must be a citizen((s and)), resident((s)) of this state, and over the age of ((twenty-five)) eighteen years((, each of whom is and has)). Each producer board member must be and have been actually engaged in producing such a commodity within the state of Washington for a period of five years and ((has)) have, during that period, derived a substantial portion of his or her income therefrom and ((who is)) not be engaged in business, directly or indirectly, as a handler or other dealer. ((The)) A handler member((s)) of ((such)) each board ((shall)) must be a practical handler((s)) of the affected commodity and ((shall)) must be a citizen((s and)), resident((s)) of this state, and over the age of twenty-five years((, each of whom is and has)). Each handler board member must be and have been, either individually or as an officer or employee of a corporation, firm, partnership, association, or cooperative, actually engaged in handling such a commodity within the state of Washington for a period of five years and ((has)) have, during that period, derived a substantial portion of his or her income therefrom. The qualification of a member((s)) of the board as ((herein)) set forth in this section must continue during ((their)) the term((s)) of office.

**Sec. 6.** RCW 15.65.280 and 1985 c 261 s 11 are each amended to read as follows:

The powers and duties of the board shall be:

(1) To elect a chairman and such other officers as it deems advisable;

(2) To advise and counsel the director with respect to the administration and conduct of such marketing agreement or order;

(3) To recommend to the director administrative rules, regulations and orders and amendments thereto for the exercise of his powers in connection with such agreement or order;

(4) To advise the director upon any and all assessments provided pursuant to the terms of such agreement or order and upon the collection, deposit, withdrawal, disbursement and paying out of all moneys;

(5) To assist the director in the collection of such necessary information and data as the director may deem necessary in the proper administration of this chapter;

(6) To administer the order or agreement as its administrative board if the director designates it so to do in such order or agreement;

(7) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in the board's marketing order;

(8) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes provided in the board's marketing order. Personal service contracts must comply with chapter 39.29 RCW;

(9) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in the board's marketing order;

(10) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of a board. The retention of a private attorney is subject to review by the office of the attorney general;

(11) To engage in appropriate fund-raising activities for the purpose of supporting activities of the board

authorized by the marketing order;

(12) To enter into contracts or agreements for research in the production, processing, marketing, use, or distribution of an affected commodity;

(13) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, manufacture, regulation, distribution, sale, or use of affected commodities including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission; and

(14) To perform such other duties as the director may prescribe in the marketing agreement or order.

Any agreement or order under which the commodity board administers the order or agreement shall (if so requested by the affected producers within the affected area in the proposal or promulgation hearing) contain provisions whereby the director reserves the power to approve or disapprove every order, rule or directive issued by the board, in which event such approval or disapproval shall be based on whether or not the director believes the board's action has been carried out in conformance with the purposes of this chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 15.65 RCW to read as follows:

A commodity board may establish foundations using board funds as grant money when the foundation benefits the commodity for which the board was established. Board funds may be used for the purposes authorized in the marketing order.

NEW SECTION. Sec. 8. A new section is added to chapter 15.66 RCW to read as follows:

A commodity commission may establish foundations using commission funds as grant money when the foundation benefits the commodity for which the commission was established. Commission funds may be used for the purposes authorized in the marketing order.

NEW SECTION. Sec. 9. A new section is added to chapter 15.65 RCW to read as follows:

(1) Each board member of a commodity board established under this chapter may be compensated pursuant to RCW 43.03.230.

(2) Board members and employees of a commodity board established under this chapter may be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter, as defined under the commodity board's marketing order. Otherwise, if not defined or referenced in the marketing order, reimbursement for travel expenses shall be in accordance with RCW 43.03.050 and 43.03.060.

(3) Approval for compensation and travel expenses shall be as defined in the commodity board's marketing order.

NEW SECTION. Sec. 10. A new section is added to chapter 15.66 RCW to read as follows:

(1) Each commission member of a commodity commission established under this chapter may be compensated pursuant to RCW 43.03.230.

(2) Commission members and employees of a commodity commission established under this chapter may be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter, as defined under the commodity commission's marketing order. Otherwise, if not defined or referenced in the marketing order, reimbursement for travel expenses shall be in accordance with RCW 43.03.050 and 43.03.060.

(3) Approval for compensation and travel expenses shall be as defined in the commodity commission's marketing order.

**Sec. 11.** RCW 43.03.230 and 1984 c 287 s 3 are each amended to read as follows:

(1) Any agricultural commodity commission or board established pursuant to Title 15 or 16 RCW shall be identified as a class two group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class two group is eligible to receive compensation in an amount not to exceed (~~(thirty-five))~~ one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the

person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group."

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5903 Prime Sponsor, Senator Winsley: Changing physician license fees. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Alexander, Ballasiotes, Campbell, Cody, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington, Ruderman, Schual-Berke, and Skinner.

Referred to Committee on Appropriations.

March 29, 2001

ESSB 5904 Prime Sponsor, Senate Committee on Agriculture & International Trade: Revising procedures for conservation district elections. (REVISED FOR ENGROSSED: Revising procedures for choosing conservation district supervisors.) Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 29.04 RCW to read as follows:

(1) Nothing in this title shall apply to conservation districts governed under chapter 89.08 RCW, unless a conservation district chooses to have its elections governed under this title.

(2) A conservation district choosing to have its elections governed under this title shall:

(a) Still be governed by other nonelection provisions of chapter 89.08 RCW;

(b) Still be governed by RCW 89.08.160(2); and

(c) Remain solely responsible for the costs of holding elections under this title.

(3) Any conservation district choosing to have its elections governed under this title shall make the choice and provide notice to any affected county auditors by May 1st in the year in which the election is to be conducted.

(4) Candidates and conservation district supervisors in districts that choose to have their elections



governed under this title are subject to chapter 42.17 RCW. Candidates and conservation district supervisors in districts whose elections are governed under chapter 89.08 RCW are exempted from the requirements of chapter 42.17 RCW.

**Sec. 2.** RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each amended to read as follows:

(1) If the commission finds the project practicable, it shall appoint two supervisors, one of whom shall be a landowner or operator of a farm, who shall be qualified by training and experience to perform the specialized skilled services required of them. They, with the three elected supervisors, two of whom shall be landowners or operators of a farm, shall constitute the governing board of the district.

(2) In all subsequent appointments, at least one appointed supervisor shall be a landowner or operator of a farm. In all subsequent elections, at least two elected supervisors shall be landowners or operators of farms.

(3) The two appointed supervisors shall file with the secretary of state a sworn application, reciting that a petition was filed with the commission for the creation of the district; that all required proceedings were had thereon; that they were appointed by the commission as such supervisors; and that the application is being filed to complete the organization of the district. It shall contain the names and residences of the applicants, a certified copy of their appointments, the name of the district, the location of the office of the supervisors and the term of office of each applicant.

(4) The application shall be accompanied by a statement of the commission, reciting that a petition was filed, notice issued, and hearing held thereon as required; that it determined the need for the district and defined the boundaries thereof; that notice was given and an election held on the question of creating the district; that a majority vote favored the district, and that the commission had determined the district practicable; and shall set forth the boundaries of the district.

**Sec. 3.** RCW 89.08.020 and 1999 c 305 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, as used in this chapter:

(1) "Commission" and "state conservation commission" mean((§)) the agency created hereunder. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission"((§)).

(2) "District", or "conservation district" means a governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of chapter 184, Laws of 1973 1st ex. sess., for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under chapter 184, Laws of 1973 1st ex. sess. shall be known as conservation districts and shall have all the powers and duties set out in chapter 184, Laws of 1973 1st ex. sess. All references in chapter 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts"((§)).

(3) "Board" and "supervisors" mean the board of supervisors of a conservation district((§)).

(4) "Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever which holds title to, or is in possession of, any lands lying within a district organized under the provisions of chapter 184, Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant, or otherwise((§)).

(5) "District elector" or "voter" means a registered voter in the county where the district is located who resides within the district boundary or in the area affected by a petition((§)).

(6) "Due notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication by posting at a reasonable number of public places within the area, where it is customary to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice((§)).

(7) "Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space((§)).

(8) "Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface

waters.

(9) "Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

(10) "Elected supervisor" means a member of the board of supervisors who is not appointed by the conservation commission and who is elected under section 1 of this act or under this chapter.

**Sec. 4.** RCW 89.08.400 and 1992 c 70 s 1 are each amended to read as follows:

For those districts that have chosen to conduct elections of supervisors pursuant to this chapter:

(1) Special assessments are authorized to be imposed for conservation districts as provided in this section. Activities and programs to conserve natural resources, including soil and water, are declared to be of special benefit to lands and may be used as the basis upon which special assessments are imposed.

(2)(a) Special assessments to finance the activities of a conservation district may be imposed by the county legislative authority of the county in which the conservation district is located for a period or periods each not to exceed ten years in duration.

The supervisors of a conservation district shall hold a public hearing on a proposed system of assessments prior to the first day of August in the year prior to which it is proposed that the initial special assessments be collected. At that public hearing, the supervisors shall gather information and shall alter the proposed system of assessments when appropriate, including the number of years during which it is proposed that the special assessments be imposed.

(b) On or before the first day of August in that year, the supervisors of a conservation district shall file the proposed system of assessments, indicating the years during which it is proposed that the special assessments shall be imposed, and a proposed budget for the succeeding year with the county legislative authority of the county within which the conservation district is located. The county legislative authority shall hold a public hearing on the proposed system of assessments. After the hearing, the county legislative authority may accept, or modify and accept, the proposed system of assessments, including the number of years during which the special assessments shall be imposed, if it finds that both the public interest will be served by the imposition of the special assessments and that the special assessments to be imposed on any land will not exceed the special benefit that the land receives or will receive from the activities of the conservation district. The findings of the county legislative authority shall be final and conclusive.

(c) Special assessments may be altered during this period on individual parcels in accordance with the system of assessments if land is divided or land uses or other factors change.

(d) Notice of the public hearings held by the supervisors and the county legislative authority shall be posted conspicuously in at least five places throughout the conservation district, and published once a week for two consecutive weeks in a newspaper in general circulation throughout the conservation district, with the date of the last publication at least five days prior to the public hearing.

(3) A system of assessments shall classify lands in the conservation district into suitable classifications according to benefits conferred or to be conferred by the activities of the conservation district, determine an annual per acre rate of assessment for each classification of land, and indicate the total amount of special assessments proposed to be obtained from each classification of lands. Lands deemed not to receive benefit from the activities of the conservation district shall be placed into a separate classification and shall not be subject to the special assessments. An annual assessment rate shall be stated as either uniform annual per acre

amount, or an annual flat rate per parcel plus a uniform annual rate per acre amount, for each classification of land. The maximum annual per acre special assessment rate shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars.

Public land, including lands owned or held by the state, shall be subject to special assessments to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the special assessments of a conservation district.

Forest lands used solely for the planting, growing, or harvesting of trees may be subject to special assessments if such lands benefit from the activities of the conservation district, but the per acre rate of special assessment on benefited forest lands shall not exceed one-tenth of the weighted average per acre assessment on all other lands within the conservation district that are subject to its special assessments. The calculation of the weighted average per acre special assessment shall be a ratio calculated as follows: (a) The numerator shall be the total amount of money estimated to be derived from the imposition of per acre special assessments on the nonforest lands in the conservation district; and (b) the denominator shall be the total number of nonforest land acres in the conservation district that receive benefit from the activities of the conservation district and which are subject to the special assessments of the conservation district. No more than ten thousand acres of such forest lands that is both owned by the same person or entity and is located in the same conservation district may be subject to the special assessments that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forest land parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forest landowner may be imposed on each owner of forest lands whose forest lands are subject to a per acre rate of assessment.

(4) A conservation district shall prepare an assessment roll that implements the system of assessments approved by the county legislative authority. The special assessments from the assessment roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of a special assessment shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest rate and penalty as for delinquent property taxes. The county treasurer shall deduct an amount, as established by the county legislative authority, from the collected special assessments (~~(, as established by the county legislative authority,)~~) to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the special assessments, but not to exceed the actual costs of such work.

(5) The special assessments for a conservation district shall not be spread on the tax rolls and shall not be collected with property tax collections in the following year if, after the system of assessments has been approved by the county legislative authority but prior to the fifteenth day of December in that year, a petition has been filed with the county legislative authority objecting to the imposition of such special assessments, which petition has been signed by at least twenty percent of the owners of land that would be subject to the special assessments to be imposed for a conservation district.

**NEW SECTION.** **Sec. 5.** A new section is added to chapter 89.08 RCW to read as follows:

For those districts that have chosen to conduct elections of supervisors pursuant to Title 29 RCW:

(1) Special assessments are authorized to be imposed for conservation districts as provided in this section. Activities and programs to conserve natural resources, including soil and water, are declared to be of special benefit to lands and may be used as the basis upon which special assessments are imposed.

(2)(a) Special assessments to finance the activities of a conservation district may be imposed by the board of supervisors for a period or periods each not to exceed ten years in duration.

The supervisors of a conservation district shall hold a public hearing on a proposed system of assessments prior to the first day of August in the year prior to which it is proposed that the initial special assessments be collected. At that public hearing, the supervisors shall gather information and shall alter the proposed system of assessments when appropriate, including the number of years during which it is proposed that the special assessments be imposed.

(b) After the public hearing, if the board of supervisors finds that both the public interest will be served by the imposition of the special assessments and that the special assessments to be imposed on any land will not

exceed the special benefit that the land receives or will receive from the activities of the conservation district, the board of supervisors shall impose the assessments.

(c) Special assessments may be altered during this period on individual parcels in accordance with the system of assessments if land is divided or land uses or other factors change.

(d) Notice of the public hearings held by the supervisors shall be posted conspicuously in at least five places throughout the conservation district, and published once a week for two consecutive weeks in a newspaper in general circulation throughout the conservation district, with the date of the last publication at least five days prior to the public hearing.

(3) A system of assessments shall classify lands in the conservation district into suitable classifications according to benefits conferred or to be conferred by the activities of the conservation district, determine an annual per acre rate of assessment for each classification of land, and indicate the total amount of special assessments proposed to be obtained from each classification of lands. Lands deemed not to receive benefit from the activities of the conservation district shall be placed into a separate classification and shall not be subject to the special assessments. An annual assessment rate shall be stated as either uniform annual per acre amount, or an annual flat rate per parcel plus a uniform annual rate per acre amount, for each classification of land. The maximum annual per acre special assessment rate shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars.

Public land, including lands owned or held by the state, shall be subject to special assessments to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the special assessments of a conservation district.

Forest lands used solely for the planting, growing, or harvesting of trees may be subject to special assessments if such lands benefit from the activities of the conservation district, but the per acre rate of special assessment on benefited forest lands shall not exceed one-tenth of the weighted average per acre assessment on all other lands within the conservation district that are subject to its special assessments. The calculation of the weighted average per acre special assessment shall be a ratio calculated as follows: (a) The numerator shall be the total amount of money estimated to be derived from the imposition of per acre special assessments on the nonforest lands in the conservation district; and (b) the denominator shall be the total number of nonforest land acres in the conservation district that receive benefit from the activities of the conservation district and which are subject to the special assessments of the conservation district. No more than ten thousand acres of such forest lands that is both owned by the same person or entity and is located in the same conservation district may be subject to the special assessments that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forest land parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forest landowner may be imposed on each owner of forest lands whose forest lands are subject to a per acre rate of assessment.

(4) A conservation district shall prepare an assessment roll that implements the system of assessments approved by the board of supervisors. The special assessments from the assessment roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of a special assessment shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest rate and penalty as for delinquent property taxes. The county treasurer shall deduct an amount, as established by the county legislative authority, from the collected special assessments to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the special assessments, but not to exceed the actual costs of such work.

(5) The special assessments for a conservation district shall not be spread on the tax rolls and shall not be collected with property tax collections in the following year if, after the system of assessments has been approved by the board of supervisors, but prior to the fifteenth day of December in that year, a petition has been filed with the board of supervisors objecting to the imposition of such special assessments, which petition has been signed by at least twenty percent of the owners of land that would be subject to the special assessments to be imposed for a conservation district.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace,

health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "supervisors;" strike the remainder of the title and insert "amending RCW 89.08.160, 89.08.020, and 89.08.400; adding a new section to chapter 29.04 RCW; adding a new section to chapter 89.08 RCW; and declaring an emergency."

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

March 30, 2001

SSB 5905 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Concerning the negotiation, enforcement, and resolution of disputes regarding tribal/state gaming compacts under the federal Indian gaming regulatory act of 1988. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.46 RCW to read as follows:

Until July 30, 2007, the state consents to the jurisdiction of the federal courts in actions brought by a tribe pursuant to the Indian gaming regulatory act of 1988 or seeking enforcement of a state/tribal compact adopted under the Indian gaming regulatory act, conditioned upon the tribe entering into such a compact and providing similar consent. This limited waiver of sovereign immunity shall not extend to actions other than those expressly set forth herein and properly filed on or before July 29, 2007.

This section expires July 30, 2007."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt; Kenney; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hunt, Kenney, Lisk and McMorris.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5906 Prime Sponsor, Senate Committee on Education: Creating the technology in education task force. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 2, line 35, after "and" strike "one representative" and insert "three representatives"

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schindler, Schmidt, Schual-Berke, and Talcott.

Referred to Committee on Appropriations.

March 29, 2001

SSB 5919 Prime Sponsor, Senate Committee on Environment, Energy & Water: Providing for the assessment of potential site locations for water storage projects. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5925 Prime Sponsor, Senate Committee on Environment, Energy & Water: Reusing waste water derived from food processing. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5940 Prime Sponsor, Senate Committee on Education: Strengthening career and technical education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that Washington requires strong career and technical education programs to meet the academic and career preparation needs of secondary students. The legislature further finds that career and technical education programs, including the vocational skills centers, provide:

- (a) Support for achievement of the certificate of mastery, particularly by students requiring applied learning opportunities for academic success;
  - (b) Support for special needs students to fulfill the occupational preparation required for self-sufficiency in adult life;
  - (c) Increases in the number of students who complete high school; and
  - (d) Assistance with students' transitions from secondary schools to postsecondary education, training, and employment.
- (2) In order to provide students with a variety of learning experiences that will assist them in achieving the higher standards of education reform, school districts currently offering career and technical education programs shall continue to provide career and technical education programs and school districts not offering career and technical education programs are encouraged to begin providing such programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28C.04 RCW to read as follows:

- (1) To ensure high quality career and technical programs, the office of the superintendent of public instruction shall review and approve the plans of local districts for the delivery of career and technical education. Standards for career and technical programs shall be established by the office of the superintendent of public instruction. These standards should:
- (a) Demonstrate how career and technical education programs will ensure academic rigor; align with the state's education reform requirements; help address the skills gap of Washington's economy; and maintain strong relationships with local career and technical education advisory councils for the design and delivery of career and technical education;
  - (b) Demonstrate how secondary career and technical education programs will align with the work force development councils of Washington state, particularly regarding the provision of services out-of-school and the retention of at-risk youth; and
  - (c) Demonstrate a strategy to align the five-year planning requirement under the federal Carl Perkins act with the state and district vocational program planning requirements that include:
    - (i) An assessment of equipment and technology needs to support the skills training of technical students;
    - (ii) An assessment of industry internships required for teachers to ensure the ability to prepare students for industry-defined standards or certifications, or both;
    - (iii) An assessment of the costs of supporting job shadows, mentors, community service and industry internships, and other activities for student learning in the community. A formula for the calculation of the full-time equivalent value of these activities shall be included in the new program standards; and
    - (iv) A description of the leadership activities to be provided for technical education students.
- (2) The office of the superintendent of public instruction shall recommend a system of funding the implementation of the standards in this section, including regular equipment and technology investments.
- (3) To ensure high quality career education programs and services in secondary schools, the office of the superintendent of public instruction may provide technical assistance to local districts and develop state guidelines for the delivery of career guidance in secondary schools.
- (4) To ensure leadership development, the staff of the office of the superintendent of public instruction may serve as the state advisors to Washington state FFA, Washington future business leaders of America, Washington DECA, Washington SkillsUSA-VICA, Washington family, career and community leaders, and Washington technology students association, and any additional career or technical student organizations that are formed. Working with the directors or executive secretaries of these organizations, the office of the superintendent of public instruction may develop tools for the coordination of leadership activities with the curriculum of technical education programs.
- (5) As used in this section, "career and technical education" means a planned program of courses and learning experiences that begins with exploration of career options; supports basic academic and life skills; and enables achievement of high academic standards, leadership, options for high skill, high wage employment preparation, and advanced and continuing education."

Correct the title.

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox; Ericksen; Keiser; McDermott; Pearson; Rockefeller; Santos; Schindler; Schmidt and Schual-Berke.

Voting yea: Representatives Anderson, Cox, Ericksen, Haigh, Keiser, McDermott, Pearson, Quall, Rockefeller, Santos, Schindler, Schmidt, Schual-Berke, and Talcott.

Referred to Committee on Appropriations.

March 28, 2001

ESSB 5942 Prime Sponsor, Senate Committee on Judiciary: Increasing penalties for crimes against dog guides and service animals. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 5958 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Adopting the Washington life and disability insurance guaranty association act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 5961 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Modifying provisions concerning fisheries and wildlife issues. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 4.24.350 and 1997 c 206 s 1 are each amended to read as follows:

(1) In any action for damages, whether based on tort or contract or otherwise, a claim or counterclaim for damages may be litigated in the principal action for malicious prosecution on the ground that the action was instituted with knowledge that the same was false, and unfounded, malicious and without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misuse judicial process by filing an action known to be false and unfounded.



(2) In any action, claim, or counterclaim brought by a judicial officer, prosecuting authority, or law enforcement officer for malicious prosecution arising out of the performance or purported performance of the public duty of such officer, an arrest or seizure of property need not be an element of the claim, nor do special damages need to be proved. A judicial officer, prosecuting authority, or law enforcement officer prevailing in such an action may be allowed an amount up to one thousand dollars as liquidated damages, together with a reasonable attorneys' fee, and other costs of suit. A government entity which has provided legal services to the prevailing judicial officer, prosecuting authority, or law enforcement officer has reimbursement rights to any award for reasonable attorneys' fees and other costs, but shall have no such rights to any liquidated damages allowed.

(3) No action may be brought against an attorney under this section solely because of that attorney's representation of a party in a lawsuit.

(4) As used in this section:

(a) "Judicial officer" means a justice, judge, magistrate, or other judicial officer of the state or a city, town, or county.

(b) "Prosecuting authority" means any officer or employee of the state or a city, town, or county who is authorized by law to initiate a criminal or civil proceeding on behalf of the public.

(c) "Law enforcement officer" means a member of the state patrol, a sheriff or deputy sheriff, or a member of the police force of a city, town, university, state college, or port district, or a (~~("wildlife agent" or "ex officio wildlife agent")~~) fish and wildlife officer or ex officio fish and wildlife officer as defined in RCW 77.08.010.

**Sec. 2.** RCW 43.70.185 and 1995 c 147 s 7 are each amended to read as follows:

(1) The department may enter and inspect any property, lands, or waters, of this state in or on which any marine species are located or from which such species are harvested, whether recreationally or for sale or barter, and any land or water of this state which may cause or contribute to the pollution of areas in or on which such species are harvested or processed. The department may take any reasonably necessary samples to determine whether such species or any lot, batch, or quantity of such species is safe for human consumption.

(2) If the department determines that any species or any lot, batch, or other quantity of such species is unsafe for human consumption because consumption is likely to cause actual harm or because consumption presents a potential risk of substantial harm, the department may by order under chapter 34.05 RCW, prohibit or restrict the commercial or recreational harvest or landing of any marine species except the recreational harvest of shellfish as defined in chapter 69.30 RCW if taken from privately owned tidelands.

(3) It is unlawful to harvest any marine species in violation of a departmental order prohibiting or restricting such harvest under this section or to possess or sell any marine species so harvested.

(4) Any person who sells any marine species taken in violation of this section is subject to the penalties provided in RCW 69.30.140 and 69.30.150. Any person who harvests or possesses marine species taken in violation of this section is guilty of a civil infraction and is subject to the penalties provided in RCW 69.30.150. Notwithstanding this section, any person who harvests, possesses, sells, offers to sell, culls, shucks, or packs shellfish is subject to the penalty provisions of chapter 69.30 RCW. Charges shall not be brought against a person under both chapter 69.30 RCW and this section in connection with this same action, incident, or event.

(5) The criminal provisions of this section are subject to enforcement by fish and wildlife (~~(enforcement)~~) officers or ex officio fish and wildlife (~~(enforcement patrol)~~) officers as defined in RCW (~~(75.08.011)~~) 77.08.010.

(6) As used in this section, marine species include all fish, invertebrate or plant species which are found during any portion of the life cycle of those species in the marine environment.

**Sec. 3.** RCW 46.09.200 and 1986 c 100 s 52 are each amended to read as follows:

The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, ~~((state wildlife agents and deputy wildlife agents))~~ fish and wildlife officers, state park rangers, ~~((state fisheries patrolmen,))~~ and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, 76.04.035, and 76.04.045.

**Sec. 4.** RCW 46.10.200 and 1980 c 78 s 131 are each amended to read as follows:

The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, fish and wildlife ~~((agents))~~ officers, state park rangers, ~~((state fisheries patrol officers,))~~ and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, as having police powers to enforce the laws of this state.

**Sec. 5.** RCW 69.30.010 and 1995 c 147 s 1 are each amended to read as follows:

When used in this chapter, the following terms shall have the following meanings:

(1) "Shellfish" means all varieties of fresh and frozen oysters, mussels, clams, and scallops, either shucked or in the shell, and any fresh or frozen edible products thereof.

(2) "Sale" means to sell, offer for sale, barter, trade, deliver, consign, hold for sale, consignment, barter, trade, or delivery, and/or possess with intent to sell or dispose of in any commercial manner.

(3) "Shellfish growing areas" means the lands and waters in and upon which shellfish are grown for harvesting in commercial quantity or for sale for human consumption.

(4) "Establishment" means the buildings, together with the necessary equipment and appurtenances, used for the storage, culling, shucking, packing and/or shipping of shellfish in commercial quantity or for sale for human consumption.

(5) "Person" means any individual, partnership, firm, company, corporation, association, or the authorized agents of any such entities.

(6) "Department" means the state department of health.

(7) "Secretary" means the secretary of health or his or her authorized representatives.

(8) "Commercial quantity" means any quantity exceeding: (a) Forty pounds of mussels; (b) one hundred oysters; (c) fourteen horse clams; (d) six geoducks; (e) fifty pounds of hard or soft shell clams; or (f) fifty pounds of scallops. The poundage in this subsection (8) constitutes weight with the shell.

(9) "Fish and wildlife ~~((enforcement))~~ officer" means a ~~((fisheries patrol officer or an ex officio fisheries patrol))~~ fish and wildlife officer as defined in RCW ~~((75.08.011 (4) and (5) or a wildlife agent or an ex officio wildlife agent as defined in RCW 77.08.010 (5) and (6)))~~ 77.08.010.

(10) "Ex officio fish and wildlife officer" means an ex officio fish and wildlife officer as defined in RCW 77.08.010.

**Sec. 6.** RCW 69.30.110 and 1995 c 147 s 4 are each amended to read as follows:

It is unlawful for any person to possess a commercial quantity of shellfish or to sell or offer to sell shellfish in the state which have not been grown, shucked, packed, or shipped in accordance with the provisions of this chapter. Failure of a shellfish grower to display immediately a certificate of approval issued under RCW 69.30.050 to an authorized representative of the department, a fish and wildlife ~~((enforcement))~~ officer, or an ex officio fish and wildlife ~~((enforcement))~~ officer subjects the grower to the penalty provisions of this chapter, as well as immediate seizure of the shellfish by the representative or officer.

Failure of a shellfish processor to display a certificate of approval issued under RCW 69.30.060 to an

authorized representative of the department, a fish and wildlife (~~(enforcement)~~) officer, or an ex officio fish and wildlife (~~(enforcement)~~) officer subjects the processor to the penalty provisions of this chapter, as well as immediate seizure of the shellfish by the representative or officer.

Shellfish seized under this section shall be subject to prompt disposal by the representative or officer and may not be used for human consumption. The state board of health shall develop by rule procedures for the disposal of the seized shellfish.

**Sec. 7.** RCW 69.30.140 and 1995 c 147 s 6 are each amended to read as follows:

Any person convicted of violating any of the provisions of this chapter shall be guilty of a gross misdemeanor. A conviction is an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this chapter, regardless of whether imposition of sentence is deferred or the penalty is suspended, and shall be treated as a (~~(violation)~~) conviction for purposes of license (~~(forfeiture)~~) revocation and suspension of privileges under RCW (~~(75.10.120)~~) 77.15.700(5).

**Sec. 8.** RCW 70.93.050 and 1980 c 78 s 132 are each amended to read as follows:

The director shall designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this chapter and all rules (~~(and regulations)~~) adopted thereunder. The director shall also have authority to contract with other state and local governmental agencies having law enforcement capabilities for services and personnel reasonably necessary to carry out the enforcement provisions of this chapter. In addition, state patrol officers, fish and wildlife (~~(agents)~~) officers, fire wardens, deputy fire wardens and forest rangers, sheriffs and marshals and their deputies, and police officers, and those employees of the department of ecology and the parks and recreation commission vested with police powers all shall enforce the provisions of this chapter and all rules (~~(and regulations)~~) adopted thereunder and are hereby empowered to issue citations to and/or arrest without warrant, persons violating any provision of this chapter or any of the rules (~~(and regulations)~~) adopted hereunder. All of the foregoing enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this chapter and rules (~~(and regulations)~~) adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process to his or her last known place of residence shall be deemed as personal service upon the person charged.

**Sec. 9.** RCW 76.04.045 and 1986 c 100 s 5 are each amended to read as follows:

(1) All Washington state patrol officers, (~~(wildlife agents, fisheries patrol)~~) fish and wildlife officers, deputy state fire marshals, and state park rangers, while in their respective jurisdictions, shall be ex officio rangers.

(2) Employees of the United States forest service, when recommended by their forest supervisor, and citizens of the state advantageously located may, at the discretion of the department, be commissioned as rangers and vested with the certain powers and duties of wardens as specified in this chapter and as directed by the department.

(3) Rangers shall receive no compensation for their services except when employed in cooperation with the state and under the provisions of this chapter and shall not create any indebtedness or incur any liability on behalf of the state: PROVIDED, That rangers actually engaged in extinguishing or preventing the spread of fire on forest land or elsewhere that may endanger forest land shall, when their accounts for such service have been approved by the department, be entitled to receive compensation for such services at a rate to be fixed by the department.

(4) The department may cancel the commission of any ranger or authority granted to any ex officio ranger who may be incompetent or unwilling to discharge properly the duties of the office.

**Sec. 10.** RCW 77.08.010 and 2000 c 107 s 207 are each amended to read as follows:

As used in this title or rules adopted under this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of fish and wildlife.
- (2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, ~~((or))~~ game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing ~~((for game fish))~~ or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

- (20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.
- (21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.
- (22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.
- (23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.
- (24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.
- (25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.
- (26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.
- (27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.
- (28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.
- (29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.
- (30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.
- (31) "Senior" means a person seventy years old or older.
- (32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.
- (33) "Saltwater" means those marine waters seaward of river mouths.
- (34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.
- (35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.
- (36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.
- (37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.
- (38) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.
- (39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.
- (40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.
- (41) "Commercial" means related to or connected with buying, selling, or bartering. ~~((Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.))~~
- (42) "To process" and its derivatives mean preparing or preserving ~~((food))~~ fish, wildlife, or shellfish.
- (43) "Personal use" means for the private use of the individual taking the ~~((food))~~ fish or shellfish and not for sale or barter.
- (44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.
- (45) "Fishery" means the taking of one or more particular species of ~~((food))~~ fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

**Sec. 11.** RCW 77.12.039 and 2000 c 107 s 5 are each amended to read as follows:

The director may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state wildlife, ~~((food))~~ fish, and shellfish resources, or in settlement of claims for damages to wildlife, ~~((food))~~ fish, and shellfish resources. The director shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of ~~((these fisheries))~~ fish, shellfish, and wildlife resources.

**Sec. 12.** RCW 77.12.043 and 1985 c 458 s 7 are each amended to read as follows:

(1) The director may enter into contracts and agreements with a person to secure ~~((food))~~ fish or shellfish or for the construction, operation, and maintenance of facilities for the propagation of ~~((food))~~ fish or shellfish.

(2) The director may enter into contracts and agreements to procure from private aquaculturists ~~((food))~~ fish or shellfish with which to stock state waters.

**Sec. 13.** RCW 77.12.045 and 1995 1st sp.s. c 2 s 10 are each amended to read as follows:

Consistent with federal law, the commission's authority extends to all areas and waters within the territorial boundaries of the state, to the offshore waters, and to the concurrent waters of the Columbia river.

Consistent with federal law, the commission's authority extends to fishing in offshore waters by residents of this state.

The commission may adopt rules consistent with the regulations adopted by the United States department of commerce for the offshore waters. The commission may adopt rules consistent with the recommendations or regulations of the Pacific marine fisheries commission, Columbia river compact, the Pacific salmon commission as provided in chapter ~~((75.40))~~ 77.75 RCW, or the international Pacific halibut commission.

**Sec. 14.** RCW 77.12.047 and 2000 c 107 s 7 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of wildlife, ~~((food))~~ fish, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, ~~((food))~~ fish, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, ~~((food))~~ fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the importation, transportation, possession, disposal, landing, and sale of wildlife, ~~((food))~~ fish, ~~((ø))~~ shellfish, or seaweed within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, ~~((food))~~ fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, ~~((food))~~ fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from ~~((fishermen))~~ fishers, dealers, boathouses, or processors of wildlife, ~~((food))~~ fish, or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of wildlife, ~~((food))~~ fish, and shellfish that may be used for purposes other than human consumption.

(j) Regulating the taking, sale, possession, and distribution of wildlife, fish, shellfish, or deleterious

exotic wildlife.

(k) Establishing game reserves and closed areas where hunting for wild animals or wild birds may be prohibited.

(l) Regulating the harvesting of fish, shellfish, and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

(m) Authorizing issuance of permits to release, plant, or place fish or shellfish in state waters.

(n) Governing the possession of fish, shellfish, or wildlife so that the size, species, or sex can be determined visually in the field or while being transported.

(o) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

"Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

**Sec. 15.** RCW 77.12.170 and 2000 c 107 s 216 are each amended to read as follows:

(1) There is established in the state treasury the state wildlife fund which consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes;

(c) The sale of licenses, permits, tags, and stamps~~((and punchcards))~~ required by ~~((this title))~~ chapter 77.32 RCW and section 56 of this act, except annual resident adult saltwater and all shellfish licenses, which shall be deposited into the state general fund;

(d) Fees for informational materials published by the department;

(e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;

(f) Articles or wildlife sold by the director under this title;

(g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320 or 77.32.380;

(h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;

(i) The sale of personal property seized by the department for ~~((food))~~ fish, shellfish, or wildlife violations; and

(j) The department's share of revenues from auctions and raffles authorized by the commission.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife fund.

**Sec. 16.** RCW 77.12.177 and 2000 c 107 s 10 are each amended to read as follows:

(1) Except as provided in this title, state and county officers receiving the following moneys shall deposit them in the state general fund:

(a) The sale of commercial licenses required under this title, except for licenses issued under ~~((chapter 77.32 RCW))~~ section 56 of this act; and

(b) Moneys received for damages to food fish or shellfish.

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a district court for a violation of this title or rule of the department shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing

operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department of general administration shall be deposited in the regional fisheries enhancement group account established in RCW 77.95.090.

(6) Moneys received by the commission under RCW 77.12.039, to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement.

**Sec. 17.** RCW 77.12.204 and 2000 c 107 s 217 are each amended to read as follows:

The department of fish and wildlife shall implement practices necessary to meet the standards developed under RCW 79.01.295 on agency-owned and managed agricultural and grazing lands. The standards may be modified on a site-specific basis as necessary and as determined by the department of fish and wildlife (~~for species that these agencies respectively manage,~~) to achieve the goals established under RCW 79.01.295(1). Existing lessees shall be provided an opportunity to participate in any site-specific field review. Department agricultural and grazing leases issued after December 31, 1994, shall be subject to practices to achieve the standards that meet those developed pursuant to RCW 79.01.295.

This section shall in no way prevent the department of fish and wildlife from managing its lands according to the provisions of RCW (~~(75.08.012)~~) 77.04.012, 77.12.210, or rules adopted pursuant to this chapter.

**Sec. 18.** RCW 77.12.264 and 2000 c 107 s 9 are each amended to read as follows:

The director shall relieve from active duty fish and wildlife officers who are injured in the performance of their official duties to such an extent as to be incapable of active service. While relieved from active duty, the employees shall receive one-half of their salary less any compensation received through the provisions of RCW 41.40.200, 41.40.220, and (~~(75.08.206)~~) 77.12.262.

**Sec. 19.** RCW 77.12.320 and 1987 c 506 s 41 are each amended to read as follows:

(1) The commission may make agreements with persons, political subdivisions of this state, or the United States or its agencies or instrumentalities, regarding fish, shellfish, and wildlife-oriented recreation and the propagation, protection, conservation, and control of fish, shellfish, and wildlife.

(2) The director may make written agreements with the owners or lessees of real or personal property to provide for the use of the property for fish, shellfish, and wildlife-oriented recreation. The director may adopt rules governing the conduct of persons in or on the real property.

(3) The director may accept compensation for fish, shellfish, and wildlife losses or gifts or grants of personal property for use by the department.

**Sec. 20.** RCW 77.12.325 and 1980 c 78 s 52 are each amended to read as follows:

The commission may cooperate with the Oregon fish and wildlife commission in the adoption of rules to (~~(assure)~~) ensure an annual yield of fish, shellfish, and wildlife on the Columbia river and to prevent the taking of fish, shellfish, and wildlife at places or times that might endanger fish, shellfish, and wildlife.

**Sec. 21.** RCW 77.12.425 and 1980 c 78 s 90 are each amended to read as follows:

The director may authorize removal, relocation, reconstruction, or other modification of an inadequate fishway or fish protective device required by RCW (~~(77.16.210 and)~~) 77.16.220 (as recodified by this act) which device was in existence on September 1, 1963, without cost to the owner for materials and labor. The



modification may not materially alter the amount of water flowing through the fishway or fish protective device. Following modification, the fishway or fish protective device shall be maintained at the expense of the person or governmental agency owning the obstruction or water diversion device.

**Sec. 22.** RCW 77.12.455 and 1995 1st sp.s. c 2 s 16 are each amended to read as follows:

The commission may prohibit the introduction, transportation or transplanting of ~~((fish))~~ fish, shellfish, organisms, material, or other equipment which in the commission's judgment may transmit any disease or pests affecting ~~((fish))~~ fish or shellfish.

**Sec. 23.** RCW 77.15.080 and 2000 c 107 s 233 are each amended to read as follows:

Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title, and may request the person to write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license.

**Sec. 24.** RCW 77.15.090 and 2000 c 107 s 234 are each amended to read as follows:

On a showing of probable cause that there has been a violation of any fish, seaweed, shellfish, or wildlife law of the state of Washington, or upon a showing of probable cause to believe that evidence of such violation may be found at a place, a court shall issue a search warrant or arrest warrant. Fish and wildlife officers may execute any such arrest or search warrant reasonably necessary to their duties under this title and may seize fish, seaweed, shellfish, and wildlife or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have a building, enclosure, vehicle, vessel, container, or receptacle opened or entered and the contents examined.

**Sec. 25.** RCW 77.15.094 and 2000 c 107 s 214 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may make a reasonable search without warrant of a vessel, conveyances, vehicles, containers, packages, or other receptacles for fish, seaweed, shellfish, and wildlife which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title and seize evidence as needed for law enforcement. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution. Seizure of property as evidence of a crime does not preclude seizure of the property for forfeiture as authorized by law.

**Sec. 26.** RCW 77.15.096 and 1998 c 190 s 116 are each amended to read as follows:

Fish and wildlife officers may inspect without warrant at reasonable times and in a reasonable manner the premises, containers, fishing equipment, fish, seaweed, shellfish, and wildlife, and records required by the department of any commercial fisher or wholesale dealer or fish buyer. Fish and wildlife officers may similarly inspect without warrant the premises, containers, fishing equipment, fish, shellfish, and wildlife, and records required by the department of any shipping agent or other person placing or attempting to place fish, shellfish, or wildlife into interstate commerce, any cold storage plant that the department has probable cause to believe contains fish, shellfish, or wildlife, or of any taxidermist or fur buyer. Fish and wildlife officers may inspect without warrant the records required by the department of any retail outlet selling fish, shellfish, or wildlife (~~(or both))~~), and, if the officers have probable cause to believe a violation of this title or rules of the commission has occurred, they may inspect without warrant the premises, containers, and fish, shellfish, and wildlife of any retail outlet selling fish, shellfish, or wildlife (~~(or both))~~).

**Sec. 27.** RCW 77.15.110 and 1998 c 190 s 8 are each amended to read as follows:

(1) For purposes of this chapter, a person acts for commercial purposes if the person:

- (a) Acts with intent to sell, attempted to sell, sold, bartered, attempted to purchase, or purchased fish, seaweed, shellfish, or wildlife;
- (b) Uses gear typical of that used in commercial fisheries;
- (c) Exceeds the bag or possession limits for personal use by taking or possessing more than three times the amount of fish, seaweed, shellfish, or wildlife allowed;
- (d) Delivers or attempts to deliver fish, seaweed, shellfish, or wildlife to a person who sells or resells fish, seaweed, shellfish, or wildlife including any licensed or unlicensed wholesaler; ((~~or~~))
- (e) Takes fish or shellfish using a vessel designated on a commercial fishery license and gear not authorized in a personal use fishery;
- (f) Sells or deals in raw furs; or
- (g) Performs taxidermy service on fish, shellfish, or wildlife belonging to another person for a fee or receipt of goods or services.

(2) For purposes of this chapter, the value of any fish, shellfish, or wildlife may be proved based on evidence of legal or illegal sales involving the person charged or any other person, of offers to sell or solicitation of offers to sell by the person charged or by any other person, or of any market price for the fish, shellfish, or wildlife including market price for farm-raised game animals. The value assigned to specific fish, shellfish, or wildlife by RCW ((~~77.21.070~~)) 77.15.420 may be presumed to be the value of such fish, shellfish, or wildlife. It is not relevant to proof of value that the person charged misrepresented that the fish, shellfish, or wildlife was taken in compliance with law if the fish, shellfish, or wildlife was unlawfully taken and had no lawful market value.

**Sec. 28.** RCW 77.15.150 and 1998 c 190 s 16 are each amended to read as follows:

(1) A person is guilty of unlawful use of poison or explosives if:

- (a) The person lays out, sets out, or uses a drug, poison, or other deleterious substance that kills, injures, harms, or endangers fish, shellfish, or wildlife, except if the person is using the substance in compliance with federal and state laws and label instructions; or
  - (b) The person lays out, sets out, or uses an explosive that kills, injures, harms, or endangers fish, shellfish, or wildlife, except if authorized by law or permit of the director.
- (2) Unlawful use of poison or explosives is a gross misdemeanor.

**Sec. 29.** RCW 77.15.180 and 1998 c 190 s 22 are each amended to read as follows:

(1) A person is guilty of unlawful interference with fishing or hunting gear in the second degree if the person:

- (a) Takes or releases a wild animal from another person's trap without permission;
- (b) Springs, pulls up, damages, possesses, or destroys another person's trap without the owner's permission; or
- (c) Interferes with recreational gear used to take fish or shellfish.

(2) Unlawful interference with fishing or hunting gear in the second degree is a misdemeanor.

(3) A person is guilty of unlawful interference with fishing or hunting gear in the first degree if the person:

- (a) Takes or releases ((~~fish~~)) fish or shellfish from commercial fishing gear without the owner's permission; or
  - (b) Intentionally destroys or interferes with commercial fishing gear.
- (4) Unlawful interference with fishing or hunting gear in the first degree is a gross misdemeanor.
- (5) A person is not in violation of unlawful interference with fishing or hunting gear if the person removes a trap placed on property owned, leased, or rented by the person.

**Sec. 30.** RCW 77.15.210 and 1998 c 190 s 24 are each amended to read as follows:

(1) A person is guilty of obstructing the taking of fish or wildlife if the person:

- (a) Harasses, drives, or disturbs fish, shellfish, or wildlife with the intent of disrupting lawful pursuit or

taking thereof; or

(b) Harasses, intimidates, or interferes with an individual engaged in the lawful taking of fish, shellfish, or wildlife or lawful predator control with the intent of disrupting lawful pursuit or taking thereof.

(2) Obstructing the taking of fish, shellfish, or wildlife is a gross misdemeanor.

(3) It is an affirmative defense to a prosecution for obstructing the taking of fish, shellfish, or wildlife that the person charged was:

(a) Interfering with a person engaged in hunting outside the legally established hunting season; or

(b) Preventing or attempting to prevent unauthorized trespass on private property.

(4) The person raising a defense under subsection (3) of this section has the burden of proof by a preponderance of the evidence.

**Sec. 31.** RCW 77.15.245 and 2000 c 248 s 1 and 2000 c 107 s 260 are each reenacted and amended to read as follows:

(1) Notwithstanding the provisions of RCW 77.12.240, 77.36.020, 77.36.030, or any other provisions of law, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW 77.12.240, 77.36.020, 77.36.030, or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director.

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit, capture and relocation, of black bear, cougar, bobcat, or lynx for scientific purposes.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the killing of black bear, cougar, or bobcat, for the protection of a state and/or federally listed threatened or endangered species.

(3) Notwithstanding subsection (2) of this section, the commission shall authorize the use of dogs only in selected areas within a game management unit to address a public safety need presented by one or more cougar. This authority may only be exercised after the commission has determined that no other practical alternative to the use of dogs exists, and after the commission has adopted rules describing the conditions in which dogs may be used. Conditions that may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock and cougar/pet depredations, and the number of cougar capture attempts and relocations.

(4) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the ~~((director))~~ department shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and ~~((a hunting license shall not be issued))~~ order the suspension

of wildlife hunting privileges for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

**Sec. 32.** RCW 77.15.250 and 1998 c 190 s 31 are each amended to read as follows:

(1)(a) A person is guilty of unlawfully releasing, planting, or placing fish, shellfish, or wildlife if the person knowingly releases, plants, or places live fish, shellfish, wildlife, or aquatic plants within the state, ~~((except for))~~ and the fish, shellfish, or wildlife have not been classified as deleterious wildlife. This subsection does not apply to a release of game fish into private waters for which a game fish stocking permit has been obtained, or the planting of ((foed)) fish or shellfish by permit of the commission.

(b) A violation of this subsection is a gross misdemeanor. In addition, the department shall order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, aquatic plants, or wildlife released or its progeny. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, controlling the fish, shellfish, aquatic plants, or wildlife released or their progeny, or restoration of habitat necessitated by the unlawful release.

(2)(a) A person is guilty of unlawful release of deleterious exotic wildlife if the person knowingly releases, plants, or places live fish, shellfish, or wildlife within the state and such fish, shellfish, or wildlife has been classified as deleterious exotic wildlife by rule of the commission.

(b) A violation of this subsection is a class C felony. In addition, the department shall also order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, or wildlife released or its progeny. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, controlling the fish, shellfish, or wildlife released or their progeny, or restoration of habitat necessitated by the unlawful release.

**Sec. 33.** RCW 77.15.260 and 1998 c 190 s 42 are each amended to read as follows:

(1) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the second degree if the person traffics in fish, shellfish, or wildlife with a wholesale value of less than two hundred fifty dollars and:

(a) The fish or wildlife is classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking is not authorized by statute or rule of the department; or

(b) The fish, shellfish, or wildlife is unclassified and the trafficking violates any rule of the department.

(2) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The fish, shellfish, or wildlife has a value of two hundred fifty dollars or more; or

(b) The fish, shellfish, or wildlife is designated as an endangered species or deleterious exotic wildlife and such trafficking is not authorized by any statute or rule of the department.

(3)(a) Unlawful trafficking in fish, shellfish, or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful trafficking in fish, shellfish, or wildlife in the first degree is a class C felony.

**Sec. 34.** RCW 77.15.270 and 1998 c 190 s 46 are each amended to read as follows:

(1) A person is guilty of providing false information regarding fish, shellfish, or wildlife if the person knowingly provides false or misleading information required by any statute or rule to be provided to the department regarding the taking, delivery, possession, transportation, sale, transfer, or any other use of fish, shellfish, or wildlife.

(2) Providing false information regarding fish, shellfish, or wildlife is a gross misdemeanor.

**Sec. 35.** RCW 77.15.290 and 1998 c 190 s 48 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by rule of the commission or director.

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

**Sec. 36.** RCW 77.15.330 and 1998 c 190 s 56 are each amended to read as follows:

(1) A person is guilty of unlawfully holding a hunting or fishing contest if the person:

(a) Conducts, holds, or sponsors a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife without the permit required by RCW ((~~77.32.214~~) 77.65.480); or

(b) Violates any rule of the commission or the director applicable to a hunting contest, fishing contest involving game fish, or a competitive field trial using live wildlife.

(2) Unlawfully holding a hunting or fishing contest is a misdemeanor.

**Sec. 37.** RCW 77.15.340 and 1998 c 190 s 57 are each amended to read as follows:

(1) A person is guilty of unlawful operation of a game farm if the person (a) operates a game farm without the license required by RCW ((~~77.32.214~~) 77.65.480); or (b) violates any rule of the commission or the director applicable to game farms under RCW 77.12.570, 77.12.580, and 77.12.590.

(2) Unlawful operation of a game farm is a gross misdemeanor.

**Sec. 38.** RCW 77.15.370 and 1998 c 190 s 19 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes, possesses, or retains two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director or commission setting the amount of food fish, game fish, or shellfish that can be taken, possessed, or retained for noncommercial use;

(b) The person fishes in a fishway; or

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stonks fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express rule of the commission or director.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

**Sec. 39.** RCW 77.15.380 and 2000 c 107 s 244 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for, takes, possesses, or harvests fish or shellfish and:

(a) The person does not have and possess the license or the catch record card required by chapter ((~~75.25-09~~) 77.32 RCW for such activity; or

(b) The action violates any rule of the commission or the director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish, except for use of a net to take fish as provided for in RCW 77.15.580.

(2) Unlawful recreational fishing in the second degree is a misdemeanor.

**Sec. 40.** RCW 77.15.390 and 2000 c 107 s 245 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, possesses, or harvests seaweed and:

(a) The person does not have and possess the license required by chapter ~~((75.25))~~ 77.32 RCW for taking seaweed; or

(b) The action violates any rule of the department or the department of natural resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

**Sec. 41.** RCW 77.15.400 and 1999 c 258 s 2 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of wild birds in the second degree if the person:

(a) Hunts for, takes, or possesses a wild bird and the person does not have and possess all licenses, tags, stamps, and permits required under this title;

(b) Maliciously destroys, takes, or harms the eggs or nests of a ~~((game-wild))~~ wild bird except when authorized by permit;

(c) Violates any rule of the commission or director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or other rule addressing the manner or method of hunting or possession of wild birds; or

(d) Possesses a wild bird taken during a closed season for that wild bird or taken from a closed area for that wild bird.

(2) A person is guilty of unlawful hunting of wild birds in the first degree if the person takes or possesses two times or more than the possession or bag limit for ~~((game-wild))~~ wild birds allowed by rule of the commission or director.

(3)(a) Unlawful hunting of wild birds in the second degree is a misdemeanor.

(b) Unlawful hunting of wild birds in the first degree is a gross misdemeanor.

**Sec. 42.** RCW 77.15.480 and 2000 c 107 s 247 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for catching, taking, killing, attracting, or decoying wildlife, fish, and shellfish are public nuisances. If necessary, fish and wildlife officers and ex officio fish and wildlife officers may seize, abate, or destroy these public nuisances without warrant or process.

**Sec. 43.** RCW 77.15.510 and 1998 c 190 s 36 are each amended to read as follows:

(1) A person is guilty of commercial fish guiding or chartering without a license if:

(a) The person operates a charter boat and does not hold the charter boat license required for the food fish taken;

(b) The person acts as a professional salmon guide and does not hold a professional salmon guide license; or

(c) The person acts as a game fish guide and does not hold a ~~((professional))~~ game fish guide license.

(2) Commercial fish guiding or chartering without a license is a gross misdemeanor.

**Sec. 44.** RCW 77.15.550 and 1999 c 258 s 10 are each amended to read as follows:

(1) A person is guilty of violating commercial fishing area or time in the second degree if the person acts for commercial purposes and takes, fishes for, possesses, delivers, or receives ~~((food))~~ fish or shellfish:

(a) At a time not authorized by statute or rule;

(b) From an area that was closed to the taking of such ~~((food))~~ fish or shellfish for commercial purposes by statute or rule; or

(c) If such fish or shellfish do not conform to the special restrictions or physical descriptions established by rule of the department.

(2) A person is guilty of violating commercial fishing area or time in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The person acted with knowledge that the area or time was not open to the taking or fishing of ~~((food))~~ fish or shellfish for commercial purposes; and

- (b) The violation involved two hundred fifty dollars or more worth of ~~((fœœd))~~ fish or shellfish.
- (3)(a) Violating commercial fishing area or time in the second degree is a gross misdemeanor.
- (b) Violating commercial fishing area or time in the first degree is a class C felony.

**Sec. 45.** RCW 77.15.600 and 1999 c 258 s 8 are each amended to read as follows:

- (1) A person is guilty of engaging in commercial wildlife activity without a license if the person:
- (a) Deals in raw furs for commercial purposes and does not hold a fur dealer license required by chapter ~~((77.32))~~ 77.65 RCW; or
- (b) Practices taxidermy for commercial purposes and does not hold a taxidermy license required by chapter ~~((77.32))~~ 77.65 RCW.
- (2) Engaging in commercial wildlife activities without a license is a gross misdemeanor.

**Sec. 46.** RCW 77.15.700 and 1998 c 190 s 66 are each amended to read as follows:

The department shall impose revocation and suspension of privileges upon conviction in the following circumstances:

- (1) If directed by statute for an offense;
- (2) If the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. Such suspension of privileges may be permanent;
- (3) If a person is convicted twice within ten years for a violation involving unlawful hunting, killing, or possessing big game, the department shall order revocation and suspension of all hunting privileges for two years. RCW ~~((77.16.020))~~ 77.12.722 or 77.16.050 as it existed before June 11, 1998, may comprise one of the convictions constituting the basis for revocation and suspension under this subsection;
- (4) If a person is convicted three times in ten years of any violation of recreational hunting or fishing laws or rules, the department shall order a revocation and suspension of all recreational hunting and fishing privileges for two years;
- (5) If a person is convicted twice within five years of a gross misdemeanor or felony involving unlawful commercial fish or shellfish harvesting, buying, or selling, the department shall impose a revocation and suspension of the person's commercial fishing privileges for one year. A commercial fishery license ~~((suspended))~~ revoked under this subsection may not be used by an alternate operator or transferred during the period of suspension.

**Sec. 47.** RCW 77.15.730 and 1994 c 264 s 45 are each amended to read as follows:

- (1) Upon receipt of a report of failure to comply with the terms of a citation issued for a recreational violation from the licensing authority of a state that is a party to the wildlife violator compact under RCW ~~((77.17.010))~~ 77.75.070, the department shall suspend the violator's recreational license privileges under this title until ~~((there is))~~ there is satisfactory evidence of compliance with the terms of the wildlife citation. The department shall adopt by rule procedures for the timely notification and administrative review of such suspension of recreational licensing privileges.
- (2) Upon receipt of a report of a conviction for a recreational offense from the licensing authority of a state that is a party to the wildlife violator compact under RCW ~~((77.17.010))~~ 77.75.070, the department shall enter such conviction in its records and shall treat such conviction as if it occurred in the state of Washington for the purposes of suspension, revocation, or forfeiture of recreational license privileges.

**Sec. 48.** RCW 77.16.220 and 1998 c 190 s 122 are each amended to read as follows:

A person shall not divert water from a lake, river, or stream containing game fish unless the water diversion device is equipped at or near its intake with a fish guard or screen to prevent the passage of game fish into the device and, if necessary, with a means of returning game fish from immediately in front of the fish guard or screen to the waters of origin. A person who ~~((is now))~~ was, on June 11, 1947, otherwise lawfully diverting water from a lake, river, or stream shall not be deemed guilty of a violation of this section.

Plans for the fish guard, screen, and bypass shall be approved by the director prior to construction. The installation shall be approved by the director prior to the diversion of water.

The director may close a water diversion device operated in violation of this section and keep it closed until it is properly equipped with a fish guard, screen, or bypass.

**Sec. 49.** RCW 77.32.010 and 2000 c 107 s 264 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a recreational license issued by the director is required to(~~(:~~

~~(a)) hunt for or take wild animals(~~(, except bullfrogs,))~~ or wild birds, fish for, take, or harvest fish, shellfish, and seaweed(~~(, except smelt, albacore, carp, and crawfish;~~~~

~~(b) Practice taxidermy for profit;~~

~~(c) Deal in raw furs for profit;~~

~~(d) Act as a fishing guide;~~

~~(e) Operate a game farm;~~

~~(f) Purchase or sell anadromous game fish; or~~

~~(g) Use department managed lands or facilities as provided by rules adopted pursuant to this title)).~~ A recreational fishing or shellfish license is not required for carp, smelt, albacore, and crawfish, and a hunting license is not required for bullfrogs.

(2) A permit issued by the (~~(director))~~ department is required to(~~(:~~

~~(a) Conduct, hold, or sponsor hunting or game fish fishing contests or competitive field trials using live wildlife;~~

~~(b) Collect wild animals, wild birds, game fish, food fish, shellfish, or protected wildlife for research or display; or~~

~~(c) Stock game fish.~~

~~(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department))~~ park a motor vehicle upon improved department access facilities.

**Sec. 50.** RCW 77.32.014 and 2000 c 107 s 265 are each amended to read as follows:

~~((1))~~ Licenses, tags, and stamps issued pursuant to this chapter shall be (~~(invalid))~~ revoked and the privileges suspended for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order. Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this section through checks of the department of licensing's computer data base. A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(8) shall be prima facie evidence that the individual is in noncompliance with a support order. Presentation of a written release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order.

~~((2) It is unlawful to purchase, obtain, or possess a license required by this chapter during any period in which a license is suspended.))~~

**Sec. 51.** RCW 77.32.250 and 2000 c 107 s 269 are each amended to read as follows:

Licenses, permits, tags, and stamps required by this chapter and raffle tickets authorized under this chapter shall not be transferred.



~~((Upon request of a fish and wildlife officer or ex officio fish and wildlife officer, persons licensed, operating under a permit, or possessing wildlife under the authority of this chapter shall produce required licenses, permits, tags, stamps, raffle tickets, or catch record cards for inspection and write their signatures for comparison and in addition display their wildlife. Failure to comply with the request is prima facie evidence that the person has no license or is not the person named.))~~

**Sec. 52.** RCW 77.32.535 and 1996 c 101 s 6 are each amended to read as follows:

If a private entity has a private lands wildlife management area agreement in effect with the department, the commission may authorize the private entity to conduct raffles for access to hunt for big game animals and wild turkeys to meet the conditions of the agreement. The private entity shall comply with all applicable rules adopted under RCW ~~((77.12.770))~~ 77.32.530 for the implementation of raffles; however, raffle hunts conducted pursuant to this section shall not be counted toward the number of raffle hunts the commission may authorize under RCW ~~((77.12.770))~~ 77.32.530. The director shall establish the procedures for the hunts, which shall require any participants to obtain any required license, permit, or tag. Representatives of the department may participate in the hunt upon the request of the commission to ensure that the animals to be killed are properly identified.

**Sec. 53.** RCW 77.44.070 and 1991 c 253 s 4 are each amended to read as follows:

Any agency of state or federal government, political subdivision of the state, private or public utility company, corporation, or sports group, or any purchaser of fish under RCW ~~((77.18.020))~~ 77.44.060 may purchase resident game fish from an aquatic farmer for stocking purposes if permit requirements of this title and the department have been met.

**Sec. 54.** RCW 77.55.280 and 1997 c 425 s 4 are each amended to read as follows:

When a private landowner is applying for hydraulic project approval under this chapter and that landowner has entered into a habitat incentives agreement with the department and the department of natural resources as provided in RCW ~~((77.12.830))~~ 77.55.300, the department shall comply with the terms of that agreement when evaluating the request for hydraulic project approval.

**Sec. 55.** RCW 77.55.290 and 1998 c 249 s 3 are each amended to read as follows:

(1) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under (a) and (b) of this subsection:

(a) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

- (i) Elimination of human-made fish passage barriers, including culvert repair and replacement;
- (ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- (iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

(b) A fish habitat enhancement project must be approved in one of the following ways:

- (i) By the department pursuant to chapter ~~((75.50 or 75.52))~~ 77.95 or 77.100 RCW;
- (ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;
- (iii) By the department as a department-sponsored fish habitat enhancement or restoration project;
- (iv) Through the review and approval process for the jobs for the environment program;
- (v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency

agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration; and

(vii) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3) Hydraulic project approval is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the department of ecology permit assistance center to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. In no more than forty-five days, the department shall either issue hydraulic project approval, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by hydraulic project approval. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

Any person aggrieved by the approval, denial, conditioning, or modification of hydraulic project approval under this section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this chapter.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

**NEW SECTION. Sec. 56.** A new section is added to chapter 77.65 RCW to read as follows:

(1) A license issued by the director is required to:

(a) Practice taxidermy for commercial purposes;

(b) Deal in raw furs for commercial purposes;

(c) Act as a fishing guide;

(d) Operate a game farm; or

(e) Purchase or sell anadromous game fish.

(2) A permit issued by the director is required to:

(a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;

(b) Collect wild animals, wild birds, game fish, food fish, shellfish, or protected wildlife for research or display;

(c) Stock game fish; or

(d) Conduct commercial activities on department-owned or controlled lands.

(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department.

**Sec. 57.** RCW 77.70.010 and 1997 c 58 s 884 are each amended to read as follows:

(1) A license renewed under the provisions of this chapter that has been suspended under RCW ~~((75.28.042))~~ 77.65.080 shall be subject to the following provisions:

(a) A license renewal fee shall be paid as a condition of maintaining a current license; and

(b) The department shall waive any other license requirements, unless the department determines that the license holder has had sufficient opportunity to meet these requirements.

(2) The provisions of subsection (1) of this section shall apply only to a license that has been suspended under RCW ((75.28.042)) 77.65.080 for a period of twelve months or less. A license holder shall forfeit a license subject to this chapter and may not recover any license renewal fees previously paid if the license holder does not meet the requirements of RCW 74.20A.320(9) within twelve months of license suspension.

**Sec. 58.** RCW 77.70.150 and 1999 c 126 s 1 are each amended to read as follows:

(1) A sea urchin dive fishery license is required to take sea urchins for commercial purposes. A sea urchin dive fishery license authorizes the use of only one diver in the water at any time during sea urchin harvest operations. If the same vessel has been designated on two sea urchin dive fishery licenses, two divers may be in the water. A natural person may not hold more than two sea urchin dive fishery licenses.

(2) Except as provided in subsection (6) of this section, the director shall issue no new sea urchin dive fishery licenses. For licenses issued for the year 2000 and thereafter, the director shall renew existing licenses only to a natural person who held the license at the end of the previous year. If a sea urchin dive fishery license is not held by a natural person as of December 31, 1999, it is not renewable. However, if the license is not held because of revocation or suspension of licensing privileges, the director shall renew the license in the name of a natural person at the end of the revocation or suspension if the license holder applies for renewal of the license before the end of the year in which the revocation or suspension ends.

(3) Where a licensee failed to obtain the license during the previous year because of a license suspension or revocation by the ((department)) director or the court, the licensee may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) Surcharges as provided for in this section shall be collected and deposited into the sea urchin dive fishery account hereby created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. The sea urchin dive fishery account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used to retire sea urchin licenses until the number of licenses is reduced to twenty-five, and thereafter shall only be used for sea urchin management and enforcement.

(a) A surcharge of one hundred dollars shall be charged with each sea urchin dive fishery license renewal for licenses issued in 2000 through 2005.

(b) For licenses issued for the year 2000 and thereafter, a surcharge shall be charged on the sea urchin dive fishery license for designating an alternate operator. The surcharge shall be as follows: Five hundred dollars for the first year or each of the first two consecutive years after 1999 that any alternate operator is designated and two thousand five hundred dollars each year thereafter that any alternate operator is designated.

(5) Sea urchin dive fishery licenses are transferable. After December 31, 1999, there is a surcharge to transfer a sea urchin dive fishery license. The surcharge is five hundred dollars for the first transfer of a license valid for calendar year 2000, and two thousand five hundred dollars for any subsequent transfer, whether occurring in the year 2000 or thereafter. Notwithstanding this subsection, a one-time transfer exempt from surcharge applies for a transfer from the natural person licensed on January 1, 2000, to that person's spouse or child.

(6) If fewer than twenty-five natural persons are eligible for sea urchin dive fishery licenses, the director may accept applications for new licenses. The additional licenses may not cause more than twenty-five natural persons to be eligible for a sea urchin dive fishery license. New licenses issued under this section shall be distributed according to rules of the department that recover the value of such licensed privilege.

**Sec. 59.** RCW 77.70.190 and 1999 c 126 s 2 are each amended to read as follows:

(1) A sea cucumber dive fishery license is required to take sea cucumbers for commercial purposes. A sea cucumber dive fishery license authorizes the use of only one diver in the water at any time during sea cucumber harvest operations. If the same vessel has been designated on two sea cucumber dive fishery licenses, two divers may be in the water. A natural person may not hold more than two sea cucumber dive fishery licenses.

(2) Except as provided in subsection (6) of this section, the director shall issue no new sea cucumber dive fishery licenses. For licenses issued for the year 2000 and thereafter, the director shall renew existing licenses

only to a natural person who held the license at the end of the previous year. If a sea cucumber dive fishery license is not held by a natural person as of December 31, 1999, it is not renewable. However, if the license is not held because of revocation or suspension of licensing privileges, the director shall renew the license in the name of a natural person at the end of the revocation or suspension if the license holder applies for renewal of the license before the end of the year in which the revocation or suspension ends.

(3) Where a licensee failed to obtain the license during either of the previous two years because of a license suspension by the ~~((department))~~ director or the court, the licensee may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) Surcharges as provided for in this section shall be collected and deposited into the sea cucumber dive fishery account hereby created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. The sea cucumber dive fishery account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used to retire sea cucumber licenses until the number of licenses is reduced to twenty-five, and thereafter shall only be used for sea cucumber management and enforcement.

(a) A surcharge of one hundred dollars shall be charged with each sea cucumber dive fishery license renewal for licenses issued in 2000 through 2005.

(b) For licenses issued for the year 2000 and thereafter, a surcharge shall be charged on the sea cucumber dive fishery ~~((license))~~ license for designating an alternate operator. The surcharge shall be as follows: Five hundred dollars for the first year or each of the first two consecutive years after 1999 that any alternate operator is designated and two thousand five hundred dollars each year thereafter that any alternate operator is designated.

(5) Sea cucumber dive fishery licenses are transferable. After December 31, 1999, there is a surcharge to transfer a sea cucumber dive fishery license. The surcharge is five hundred dollars for the first transfer of a license valid for calendar year 2000 and two thousand five hundred dollars for any subsequent transfer whether occurring in the year 2000 or thereafter. Notwithstanding this subsection, a one-time transfer exempt from surcharge applies for a transfer from the natural person licensed on January 1, 2000, to that person's spouse or child.

(6) If fewer than twenty-five persons are eligible for sea cucumber dive fishery licenses, the director may accept applications for new licenses. The additional licenses may not cause more than twenty-five natural persons to be eligible for a sea cucumber dive fishery license. New licenses issued under this section shall be distributed according to rules of the department that recover the value of such licensed privilege.

**Sec. 60.** RCW 79A.60.100 and 1994 c 264 s 80 are each amended to read as follows:

(1) Every law enforcement officer of this state and its political subdivisions has the authority to enforce this chapter. Law enforcement officers may enforce recreational boating rules adopted by the commission. Such law enforcement officers include, but are not limited to, county sheriffs, officers of other local law enforcement entities, ~~((wildlife agents and fisheries patrol))~~ fish and wildlife officers ~~((of the department of fish and wildlife))~~, through the director, the state patrol, ~~((through its chief,))~~ and state park rangers. In the exercise of this responsibility, all such officers may stop and board any vessel and direct it to a suitable pier or anchorage to enforce this chapter.

(2) This chapter shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control.

NEW SECTION. **Sec. 61.** (1) RCW 77.12.055 and 77.65.470 are each recodified as sections in chapter 77.15 RCW.

(2) RCW 77.12.425 and 77.16.220 are each recodified as sections in chapter 77.55 RCW.

(3) RCW 77.32.220 is recodified as a section in chapter 77.65 RCW.

NEW SECTION. **Sec. 62.** The following acts or parts of acts are each repealed:

(1) RCW 77.12.030 (Authority to regulate wildlife) and 1987 c 506 s 14, 1984 c 240 s 2, 1980 c 78 s 14, 1969 ex.s. c 18 s 2, & 1955 c 36 s 77.12.030;

(2) RCW 77.12.040 (Regulating the taking or possessing of game--Emergency rules--Game reserves,

closed areas and waters) and 1987 c 506 s 15, 1984 c 240 s 3, 1980 c 78 s 15, 1969 ex.s. c 18 s 3, & 1955 c 36 s 77.12.040;

(3) RCW 77.12.105 (Authority to retain or transfer wildlife) and 1987 c 506 s 22, 1980 c 78 s 71, 1977 c 44 s 2, & 1955 c 36 s 77.16.030;

(4) RCW 77.12.250 (Entry upon property in course of duty) and 2000 c 107 s 220, 1980 c 78 s 42, & 1955 c 36 s 77.12.250;

(5) RCW 77.12.295 (Fish and wildlife harvest in federal exclusive economic zone--Rules) and 1995 1st sp.s. c 2 s 9 & 1993 sp.s. c 2 s 99;

(6) RCW 77.12.457 (Planting food fish or shellfish--Permit authorized by rule) and 1998 c 190 s 73, 1995 1st sp.s. c 2 s 17, 1983 1st ex.s. c 46 s 30, & 1955 c 12 s 75.16.020;

(7) RCW 77.12.724 (Possession of fish and wildlife--Rules) and 1998 c 190 s 120, 1987 c 506 s 63, & 1980 c 78 s 78; and

(8) RCW 77.32.420 (Recreational licenses--Nontransferable--Enforcement provisions) and 2000 c 107 s 272, 1998 c 191 s 4, 1993 sp.s. c 17 s 8, 1989 c 305 s 12, 1987 c 87 s 7, 1984 c 80 s 8, 1983 1st ex.s. c 46 s 98, 1980 c 78 s 135, & 1977 ex.s. c 327 s 15."

On page 1, line 2 of the title, after "statutes;" strike the remainder of the title and insert "amending RCW 4.24.350, 43.70.185, 46.09.200, 46.10.200, 69.30.010, 69.30.110, 69.30.140, 70.93.050, 76.04.045, 77.08.010, 77.12.039, 77.12.043, 77.12.045, 77.12.047, 77.12.170, 77.12.177, 77.12.204, 77.12.264, 77.12.320, 77.12.325, 77.12.425, 77.12.455, 77.15.080, 77.15.090, 77.15.094, 77.15.096, 77.15.110, 77.15.150, 77.15.180, 77.15.210, 77.15.250, 77.15.260, 77.15.270, 77.15.290, 77.15.330, 77.15.340, 77.15.370, 77.15.380, 77.15.390, 77.15.400, 77.15.480, 77.15.510, 77.15.550, 77.15.600, 77.15.700, 77.15.730, 77.16.220, 77.32.010, 77.32.014, 77.32.250, 77.32.535, 77.44.070, 77.55.280, 77.55.290, 77.70.010, 77.70.150, 77.70.190, and 79A.60.100; reenacting and amending RCW 77.15.245; adding new sections to chapter 77.65 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.55 RCW; recodifying RCW 77.12.055, 77.65.470, 77.12.425, 77.16.220, and 77.32.220; and repealing RCW 77.12.030, 77.12.040, 77.12.105, 77.12.250, 77.12.295, 77.12.457, 77.12.724, and 77.32.420."

Signed by Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck; G. Chandler; Edwards; Eickmeyer; Ericksen; Jackley and Murray.

MINORITY recommendation: Without recommendation. Signed by Representative Pennington.

Voting yea: Representatives Doumit, Sump, Pearson, Rockefeller, Buck, G. Chandler, Edwards, Eickmeyer Ericksen, Jackley and Murray.

Voting nay: Representative Pennington.

Passed to Committee on Rules for second reading.

March 30, 2001

ESSB 5970 Prime Sponsor, Senate Committee on Judiciary: Revising provisions for probation orders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes; Kagi; Kirby and Morell.

Voting yea: Representatives Ballasiotes, O'Brien, Ahern, Lovick, Cairnes, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 5972 Prime Sponsor, Senator Hargrove: Releasing juvenile offenders. Reported by Committee on Juvenile Justice

MAJORITY recommendation: Do pass. Signed by Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong; Carrell; Darneille and Tokuda.

Voting yea: Representatives Armstrong, Carrell, Darneille, Delvin, Dickerson, Eickmeyer, Marine, and Tokuda.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 5984 Prime Sponsor, Senate Committee on Human Services & Corrections: Changing provisions relating to public access to child dependency hearings and foster parent complaint information. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 5, strike all of section 1 and insert:

"NEW SECTION. Sec. 1. Matters relating to foster care raise competing concerns between public disclosure and client/provider confidentiality. The legislature finds it appropriate that unfounded complaints about foster parents in child dependency cases should not be subject to public disclosure. Parents or others with standing may access the unfounded complaint information pursuant to a court order when good cause is shown."

On page 1, beginning on line 14, strike all of section 2.

Renumber the remaining section consecutively.

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Schindler, Haigh, Lambert, McDermott and Schmidt.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 5986 Prime Sponsor, Senate Committee on Health & Long-Term Care: Regulating county or local government-owned psychiatric facilities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 1, line 7, after "hospital," insert "including public hospital districts."

On page 1, line 12, after, "municipality," insert "public hospital district,"

Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander; Ballasiotes; Conway; Darneille; Edmonds; Edwards; Marine; McMorris; Pennington and Ruderman.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington and Ruderman.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 5988 Prime Sponsor, Senate Committee on Ways & Means: Establishing compensation levels for certain employees of the state investment board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Alexander, Barlean, Benson, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Lisk, Gombosky and Kessler.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 6012 Prime Sponsor, Senate Committee on Environment, Energy & Water: Allowing customary agricultural related burning in an urban growth area. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 6025 Prime Sponsor, Senator Eide: Prohibiting methyl tertiary-butyl ether as a gasoline additive. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

On page 1, line 9, after "be" strike "present" and insert "knowingly mixed"

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Linville, Mielke, Quall, Roach, Schoesler, and Sump.  
Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

March 28, 2001

SSB 6035 Prime Sponsor, Senate Committee on Higher Education: Creating a college board job bank. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Cox, Republican Co-Chair; Kenney, Democratic Co-Chair; Gombosky, Democratic Vice Chair; Jarrett, Republican Vice Chair; Dunn; Fromhold; Lantz and Skinner.

Voting yea: Representatives Cox, Kenney, Dunn, Gombosky, Jarrett, Fromhold, Lantz and Skinner.

Passed to Committee on Rules for second reading.

March 29, 2001

SSB 6037 Prime Sponsor, Senate Committee on Agriculture & International Trade: Authorizing animal care and control agencies and nonprofit humane societies to provide limited veterinarian services. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.92 RCW to read as follows:

The legislature recognizes that low-income households may not receive needed veterinary services for household pets. It is the intent of the legislature to allow qualified animal control agencies and humane societies to provide limited veterinary services to low-income members of our communities. It is not the intent of the legislature to allow these agencies to provide veterinary services to the public at large.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.92 RCW to read as follows:

(1)(a) Subject to the limitations in this section, animal care and control agencies as defined in RCW 16.52.011 and nonprofit humane societies, that have qualified under section 501(c)(3) of the internal revenue code may provide limited veterinary services to animals owned by qualified low-income households. The veterinary services provided shall be limited to electronic identification, surgical sterilization, and vaccinations. For purposes of this section, "low-income household" means the same as in RCW 43.185A.010.

(b) Animal control agencies and nonprofit humane societies, receiving animals on an emergency basis, when the animal owner is unknown, may provide emergency care, subject to a local ordinance that defines an emergency situation and establishes temporary time limits.

(2) Veterinarians employed at these facilities must be licensed under this chapter. No officer, director, supervisor, or any other individual associated with an animal care or control agency or nonprofit humane society owning and operating a veterinary medical facility may impose any terms or conditions of employment or direct or attempt to direct an employed veterinarian in any way that interferes with the free exercise of the veterinarian's professional judgment or infringes upon the utilization of his or her professional skills.

(3) A veterinarian and animal control agencies and humane societies acting under this section shall, for purposes of providing the limited veterinary services, meet the requirements established under this chapter and are subject to the rules adopted by the veterinary board of governors in the same fashion as any licensed



veterinarian or veterinary medical facility in the state.

(4) The Washington state veterinary board of governors shall adopt rules to ensure that agencies and societies are in compliance with this section. The limited veterinary medical service authority granted by this section may be suspended, revoked, or conditioned by a determination of the board of governors for any act of noncompliance with this section.

(5) The secretary of the department of health may impose fees on those agencies and societies seeking to provide services under this section. Any fees imposed shall be solely for the cost of implementing this section.

(6) This section does not limit the authority of a city or county animal care and control agency to provide veterinary services as authorized in an ordinance that was approved by the voters and is in effect on the effective date of this act."

Correct the title.

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Quall; Roach and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representative Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Linville, Mielke, Quall, Roach and Schoesler.

Voting nay: Representative Sump.

Excused: Representative Kirby.

Referred to Committee on Appropriations.

March 27, 2001

SSB 6053 Prime Sponsor, Senate Committee on Transportation: Adjusting state route 525. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Lovick, Democratic Vice Chair; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sump and Woods.

Voting yea: Representatives Ahern, Anderson, Armstrong, G. Chandler, Cooper, Edmonds, Ericksen, Fisher, Hankins, Hatfield, Jarrett, Lovick, Marine, Mielke, Mitchell, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sump, and Woods.

Excused: Representatives Haigh, Hurst, Jackley, and Wood.

Passed to Committee on Rules for second reading.

March 30, 2001

SB 6107 Prime Sponsor, Senator Fraser: Extending the applicability of provisions relating to geothermal energy. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Casada, Republican Vice Chair; Ruderman, Democratic Vice Chair; Anderson; Berkey; Bush; B. Chandler; Cooper; DeBolt; Esser; Hunt; Linville; Mielke; Morris; Pflug; Simpson and Wood.

Voting yea: Representatives Crouse, Poulsen, Casada, Ruderman, Anderson, Berkey, Bush, B. Chandler, Cooper, DeBolt, Esser, Hunt, Linville, Mielke, Morris, Pflug, Simpson and Wood.  
Excused: Representatives Delvin and Reardon.

Passed to Committee on Rules for second reading.

March 28, 2001

SB 6109 Prime Sponsor, Senator Patterson: Reporting election independent expenditures and contributions.  
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh; Lambert; McDermott and Schmidt.

Voting yea: Representatives Haigh, Lambert, McDermott, McMorris, Miloscia, Romero, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

March 29, 2001

SJM 8004 Prime Sponsor, Senator Spanel: Petitioning Congress to appropriate support for an oil spill prevention tugboat in the Strait of Juan de Fuca. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Passed to Committee on Rules for second reading.

March 29, 2001

SJM 8008 Prime Sponsor, Senator Benton: Requesting a joint Oregon-Washington committee on taxation be established. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell; Conway; Santos; Van Luven and Veloria.

Voting yea: Representatives Berkey, Cairnes, Carrell, Conway, Morris, Roach, Santos, Van Luven, and Veloria.

Excused: Representative Pennington.

Passed to Committee on Rules for second reading.

March 29, 2001

ESJM 8016 Prime Sponsor, Senator Shin: Emphasizing free and fair trade of aquaculture products between the United States and Canada. (REVISED FOR ENGROSSED: Emphasizing free and fair trade of nonanadromous aquaculture products between the United States and Canada.) Reported by

## Committee on Trade &amp; Economic Development

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, line 1, strike all material through "Washington." on page 2, line 12, and insert the following:

"TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The upland aquaculture industry in Washington state produces high-quality, pathogen-free, nonanadromous upland products for sale to public agencies and private companies throughout the world; and

WHEREAS, Washington state's upland aquaculture industry employs hundreds of people in well-paying, technical positions located in many rural communities throughout the state, generating forty million dollars worth of products; and

WHEREAS, Canadian customers have expressed the desire to purchase high-quality aquacultural products from Washington state producers; and

WHEREAS, Many customers in the United States currently purchase aquacultural products from Canada; and

WHEREAS, Increased freedom to engage in the commercial trade of upland aquacultural products between the United States and Canada will only help our two nations grow more prosperous;

NOW, THEREFORE, Your Memorialists respectfully pray that the government of the United States emphasize the importance of the free and fair trade of upland aquacultural products in its relations with the government of Canada.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Fromhold, Democratic Vice Chair; Ahern; Jackley; Mulliken; O'Brien and Woods.

Voting yea: Representatives Ahern, Dunn, Eickmeyer, Fromhold, Jackley, Mulliken, O'Brien, Van Luven, Veloria, and Woods.

Excused: Representatives Gombosky, and Pflug.

Passed to Committee on Rules for second reading.

March 29, 2001

SJM 8019 Prime Sponsor, Senator Rasmussen: Petitioning the secretary of agriculture to review certain policies of the conservation reserve enhancement program. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

On page 2, line 5, after "review" strike "its policies that would" and insert "the department's policies regarding the conservation reserve enhancement program and alter those policies to"

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper,

Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler; Delvin; Dunshee; Grant; Hunt; Kirby; Quall; Roach; Schoesler and Sump.

Voting yea: Representatives B. Chandler, G. Chandler, Cooper, Delvin, Dunshee, Grant, Hunt, Kirby, Linville, Mielke, Quall, Roach, Schoesler, and Sump.

Passed to Committee on Rules for second reading.

March 29, 2001

SCR 8406 Prime Sponsor, Senator Shin: Encouraging legislator trade mission participation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 1, strike the remainder of the resolution and insert the following:

"WHEREAS, Washington state trade missions play a vital and important role in the state's economic development, promoting the growth of businesses and agriculture, and resulting in job creation; and

WHEREAS, The participation of Washington state legislators in trade missions is critical to the success of fostering strong relations with the state's trading partners and creating new trade opportunities for businesses in Washington state; and

WHEREAS, The participation of Washington state legislators in trade missions enables the legislature to craft legislation which better addresses trade and fosters better understanding between the people of Washington state and the people of other nations; and

WHEREAS, The involvement of Washington state legislators in trade missions should be governed by protocols adopted by the legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That state trade missions will be initiated and organized by the executive of the agency, which includes the Office of the Governor; and

BE IT FURTHER RESOLVED, That the following protocol order of precedence will be established for executive agency trade missions:

- (1) Governor;
- (2) Lieutenant governor;
- (3) Secretary of state;
- (4) State treasurer;
- (5) State auditor;
- (6) Attorney general;
- (7) Superintendent of public instruction;
- (8) Commissioner of public lands;
- (9) Insurance commissioner;
- (10) Chief justice of the supreme court;
- (11) Former governors;
- (12) Justices of the supreme court;
- (13) Members of the executive cabinet:
  - (a) Director of agriculture;
  - (b) Director of trade and economic development;
  - (c) Other members of the governor's executive cabinet;
  - (d) Chief of staff to the governor;
  - (e) Governor's special trade representative;
- (14) Speaker of the house of representatives;
- (15) President pro tempore of the senate;
- (16) Members of the senate;

- (17) Former lieutenant governors;
- (18) Members of the house of representatives;
- (19) Former secretaries of state; and

BE IT FURTHER RESOLVED, That the executive agency organizing the trade mission will inform both houses of the legislature, as well as the chair and ranking minority member of the appropriate legislative committees involved in agriculture and trade issues, of forthcoming trade missions in a timely manner. In its official notice to the legislature and appropriate legislative committees, the executive agency is responsible for providing the following information:

(1) A statement of trade mission objectives, dates, and expected itinerary; and

(2) A description of the type of knowledge, background, and experience held by a delegation member which might provide assistance to the trade mission; and

BE IT FURTHER RESOLVED, That the legislature shall develop criteria for legislator participation in trade missions; and

BE IT FURTHER RESOLVED, That the Office of the Governor, in consultation with the legislature, shall develop a two-tier fee system that establishes separate fees for nonlegislative participants and legislative participants where the fee charged legislative participants, including their guests and legislative staff, does not exceed the actual costs associated with their participation in the trade mission; and

BE IT FURTHER RESOLVED, That the secretary of the Senate and the Chief Clerks of the House of Representatives shall explore and make recommendations to the legislature on methods to cover the costs of legislative member participation in trade missions; and

BE IT FURTHER RESOLVED, That the executive agency may request that one or more of the participating legislators serve as honorary designated leaders of the trade mission; and

BE IT FURTHER RESOLVED, That at least one or more legislators from each caucus of the Senate and the House of Representatives may participate in the trade mission, depending on the size and scope of the trade mission. The legislature will notify the executive agency of legislative participants in a timely manner; and

BE IT FURTHER RESOLVED, That whenever possible, legislators possessing business, foreign market, language, cultural expertise, or pertinent committee involvement to the trade mission are encouraged to participate; and

BE IT FURTHER RESOLVED, That each legislative participant is responsible for assisting the trade mission to achieve its stated goals and objectives; and

BE IT FURTHER RESOLVED, That the designated leader of the trade mission will work closely with agency staff to develop the trade mission protocols and responsibilities and define the working relationship with agency staff; and

BE IT FURTHER RESOLVED, That following completion of the trade mission, upon request, each legislative participant is encouraged to provide feedback concerning the mission and its results to the agency in a timely manner; and

BE IT FURTHER RESOLVED, That nothing in this resolution precludes members of the legislature from participating in the trade mission."

Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Fromhold, Democratic Vice Chair; Ahern; Jackley; Mulliken; O'Brien and Woods.

Voting yea: Representatives Ahern, Dunn, Eickmeyer, Fromhold, Jackley, Mulliken, O'Brien, Van Luven, Veloria, and Woods.

Excused: Representatives Gombosky, and Pflug.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorials and resolutions listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., April 2, 2001, the 85<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Monday, April 2, 2001

The House was called to order at 9:55 a.m. by Speaker Ballard.

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

**MESSAGE FROM THE SENATE**

March 30, 2001

Mr. Speakers:

The Senate has passed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5345,  
SUBSTITUTE SENATE BILL NO. 5347,  
SENATE BILL NO. 5990,  
SUBSTITUTE SENATE BILL NO. 6166,  
SUBSTITUTE SENATE BILL NO. 6167,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

**INTRODUCTIONS AND FIRST READING**

HB 2227 by Representatives Ahern, Gombosky, Schoesler, Wood, Benson, Haigh, Schindler, Conway, Cox, Reardon, Schmidt, Talcott, Campbell and Bush; by request of Department of Veterans Affairs

AN ACT Relating to establishing the eastern Washington veterans' home; amending RCW 72.36.035, 72.36.045, 72.36.055, 72.36.060, 43.60A.075, and 72.36.090; and adding a new section to chapter 72.36 RCW.

Referred to Committee on Appropriations.

HB 2228 by Representative Bush

AN ACT Relating to the right to a speedy trial; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

HB 2229 by Representatives Romero, Rockefeller, Cooper and Fisher

AN ACT Relating to environmental permit streamlining for transportation projects; adding a new section to chapter 43.21A RCW; adding a new chapter to Title 47 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2230 by Representatives Cody, Pflug, Linville, G. Chandler and Quall

AN ACT Relating to state health and employment support benefits for incapacitated or disabled individuals; amending RCW 74.04.005 and 74.09.035; reenacting and amending RCW 74.09.510; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2231 by Representative Clements

AN ACT Relating to the inclusion of the value of employer-provided health insurance in the calculation of an injured worker's wage at time of injury; and amending RCW 51.08.178.

Referred to Committee on Commerce & Labor.

ESSB 5345 by Senate Committee on Ways & Means; by request of Governor Locke

AN ACT Relating to fiscal matters; amending RCW 43.320.130, 76.12.110, 49.70.170, 43.08.250, 82.14.310, 43.72.902, 46.10.040, 72.11.040, 69.50.520, and 72.36.035; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5347 by Senate Committee on Ways & Means; by request of Governor Locke

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency.

Referred to Committee on Capital Budget.

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines; by request of Governor Locke

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Held on First Reading.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Held on First Reading.

SB 5990 by Senators Fairley, Spanel, B. Sheldon and Zarelli; by request of Office of Financial Management

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; and declaring an emergency.



Referred to Committee on Capital Budget.

SSB 6166by Senate Committee on Ways & Means

AN ACT Relating to termination and restatement of plan 1 of the law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.010, 41.26.040, 41.26.061, 44.44.040, 48.62.031, 48.62.051, 2.10.155, 26.09.138, 36.28A.010, 41.04.205, 41.04.270, 41.04.350, 41.04.400, 41.05.320, 41.18.210, 41.20.170, 41.20.175, 41.24.400, 41.32.800, 41.32.860, 41.35.230, 41.40.690, 41.40.850, 41.45.010, 41.45.010, 41.45.020, 41.45.050, 41.45.050, 41.45.070, 41.48.030, 41.48.050, 41.50.030, 41.50.055, 41.50.075, 41.50.075, 41.50.080, 41.50.090, 41.50.110, 41.50.112, 41.50.150, 41.50.255, 41.50.500, 41.50.500, 41.50.670, 43.84.092, 43.84.092, 43.79A.040, 46.52.130, and 72.72.060; reenacting and amending RCW 41.26.030, 6.15.020, 41.45.020, 41.45.060, 41.45.070, and 41.56.030; adding new chapters to Title 41 RCW; creating new sections; repealing RCW 41.26.005, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.075, 41.26.080, 41.26.090, 41.26.100, 41.26.110, 41.26.115, 41.26.120, 41.26.125, 41.26.130, 41.26.135, 41.26.140, 41.26.150, 41.26.160, 41.26.161, 41.26.162, 41.26.170, 41.26.190, 41.26.192, 41.26.194, 41.26.195, 41.26.197, 41.26.200, 41.26.211, 41.26.221, 41.26.240, 41.26.250, 41.26.260, 41.26.270, 41.26.281, 41.26.3901, 41.26.3902, 41.26.3903, and 41.26.410; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 6167by Senate Committee on Ways & Means

AN ACT Relating to actuarial funding of state retirement systems; amending RCW 41.45.010, 41.45.010, 41.45.020, 41.45.030, 41.45.050, 41.45.050, 41.45.061, 41.45.067, 41.45.070, 41.45.080, 41.45.120, and 41.31.020; reenacting and amending RCW 41.45.020, 41.45.060, 41.45.061, and 41.45.070; adding new sections to chapter 41.45 RCW; decodifying RCW 41.45.0602; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

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

## REPORTS OF STANDING COMMITTEES

April 2, 2001

HB 1832 Prime Sponsor, Representative Linville: Modifying provisions concerning water management. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Fromhold; Grant; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson; Dunshee; Kagi; Keiser; McIntire and Schual-Berke.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Fromhold, Grant, Kenney, Kessler, Lambert, Linville, Mastin, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Talcott, and Tokuda.

Voting nay: Representatives Dunshee, Kagi, Keiser, McIntire, and Schual-Berke.  
Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1853 Prime Sponsor, Representative Morris: Clarifying a supreme court decision on taxes. Reported by  
Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Cairnes, Republican Co-Chair; Morris, Democratic Co-Chair; Berkey, Democratic Vice Chair; Roach, Republican Vice Chair; Carrell and Conway.

MINORITY recommendation: Without recommendation. Signed by Representatives Santos and Veloria.

Voting yea: Representatives Cairnes, Morris, Berkey, Roach, Carrell, and Conway.

Voting nay: Representatives Santos, and Veloria.

Excused: Representatives Pennington, and Van Luven.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 2104 Prime Sponsor, Representative Rockefeller: Providing for an increase in forest fire protection funds.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

SSB 5101 Prime Sponsor, Senate Committee On Labor, Commerce & Financial Institutions: Protecting  
consumers in contractor transactions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by the Committee on Commerce & Labor. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements,

Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky

Passed to Committee on Rules for second reading.

April 2, 2001

SSB 5118 Prime Sponsor, Senate Committee On Ways & Means: Enacting the interstate compact for adult offender supervision. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

SSB 5182 Prime Sponsor, Senate Committee On Environment, Energy & Water: Ensuring a sustainable, comprehensive pipeline safety program in the state. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Agriculture and Ecology.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The intent of this act is to ensure a sustainable, comprehensive, pipeline safety program, to protect the health and safety of the citizens of the state of Washington, and maintain the quality of the state's environment. The legislature finds that public safety and the environment are best protected by securing permanent funding for this program through establishment of a regulatory fee imposed on hazardous liquids and gas pipelines.

**NEW SECTION. Sec. 2.** A new section is added to chapter 80.24 RCW to read as follows:

(1)(a) Every gas company and every interstate gas pipeline company subject to inspection or enforcement by the commission shall pay an annual pipeline safety fee to the commission. The pipeline safety fees received by the commission shall be deposited in the pipeline safety account created in RCW 81.88.050.

(b) The aggregate amount of fees set shall be sufficient to recover the reasonable costs of administering the pipeline safety program, taking into account federal funds used to offset the costs. The fees established under this section shall be designed to generate revenue not exceeding appropriated levels of funding for the current fiscal year. At a minimum, the fees established under this section shall be sufficient to adequately fund pipeline inspection personnel, the timely review of pipeline safety and integrity plans, the timely development of spill response plans, the timely development of accurate maps of pipeline locations, participation in federal pipeline safety efforts to the extent allowed by law, and the staffing of the citizens committee on pipeline safety.

(c) Increases in the aggregate amount of fees over the immediately preceding fiscal year are subject to the requirements of RCW 43.135.055.

(2) The commission shall by rule establish the methodology it will use to set the appropriate fee for each entity subject to this section. The methodology shall provide for an equitable distribution of program costs among all entities subject to the fee. The fee methodology shall provide for:

(a) Direct assignment of average costs associated with annual standard inspections, including the average number of inspection days per year. In establishing these directly assignable costs, the commission shall consider the requirements and guidelines of the federal government, state safety standards, and good engineering practice; and

(b) A uniform and equitable means of estimating and allocating costs of other duties relating to inspecting pipelines for safety that are not directly assignable, including but not limited to design review and construction inspections, specialized inspections, incident investigations, geographic mapping system design and maintenance, and administrative support.

(3) The commission shall require reports from those entities subject to this section in the form and at such time as necessary to set the fees. After considering the reports supplied by the entities, the commission shall set the amount of the fee payable by each entity by general order entered before July 1st of each year.

(4) For companies subject to RCW 80.24.010, the commission shall collect the pipeline safety fee as part of the fee specified in RCW 80.24.010. The commission shall allocate the moneys collected under RCW 80.24.010 between the pipeline safety program and for other regulatory purposes. The commission shall adopt rules that assure that fee moneys related to the pipeline safety program are maintained separately from other moneys collected by the commission under this chapter.

(5) Any payment of the fee imposed by this section made after its due date must include a late fee of two percent of the amount due. Delinquent fees accrue interest at the rate of one percent per month.

(6) The commission shall keep accurate records of the costs incurred in administering its gas pipeline safety program, and the records are open to inspection by interested parties. The records and data upon which the commission's determination is made shall be prima facie correct in any proceeding to challenge the reasonableness or correctness of any order of the commission fixing fees and distributing regulatory expenses.

(7) If any entity seeks to contest the imposition of a fee imposed under this section, that entity shall pay the fee and request a refund within six months of the due date for the payment by filing a petition for a refund with the commission. The commission shall establish by rule procedures for handling refund petitions and may delegate the decisions on refund petitions to the secretary of the commission.

(8) After establishing the fee methodology by rule as required in subsection (2) of this section, the commission shall create a regulatory incentive program for pipeline safety programs in collaboration with the citizens committee on pipeline safety. The regulatory incentive program created by the commission shall not shift costs among companies paying pipeline safety fees and shall not decrease revenue to pipeline safety programs. The regulatory incentive program shall not be implemented until after the review conducted according to section 4 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 81.24 RCW to read as follows:

(1)(a) Every hazardous liquid pipeline company as defined in RCW 81.88.010 shall pay an annual pipeline safety fee to the commission. The pipeline safety fees received by the commission shall be deposited in the pipeline safety account created in RCW 81.88.050.

(b) The aggregate amount of fees set shall be sufficient to recover the reasonable costs of administering the pipeline safety program, taking into account federal funds used to offset the costs. The fees established under this section shall be designed to generate revenue not exceeding appropriated levels of funding for the current fiscal year. At a minimum, the fees established under this section shall be sufficient to adequately fund pipeline inspection personnel, the timely review of pipeline safety and integrity plans, the timely development of spill response plans, the timely development of accurate maps of pipeline locations, participation in federal pipeline safety efforts to the extent allowed by law, and the staffing of the citizens committee on pipeline safety.

(c) Increases in the aggregate amount of fees over the immediately preceding fiscal year are subject to the requirements of RCW 43.135.055.

(2) The commission shall by rule establish the methodology it will use to set the appropriate fee for each entity subject to this section. The methodology shall provide for an equitable distribution of program costs

among all entities subject to the fee. The fee methodology shall provide for:

(a) Direct assignment of average costs associated with annual standard inspections, including the average number of inspection days per year. In establishing these directly assignable costs, the commission shall consider the requirements and guidelines of the federal government, state safety standards, and good engineering practice; and

(b) A uniform and equitable means of estimating and allocating costs of other duties relating to inspecting pipelines for safety that are not directly assignable, including but not limited to design review and construction inspections, specialized inspections, incident investigations, geographic mapping system design and maintenance, and administrative support.

(3) The commission shall require reports from those entities subject to this section in the form and at such time as necessary to set the fees. After considering the reports supplied by the entities, the commission shall set the amount of the fee payable by each entity by general order entered before July 1st of each year.

(4) For companies subject to RCW 81.24.010, the commission shall collect the pipeline safety fee as part of the fee specified in RCW 81.24.010. The commission shall allocate the moneys collected under RCW 81.24.010 between the pipeline safety program and for other regulatory purposes. The commission shall adopt rules that assure that fee moneys related to the pipeline safety program are maintained separately from other moneys collected by the commission under this chapter.

(5) Any payment of the fee imposed by this section made after its due date must include a late fee of two percent of the amount due. Delinquent fees accrue interest at the rate of one percent per month.

(6) The commission shall keep accurate records of the costs incurred in administering its hazardous liquid pipeline safety program, and the records are open to inspection by interested parties. The records and data upon which the commission's determination is made shall be prima facie correct in any proceeding to challenge the reasonableness or correctness of any order of the commission fixing fees and distributing regulatory expenses.

(7) If any entity seeks to contest the imposition of a fee imposed under this section, that entity shall pay the fee and request a refund within six months of the due date for the payment by filing a petition for a refund with the commission. The commission shall establish by rule procedures for handling refund petitions and may delegate the decisions on refund petitions to the secretary of the commission.

(8) After establishing the fee methodology by rule as required in subsection (2) of this section, the commission shall create a regulatory incentive program for pipeline safety programs in collaboration with the citizens committee on pipeline safety. The regulatory incentive program created by the commission shall not shift costs among companies paying pipeline safety fees and shall not decrease revenue to pipeline safety programs. The regulatory incentive program shall not be implemented until after the review conducted according to section 4 of this act.

**NEW SECTION. Sec. 4.** A new section is added to chapter 81.88 RCW to read as follows:

The joint legislative audit and review committee shall review staff use, inspection activity, fee methodology, and costs of the hazardous liquid and gas pipeline safety programs and report to the appropriate legislative committees by July 1, 2003. The report shall include a comparison of interstate and intrastate programs, including but not limited to the number and complexity of regular and specialized inspections, mapping requirements for each program, and allocation of administrative costs to each program.

**Sec. 5.** RCW 19.122.055 and 2000 c 191 s 24 are each amended to read as follows:

(1) Any person who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation.

(2) All civil penalties recovered under this section (~~((relating to hazardous liquid pipelines))~~) shall be deposited into the (~~((hazardous liquid))~~) pipeline safety account created in RCW 81.88.050. (~~((All civil penalties recovered under this section relating to gas pipelines shall be deposited in the general fund and expended for the purpose of enforcement of gas pipeline safety laws.))~~)

**Sec. 6.** RCW 81.88.010 and 2000 c 191 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) (~~"Department" means the department of ecology.~~

~~(3))~~ (3) "Failsafe" means a design feature that will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or control device.

~~((4))~~ (3) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

~~((5))~~ (4) "Gas pipeline" means all parts of a pipeline facility through which gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Gas pipeline" does not include process or transfer pipelines.

~~((6))~~ (5) "Gas pipeline company" means a person or entity constructing, owning, or operating a gas pipeline for transporting gas. A "gas pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a gas pipeline company.

~~((7))~~ (6) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide.

~~((8))~~ (7) "Local government" means a political subdivision of the state or a city or town.

~~((9))~~ (8) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any political subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

~~((10))~~ (9) "Pipeline," "pipeline system," or "hazardous liquid pipeline" means all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines.

~~((11))~~ (10) "Pipeline company" or "hazardous liquid pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid. A "pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

~~((12))~~ (11) "Reportable release" means a spilling, leaking, pouring, emitting, discharging, or any other uncontrolled escape of a hazardous liquid in excess of one barrel, or forty-two gallons.

~~((13))~~ (12) "Safety management systems" means management systems that include coordinated and interdisciplinary evaluations of the effect of significant changes to a pipeline system before such changes are implemented.

~~((14))~~ (13) "Transfer pipeline" means a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, or tank vessel or storage tanks.

~~((15))~~ (14) "Transmission pipeline" means a gas pipeline that transports gas within a storage field, or transports gas from an interstate pipeline or storage facility to a distribution main or a large volume gas user, or operates at a hoop stress of twenty percent or more of the specified minimum yield strength.

**Sec. 7.** RCW 81.88.050 and 2000 c 191 s 4 are each amended to read as follows:

(1) The (~~hazardous liquid~~) pipeline safety account is created in the custody of the state treasurer. All fees received by the commission for the pipeline safety program according to sections 2 and 3 of this act and all receipts from the federal office of pipeline safety and any other state or federal funds provided for (~~hazardous liquid~~) pipeline safety (~~must~~) shall be deposited in the account, except as provided in subsection (2) of this section. Any fines collected under this chapter, or otherwise designated to this account must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be

used only for funding pipeline safety.

(2) Federal funds received before June 30, 2001, shall be treated as receipt of unanticipated funds and expended, without appropriation, for the designated purposes.

**Sec. 8.** RCW 80.01.080 and 1961 c 14 s 80.01.080 are each amended to read as follows:

The transportation revolving fund and the public utilities revolving fund are abolished as of April 1, 1949, and as of such date there is created in the state treasury a "Public Service Revolving Fund" to which shall be transferred all moneys which then remain on hand to the credit of the transportation revolving fund and the public utilities revolving fund, subject, however, to outstanding warrants and other obligations chargeable to appropriations made from such funds. From and after April 1, 1949, regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

**Sec. 9.** RCW 81.88.060 and 2000 c 191 s 5 are each amended to read as follows:

(1) A comprehensive program of hazardous liquid pipeline safety is authorized by RCW 81.88.010, 81.88.040, 81.88.050, 81.88.090, 81.88.100, (~~81.88.130,~~) 48.48.160, and this section to be developed and implemented consistent with federal law. (~~Except as provided in subsection (6) of this section,~~) The commission shall administer and enforce all laws related to hazardous liquid pipeline safety.

(2) The commission shall adopt rules for pipeline safety standards for hazardous liquid pipeline transportation that:

(a) Require pipeline companies to design, construct, operate, and maintain their pipeline facilities so they are safe and efficient;

(b) Require pipeline companies to rapidly locate and isolate all reportable releases from pipelines, that may include:

(i) Installation of remote control shut-off valves; and

(ii) Installation of remotely monitored pressure gauges and meters;

(c) Require the training and certification of personnel who operate pipelines and the associated systems;

(d) Require reporting of emergency situations, including emergency shutdowns and material defects or physical damage that impair the serviceability of a pipeline; and

(e) Require pipeline companies to submit operations safety plans to the commission once every five years, as well as any amendments to the plan made necessary by changes to the pipeline system or its operation. The safety plan shall include emergency response procedures.

(3) The commission shall approve operations safety plans if they have been deemed fit for service. A plan shall be deemed fit for service when it provides for pipelines that are designed, developed, constructed, operated, and periodically modified to provide for protection of public safety and the environment. Pipeline operations safety plans shall, at a minimum, include:

(a) A schedule of inspection and testing within the pipeline distribution system of:

(i) All mechanical components;

(ii) All electronic components; and

(iii) The structural integrity of all pipelines as determined through pressure testing, internal inspection tool surveys, or another appropriate technique;

(b) Failsafe systems;

(c) Safety management systems; and

(d) Emergency management training for pipeline operators.

(4) The commission shall coordinate information related to pipeline safety by providing technical assistance to local planning and siting authorities.

(5) The commission shall evaluate, and consider adopting, proposals developed by the federal office of pipeline safety, the national transportation safety board, and other agencies and organizations related to methods and technologies for testing the integrity of pipeline structure, leak detection, and other elements of pipeline operation.

~~((6) The authorities of RCW 81.88.010, 81.88.040, 81.88.050, 81.88.090, 81.88.100, 81.88.130, 48.48.160, and this section relating to hazardous liquid pipeline safety shall be transferred from the commission to the department pursuant to RCW 81.88.130 upon the occurrence of either:~~

~~—— (a) Amendments to federal pipeline safety laws to eliminate preemption of state authority to regulate safety requirements for such pipelines; or~~

~~—— (b) The granting of federal authority to the state to enforce or adopt any safety requirements for interstate hazardous liquid pipelines.))~~

**Sec. 10.** RCW 81.88.090 and 2000 c 191 s 9 are each amended to read as follows:

(1) The commission ~~((and the department))~~ shall apply for federal delegation for the state's program for the purposes of enforcement of federal hazardous liquid pipeline safety requirements. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the ~~((department))~~ commission, at a minimum, shall do the following:

(a) Inspect hazardous liquid pipelines periodically as specified in the inspection program;

(b) Collect fees;

(c) Order and oversee the testing of hazardous liquid pipelines as authorized by federal law and regulation; and

(d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission ~~((and the department))~~ shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate hazardous liquid pipelines.

(3) Upon delegation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the ~~((department))~~ commission shall adopt rules for interstate pipelines that are no less stringent than the state's laws and rules for intrastate hazardous liquid pipelines.

**Sec. 11.** RCW 81.88.140 and 2000 c 191 s 14 are each amended to read as follows:

(1) The citizens committee on pipeline safety is established to advise the state agencies and other appropriate federal and local government agencies and officials on matters relating to hazardous liquid and gas pipeline safety, routing, construction, operation, and maintenance. The committee shall serve as an advisory committee for the commission on matters relating to the commission's pipeline safety programs and activities. The commission shall consult with and provide periodic reports to the committee on matters related to the commission's pipeline safety programs and activities, including but not limited to the development and regular review of funding elements for pipeline safety programs and activities.

(2) The committee shall have thirteen total members who shall be appointed by the governor to staggered three-year terms and shall consist of: (a) Nine members representing local government, including elected officials and the public; and (b) four nonvoting members, representing owners and operators of hazardous liquid and gas pipelines. All members of the committee, voting and nonvoting, may participate fully in the committee's meetings, activities, and deliberations and shall timely receive all notices and information related to committee business and decisions.

(3) The committee shall review and comment on proposed rules and the operation of the state pipeline safety programs.

~~((2))~~ (4) The committee may create one or more technical advisory committees comprised of gas and hazardous liquid pipeline owners or operators, agency representatives, natural resource and environmental interests, or other interested parties.

~~((3))~~ (5) The committee established in ~~((subsection (1) of))~~ this section constitutes a class one group under RCW 43.03.220. Expenses for this group, as well as staff support, shall be provided by the utilities and transportation commission ~~((and, if additional pipeline authority is transferred to it, the department of ecology)).~~

NEW SECTION. **Sec. 12.** RCW 81.88.130 (Transfer of powers, duties, and functions of commission to department--Delegation of federal authority--Determination by office of financial management) and 2000 c



191 s 13 are each repealed.

NEW SECTION. **Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky

Passed to Committee on Rules for second reading.

April 2, 2001

SB 5256 Prime Sponsor, Senator Kastama: Enacting the emergency management assistance compact. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government (for amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001). Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky

Passed to Committee on Rules for second reading.

April 2, 2001

SB 5315 Prime Sponsor, Senator Fraser: Including drinking water accounts in interest-bearing accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky

Passed to Committee on Rules for second reading.

March 31, 2001

ESSB 5413 Prime Sponsor, Senate Committee On Human Services & Corrections: Improving accountability in child dependency cases. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without the amendment by Committee on Children and Family Services.

**"NEW SECTION. Sec. 1.** A new section is added to chapter 13.34 RCW to read as follows:

(1) Following shelter care and no later than twenty-five days prior to fact-finding, the department, upon the parent's request, shall facilitate a conference to develop and specify in a written service agreement the expectations of both the department and the parent regarding the care and placement of the child.

The department shall invite to the conference the parent, the foster parent or other out-of-home care provider, caseworker, counselor, or other relevant health care provider, and any other person connected to the development and well-being of the child.

The initial written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific criteria that enables the court to measure the performance of both the department and the parent, and must be updated throughout the dependency process to reflect changes in expectations. The service agreement must serve as the unifying document for all expectations established in the department's various case planning and case management documents and the findings and orders of the court during dependency proceedings.

The court shall review the written service agreement at each stage of the dependency proceedings and evaluate the performance of both the department and the parent for consistent, measurable progress in complying with the expectations identified in the agreement.

(2) At any other stage in a dependency proceeding, the department, upon the parent's request, shall facilitate a case conference.

**Sec. 2.** RCW 13.34.062 and 2000 c 122 s 5 are each amended to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The

caseworker's name and telephone number are: (insert name and telephone number) .

5. You may request that the department facilitate a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may participate in the case conference."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(6) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

**Sec. 3.** RCW 13.34.065 and 2000 c 122 s 7 are each amended to read as follows:

(1) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department.

(2) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child;

or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

(3) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent and give weight to that fact before ordering return of the child to shelter care.

(4) If a child is returned home from shelter care a second time, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(5) If a child is returned home from shelter care a second time, a law enforcement officer must be present and file a report.

**Sec. 4.** RCW 13.34.180 and 2000 c 122 s 25 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that

present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge. You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

**Sec. 5.** RCW 13.34.138 and 2000 c 122 s 19 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be set six months from the beginning date of the placement episode or no more than sixty to ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing

care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

**NEW SECTION. Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows:

The department shall inform parents who request a case conference about the process prior to the process being undertaken.

**Sec. 7.** RCW 13.34.110 and 2000 c 122 s 11 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

(2)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department of social and health services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

(b) Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall

consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

(c) Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must complete a Stipulated/Agreed Dependency Fact-Finding/Disposition Statement. The form of this statement shall be determined by the Washington state supreme court pursuant to General Rule GR 9 and shall include the following:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

(3) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: ((1)) (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; ((2)) (b) are known to the department as having been in contact with the family or child within the past twelve months; and ((3)) (c) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. ((The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.))"

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schual-Berke; and Talcott.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schual-Berke, and Talcott.

Excused: Representatives Gombosky, Schmidt, and Tokuda.

Passed to Committee on Rules for second reading.

April 2, 2001

ESSB 5500 Prime Sponsor, Senate Committee On Human Services & Corrections: Revising programs and proceedings for children under the BECCA and HOPE acts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Juvenile Justice.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.32A.030 and 2000 c 123 s 2 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center, or his or her designee.

(3) "At-risk youth" means a juvenile:

(a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent; or

(b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or

(c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse; or

(d) Who refuses or fails to comply with the compulsory school attendance laws as provided under chapter 28A.225 RCW in addition to either (a), (b), or (c) of this subsection.

(4) "Child," "juvenile," and "youth" mean any unemancipated individual who is under the chronological age of eighteen years.

(5) "Child in need of services" means a juvenile:

(a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person;

(b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours on two or more separate occasions from the home of either parent, a crisis residential center, an out-of-home placement, or a court-ordered placement; and

(i) Has exhibited a serious substance abuse problem; or

(ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or

(c)(i) Who is in need of: (A) Necessary services, including food, shelter, health care, clothing, or education; or (B) services designed to maintain or reunite the family;

(ii) Who lacks access to, or has declined to utilize, these services; and

(iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

(6) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department seeking adjudication of placement of the child.

(7) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(8) "Custodian" means the person or entity who has the legal right to the custody of the child.



(9) "Department" means the department of social and health services.

(10) "Extended family member" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

(11) "Guardian" means that person or agency that (a) has been appointed as the guardian of a child in a legal proceeding other than a proceeding under chapter 13.34 RCW, and (b) has the right to legal custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

(12) "Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent. The team shall include the parent, a department case worker, a local government representative when authorized by the local government, and when appropriate, members from the mental health and substance abuse disciplines. The team may also include, but is not limited to, the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, therapists, medical personnel, social service providers, placement providers, and extended family members. The team members shall be volunteers who do not receive compensation while acting in a capacity as a team member, unless the member's employer chooses to provide compensation or the member is a state employee.

(13) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(14) "Parent" means the parent or parents who have the legal right to custody of the child. "Parent" includes custodian or guardian.

(15) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(16) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(17) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department with a ratio of at least one adult staff member to every two children.

(18) "Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

**Sec. 2.** RCW 13.32A.160 and 2000 c 123 s 19 are each amended to read as follows:

(1) When a proper child in need of services petition to approve an out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding hearing to be held: (A) For a child who resides in a place other than his or her parent's home and other than an out-of-home placement, within five calendar days unless the last calendar day is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day; or (B) for a child living at home or in an out-of-home placement, within ten days; and (ii) notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving a child in need of services petition; (e) notify the parents of their rights under this chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to file a motion requesting that the court convert the petition to an at-risk youth petition, the right to submit an application for admission of

their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition; and (f) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of a child in need of services petition, the child may be placed, if not already placed by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence other than a HOPE center to be determined by the department. The court may place a child in a crisis residential center for a temporary out-of-home placement as long as the requirements of RCW 13.32A.125 are met.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three judicial days upon the request of the juvenile or the juvenile's parent.

**Sec. 3.** RCW 13.32A.170 and 2000 c 123 s 20 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper child in need of services petition, giving due weight to the intent of the legislature that families have the right to place reasonable restrictions and rules upon their children, appropriate to the individual child's developmental level. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. At the commencement of the hearing, the court shall advise the parents of their rights as set forth in RCW 13.32A.160(1). If the court approves or denies a child in need of services petition, a written statement of the reasons must be filed.

(2) The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence, including a departmental recommendation for approval or dismissal of the petition, that:

(a) The child is a child in need of services as defined in RCW 13.32A.030(5);

(b) If the petitioner is a child, he or she has made a reasonable effort to resolve the conflict;

(c) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(d) A suitable out-of-home placement resource is available.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

The court may not grant the petition if the child is the subject of a proceeding under chapter 13.34 RCW.

(3) Following the fact-finding hearing the court shall: (a) Approve a child in need of services petition and, if appropriate, enter a temporary out-of-home placement for a period not to exceed fourteen days pending approval of a disposition decision to be made under RCW 13.32A.179(2); (b) approve the parent's motion to convert the petition to an at-risk youth petition (~~filed by the parents and dismiss the child in need of services petition~~) and approve the at-risk youth petition; or (c) dismiss the petition.

At any time the court may order the department to review the case to determine whether the case is appropriate for a dependency petition under chapter 13.34 RCW.

**Sec. 4.** RCW 13.32A.179 and 2000 c 123 s 21 are each amended to read as follows:

(1) A disposition hearing shall be held no later than fourteen days after the approval of the temporary out-of-home placement. The parents, child, and department shall be notified by the court of the time and place of the hearing.

(2) At the conclusion of the disposition hearing, the court may: (a) Reunite the family and dismiss the petition; (b) approve the parent's motion to convert the petition to an at-risk youth petition (~~filed by the parents and dismiss the child in need of services petition~~) and approve the at-risk youth petition; (c) approve an out-of-home placement requested in the child in need of services petition by the parents; or (d) order an out-of-home placement at the request of the child or the department not to exceed ninety days.

At any time the court may order the department to review the matter for purposes of filing a dependency petition under chapter 13.34 RCW. Whether or not the court approves or orders an out-of-home placement, the

court may also order any conditions of supervision as set forth in RCW 13.32A.196(3).

(3) The court may only enter an order under subsection (2)(d) of this section if it finds by clear, cogent, and convincing evidence that: (a)(i) The order is in the best interest of the family; (ii) the parents have not requested an out-of-home placement; (iii) the parents have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable efforts to resolve the problems that led to the filing of the petition; (v) the problems cannot be resolved by delivery of services to the family during continued placement of the child in the parental home; (vi) reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and (vii) a suitable out-of-home placement resource is available; (b)(i) the order is in the best interest of the child; and (ii) the parents are unavailable; or (c) the parent's actions cause an imminent threat to the child's health or safety.

(4) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. The plan, if ordered, shall address the needs of the child, and the perceived needs of the parents if the order was entered under subsection (2)(d) of this section or if specifically agreed to by the parents. If the parents do not agree or the order was not entered under subsection (2)(d) of this section the plan may only make recommendations regarding services in which the parents may voluntarily participate. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided with timely notification of all court hearings.

(5) At any time during the pendency of a child in need of services petition or following approval of a child in need of services petition, the court may, subject to available resources, order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department.

(6) A child who fails to comply with a court order issued under this section shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within one year after the entry of the order.

~~((6))~~ (7) After the court approves or orders an out-of-home placement, the parents or the department may request, and the court may grant, dismissal of the child in need of services proceeding when it is not feasible for the department to provide services due to one or more of the following circumstances:

(a) The child has been absent from court approved placement for thirty consecutive days or more;

(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or

(c) The department has exhausted all available and appropriate resources that would result in reunification.

~~((7))~~ (8) The court shall dismiss a placement made under subsection (2)(c) of this section upon the request of the parents.

**Sec. 5.** RCW 13.32A.190 and 1996 c 133 s 25 are each amended to read as follows:

(1) Upon making a dispositional order under RCW 13.32A.179, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel and/or a guardian ad litem to represent the child at the review hearing, advise parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their rights to present evidence at the hearing. Where resources are available, the court shall encourage the parent and child to participate in programs for reconciliation of their conflict.

(2) At the review hearing, the court shall approve or disapprove the continuation of the dispositional plan in accordance with this chapter. The court shall determine whether reasonable efforts have been made to reunify the family and make it possible for the child to return home. The court shall discontinue the placement and order that the child return home if the court has reasonable grounds to believe that the parents have made reasonable efforts to resolve the conflict and the court has reason to believe that the child's refusal to return home is capricious. If out-of-home placement is continued, the court may modify the dispositional plan.

(3) At its discretion, the court may hold a hearing to review a child in need of services matter at any time

throughout the duration of the proceeding.

(4) Out-of-home placement may not be continued past one hundred eighty days from the day the review hearing commenced. The court shall order the child to return to the home of the parent at the expiration of the placement. If an out-of-home placement is disapproved prior to one hundred eighty days, the court shall enter an order requiring the child to return to the home of the child's parent.

~~((4))~~ (5) The parents and the department may request, and the juvenile court may grant, dismissal of an out-of-home placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:

- (a) The child has been absent from court approved placement for thirty consecutive days or more;
- (b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or
- (c) The department has exhausted all available and appropriate resources that would result in reunification.

~~((5))~~ (6) The court shall terminate a placement made under this section upon the request of a parent unless the placement is made pursuant to RCW 13.32A.179(3).

~~((6))~~ (7) The court may dismiss a child in need of services petition filed by a parent at any time if the court finds good cause to believe that continuation of out-of-home placement would serve no useful purpose.

~~((7))~~ (8) The court shall dismiss a child in need of services proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

**Sec. 6.** RCW 13.32A.196 and 2000 c 123 s 24 are each amended to read as follows:

(1) A dispositional hearing shall be held no later than fourteen days after the fact-finding hearing. Each party shall be notified of the time and date of the hearing.

(2) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(3) The court may set conditions of supervision for the child that include:

- (a) Regular school attendance;
- (b) Counseling;
- (c) Participation in a substance abuse or mental health outpatient treatment program;
- (d) Reporting on a regular basis to the department or any other designated person or agency; and
- (e) Any other condition the court deems an appropriate condition of supervision including but not limited to: Employment, participation in an anger management program, and refraining from using alcohol or drugs.

(4) No dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

(5) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled.

(6) The parent may request dismissal of an at-risk youth proceeding or out-of-home placement at any time. Upon such a request, the court shall dismiss the matter and cease court supervision of the child unless: (a) A contempt action is pending in the case; (b) a petition has been filed under RCW 13.32A.150 and a hearing has not yet been held under RCW 13.32A.179; or (c) an order has been entered under RCW 13.32A.179(3) and the court retains jurisdiction under that subsection. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

(7) An at-risk youth proceeding converted from a truancy proceeding under chapter 28A.225 RCW shall revert to being a truancy proceeding under chapter 28A.225 RCW if, pursuant to subsection (6) of this section, the at-risk youth petition is dismissed.

(8) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

(9) At any time during the pendency of an at-risk youth petition or following approval of an at-risk youth petition, the court may, subject to available resources, order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department.

**Sec. 7.** RCW 13.32A.198 and 1990 c 276 s 15 are each amended to read as follows:

(1) Upon making a disposition regarding an adjudicated at-risk youth, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel for the child, advise the parent of the right to be represented by legal counsel at the review hearing at the parent's own expense, and notify the parties of their rights to present evidence at the hearing.

(2) At the review hearing, the court shall approve or disapprove the continuation of court supervision in accordance with the goal of assisting the parent to maintain the care, custody, and control of the child. The court shall determine whether the parent and child are complying with the dispositional plan. If court supervision is continued, the court may modify the dispositional plan.

(3) At its discretion, the court may hold a hearing to review an at-risk youth matter at any time throughout the duration of the proceeding.

(4) Court supervision of the child may not be continued past one hundred eighty days from the day the review hearing commenced unless the court finds, and the parent agrees, that there are compelling reasons for an extension of supervision. Any extension granted pursuant to this subsection shall not exceed ninety days.

~~((4))~~ (5) The court may dismiss an at-risk youth proceeding at any time if the court finds good cause to believe that continuation of court supervision would serve no useful purpose or that the parent is not cooperating with the court-ordered case plan. The court shall dismiss an at-risk youth proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

(6) An at-risk youth proceeding converted from a truancy proceeding under chapter 28A.225 RCW shall revert to being a truancy proceeding under chapter 28A.225 RCW if, pursuant to this section, the at-risk youth petition is dismissed.

**Sec. 8.** RCW 28A.225.035 and 1999 c 319 s 3 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4) When a petition is filed under RCW 28A.225.030 or 28A.225.015, the juvenile court shall schedule a hearing at which the court shall consider the petition, or if the court determines that a referral to an available community truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court.

(5) If a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within thirty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The agreement

shall be presented to the juvenile court for its approval.

(6) The court shall approve the agreement by order or schedule a hearing. The court may, if the school district and community truancy board agree, permit the truancy board to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015, and report on compliance with the order.

(7) If the truancy board fails to reach an agreement, the truancy board shall return the case to the juvenile court for a hearing.

(8) Notwithstanding the provisions in subsection (4) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. When a juvenile court hearing is held, the court shall:

(a) Separately notify the child, the parent of the child, and the school district of the hearing;

(b) Notify the parent and the child of their rights to present evidence at the hearing; and

(c) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(9) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(10) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(11) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

(16) At any time after the filing of a truancy petition on his or her child, and subsequent to a family assessment as provided under RCW 13.32A.150(1), a parent may file with the court a motion requesting the matter be converted to an at-risk youth proceeding under chapter 13.32A RCW. The court shall approve the motion unless there is a pending contempt action under this chapter or the court has reason to believe the conversion would not be in the best interest of the child.

**Sec. 9.** RCW 28A.225.090 and 2000 c 162 s 6 and 2000 c 61 s 1 are each reenacted and amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, including suspensions;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that

the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the drug assessment at no expense to the school.

(2)(a) If the child fails to comply with the court order, the court may order the child to be placed in confinement for contempt, either in a juvenile detention facility operated by or under a contract with a county or in a secure facility that is a separate, secure section of a juvenile detention facility, or may impose alternatives to confinement such as community service. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. In no case may a child in contempt be confined in a secure facility that is freestanding outside a juvenile detention facility.

(b) If the child fails to comply with the court order, the court may, subject to available resources, order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department. The court shall hold a review hearing within fourteen days of the contempt finding and, pursuant to the results of the assessment, may order conditions of supervision, including regular school attendance, counseling, participation in a substance abuse or mental health outpatient treatment program, and any other condition the court deems an appropriate condition of supervision.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4)(a) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(b) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may, subject to available resources, order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department. The court shall hold a review hearing within fourteen days of the contempt finding and, pursuant to the results of the assessment, may order conditions of supervision, including regular school attendance, counseling, participation in a substance abuse or mental health outpatient treatment program, and any other condition the court deems an appropriate condition of supervision.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015.

**Sec. 10.** RCW 28A.225.090 and 2000 c 162 s 15 and 2000 c 61 s 1 are each reenacted and amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, including suspensions;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the drug assessment at no expense to the school.

(2)(a) If the child fails to comply with the court order, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community service. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(b) If the child fails to comply with the court order, the court may, subject to available resources, order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department. The court shall hold a review hearing within fourteen days of the contempt finding and, pursuant to the results of the assessment, may order conditions of supervision, including regular school attendance, counseling, participation in a substance abuse or mental health outpatient treatment program, and any other condition the court deems an appropriate condition of supervision.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4)(a) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not



subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(b) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may, subject to available resources, order that a risk and needs assessment of the child be conducted by juvenile court staff, a community agency identified by the court, or the department. The court shall hold a review hearing within fourteen days of the contempt finding and, pursuant to the results of the assessment, may order conditions of supervision, including regular school attendance, counseling, participation in a substance abuse or mental health outpatient treatment program, and any other condition the court deems an appropriate condition of supervision.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015.

**NEW SECTION. Sec. 11.** A new section is added to chapter 74.15 RCW to read as follows:

Any person acting reasonably, in good faith, and in compliance with the requirements of the HOPE act (chapter 267, Laws of 1999) shall be immune from civil or criminal liability for receiving or sheltering the child. Immunity does not apply to acts of intentional misconduct or gross negligence.

**Sec. 12.** RCW 13.32A.070 and 1996 c 133 s 13 are each amended to read as follows:

(1) A law enforcement officer acting in good faith pursuant to this chapter is immune from civil or criminal liability for such action.

(2) A person with whom a child is placed pursuant to this chapter and who acts reasonably and in good faith is immune from civil or criminal liability ~~((for the act of receiving the child))~~ for receiving or sheltering the child. The immunity does not release the person from liability under any other law.

**Sec. 13.** RCW 13.32A.125 and 1995 c 312 s 44 are each amended to read as follows:

In approving a petition under this chapter, a child may be placed in a semi-secure crisis residential center as a temporary out-of-home placement under the following conditions: (1) No other suitable out-of-home placement is available; (2) space is available in the semi-secure crisis residential center; and (3) no child will be denied access for a five-day placement due to this placement.

Any child referred to a semi-secure crisis residential center by a law enforcement officer, the department, or himself or herself shall have priority over a temporary out-of-home placement in the facility. Any out-of-home placement order shall be subject to this priority, and the administrator of the semi-secure crisis residential center shall transfer the temporary out-of-home placement youth to a new out-of-home placement as necessary to ensure access for youth needing the semi-secure crisis residential center.

A crisis residential center and any person employed at the center acting reasonably and in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

**Sec. 14.** 1999 c 267 s 24 (uncodified) is amended to read as follows:

The Washington state institute for public policy shall review the effectiveness of the HOPE centers and the responsible living skills programs. The study shall include the characteristics of the youth being served, the services offered to participating youth, the success of permanent placement of youth, the number of youth participating in each program, the number of youth who successfully complete the responsible living skills program, educational achievement of participants, employment history of participants, the outcomes for youth who have progressed through the programs, and other measures that the institute deems helpful in determining the measurable outcomes of sections 10 through 26 of this act.

The review shall be submitted to the legislature and the governor not later than December 1, ~~((2001))~~ 2002.

**NEW SECTION. Sec. 15.** Section 9 of this act expires July 1, 2002.

**NEW SECTION. Sec. 16.** Section 10 of this act takes effect July 1, 2002.

**NEW SECTION. Sec. 17.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Kessler and Lambert.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Kessler and Lambert.

Passed to Committee on Rules for second reading.

April 2, 2001

ESSB 5566 Prime Sponsor, Senate Committee On Health & Long-Term Care: Requiring uniform prescription drug information cards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

April 2, 2001

ESSB 5583 Prime Sponsor, Senate Committee On Human Services & Corrections: Implementing recommendations of the joint legislative audit and review committee's performance audit of the public mental health system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.24.015 and 1999 c 214 s 7 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide for:

(1) Access to mental health services for adults of the state who are acutely mentally ill, chronically

mentally ill, or seriously disturbed and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of mentally ill children and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of efficient and effective services through state of the art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill consistent with the priorities defined in the statute;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based and county-managed mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

NEW SECTION. **Sec. 2.** A new section is added to chapter 71.24 RCW to read as follows:

The department shall operate the community mental health service delivery system authorized under this chapter within the following constraints:

(1) The full amount of federal funds for mental health services, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the community mental health service delivery system authorized in this chapter.

(2) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in section 4 of this act. No more than twenty percent of the amount provided in subsection (1) of this section may be spent cumulatively for administrative purposes by the department, regional support networks, and providers. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required under RCW 71.24.035.

(3) The department shall implement strategies that accomplish the outcome measures identified in section 4 of this act that are within the funding constraints in this section. The department may transfer appropriation

authority between funding categories within the health and rehabilitation services administration, the children and family services administration, the aging and adult services administration, and the medical assistance administration in order to carry out the requirements of this subsection.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.24 RCW to read as follows:

It is the intent of the legislature that the community mental health service delivery system focus on maintaining mentally ill individuals in the community. The program shall be evaluated and managed through a limited number of performance measures designed to hold each regional support network accountable for program success.

**NEW SECTION. Sec. 4.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The department, in collaboration with a work group made up of consumers, service providers, and representatives of regional support networks shall develop performance measures for use in evaluating and managing the community mental health service delivery system authorized under this chapter. The performance measures shall be reviewed, and updated as needed by January 15th of each odd-numbered year. The performance measures shall be consistent with the provisions of RCW 71.24.405(3) which may include but are not limited to:

- (a) Access to services;
- (b) Quality and appropriateness of care;
- (c) Outcome measures; including, but not limited to:
  - (i) Consumer change over time;
  - (ii) Consumer perception of hope for the future;
  - (iii) Percent of consumers who have safe and stable housing;
  - (iv) Percent of adults employed for one or more days in the last thirty days;
  - (v) Percent of consumers without a jail or detention stay;
  - (vi) Percent of available school days attended in the past thirty days;
  - (vii) Percent of consumers without a psychiatric hospitalization; and
- (d) Structure and plan management.

(2) The department shall require that service providers and regional support networks collect uniform performance measure information and report it to the department regularly. The department shall develop benchmarks that compare performance measure information from all regional support networks and providers to provide a clear indication of the most effective regional support networks and providers. Benchmark information shall be published quarterly and provided to the legislature, the governor, regional support networks, and all providers of mental health services.

**NEW SECTION. Sec. 5.** A new section is added to chapter 71.24 RCW to read as follows:

Every regional support network and mental health services provider shall be evaluated using the criteria in section 4 of this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 71.24 RCW to read as follows:

The department shall provide a report to the appropriate committees of the legislature on the development, implementation, and achievement of the performance measures by regional support networks and service providers on an annual basis, no later than June 30th of each year, beginning in 2002. The report shall include how the department is using the outcome measure information obtained under section 4 of this act to manage the community mental health service delivery system.

**Sec. 7.** RCW 71.24.025 and 1999 c 10 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

- (a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;
- (b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or
- (c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs under RCW 71.24.045, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)((+)) (e).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

- (a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or
- (b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or
- (c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at ~~((least))~~ a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, and other services determined by regional support networks~~((, and maintenance of a patient tracking system for chronically mentally ill adults and severely emotionally disturbed children))~~.

(8) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(9) "Department" means the department of social and health services.

(10) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(11) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

(12) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (17), and (18) of this section.

(13) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

(14) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(15) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

(16) "Secretary" means the secretary of social and health services.

(17) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(18) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(19) "State minimum standards" means minimum requirements established by rules adopted by the

secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(20) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

**Sec. 8.** RCW 71.24.030 and 1999 c 10 s 3 are each amended to read as follows:

The secretary is authorized to make grants to and/or purchase services from counties or combinations of counties in the establishment and operation of community mental health programs.

**Sec. 9.** RCW 71.24.035 and 1999 c 10 s 4 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary (~~may~~) shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies;

(ii) Regional support networks; and

(iii) (~~Residential and~~) Inpatient services, evaluation and treatment services and facilities under chapter

71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used ~~((by the))~~ in contracting with regional support networks or counties. The standard contract shall include a maximum fund balance, which shall not exceed ten percent;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The design of the system and the data elements to be collected shall be reviewed each biennium by a committee appointed by the secretary and representing the department, regional support networks, service providers, consumers, and advocates. The data elements shall be designed to provide information that is needed to measure performance and achieve the service outcomes identified in section 4 of this act;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically ~~((inspect))~~ monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department and the regional support network at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; and

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter. The secretary may not adopt rules that divert resources from the direct care of people with a mental illness unless they are directly required for the health and safety of consumers, the implementation of this chapter, or other state or federal requirements.

(6) The secretary shall use available resources only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under



this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(14) The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section.

(d) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(e) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

~~((f) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.))~~

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. It is the intent of the legislature that the department take great care to avoid, in the processing of a waiver request, creating requirements that divert available resources from direct care. The department shall periodically report its efforts to the ~~((health care and corrections))~~ appropriate committees of the senate and the ~~((human services committee of the))~~ house of representatives.

~~((17) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health.))~~

**Sec. 10.** RCW 71.24.037 and 1999 c 10 s 5 are each amended to read as follows:

(1) The secretary shall by rule establish state minimum standards for licensed service providers and services.

(2) Minimum standards for licensed service providers shall, at a minimum, establish: Qualifications for staff providing services directly to mentally ill persons, the intended result of each service, and the rights and responsibilities of persons receiving mental health services pursuant to this chapter. The secretary shall provide for deeming of licensed service providers as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body.

~~(3) ((Minimum standards for residential services shall be based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum standards for residential services shall be developed in collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. The minimum standards shall encourage the development of broad range residential programs, including integrated housing and cross systems programs where appropriate, and shall not unnecessarily restrict programming flexibility.~~

~~————(4))~~ Minimum standards for community support services and resource management services shall include at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

**Sec. 11.** RCW 71.24.045 and 1992 c 230 s 5 are each amended to read as follows:

The county authority shall:

(1) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts~~((, including the minimum standards of service delivery as established by the department))~~;

(4) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(6) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(7) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

**Sec. 12.** RCW 71.24.049 and 1999 c 10 s 6 are each amended to read as follows:

by January 1st of each odd-numbered year, the ~~((county authority))~~ regional support network shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

**Sec. 13.** RCW 71.24.155 and 1987 c 505 s 65 are each amended to read as follows:

Grants shall be made by the department to ~~((counties))~~ regional support networks for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter.

**Sec. 14.** RCW 71.24.160 and 1989 c 205 s 7 are each amended to read as follows:

The ~~((county authority))~~ regional support networks shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, 1990.

**Sec. 15.** RCW 71.24.250 and 1982 c 204 s 14 are each amended to read as follows:

The ~~((county authority))~~ regional support network may accept and expend gifts and grants received from private, county, state, and federal sources.

**Sec. 16.** RCW 71.24.300 and 1999 c 214 s 8 and 1999 c 10 s 9 are each reenacted and amended to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(1) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Assume the powers and duties of county authorities within its area as described in RCW 71.24.045 (1) through (7).

(c) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

~~((e))~~ (d) Provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the

boundaries of each regional support network. Such exceptions are limited to contracts with neighboring or contiguous regions.

~~((d))~~ (e) Administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of persons currently confined at, or under the supervision of, a state mental hospital pursuant to chapter 10.77 RCW, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The secretary shall submit a report to the appropriate committees of the senate and house of representatives on the efforts to implement this section by October 1, 2002. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section.

~~((e))~~ (f) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children as provided in this chapter designed to achieve the outcomes specified in section 4 of this act.

~~((f))~~ (g) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary. ~~((Such contracts may include agreements to provide periods of stable community living and work or other day activities for specific chronically mentally ill persons who have completed commitments at state hospitals on ninety-day or one hundred eighty-day civil commitments or who have been residents at state hospitals for no less than one hundred eighty days within the previous year. Periods of stable community living may involve acute care in local evaluation and treatment facilities but may not involve use of state hospitals.))~~

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(6).

~~(7) ((As part of each biennial plan, each regional support network shall establish and submit to the state, procedures and agreements to assure access to sufficient additional local evaluation and treatment facilities to meet the requirements of this chapter while reducing short term admissions to state hospitals. These shall be commitments to construct and operate, or contract for the operation of, freestanding evaluation and treatment facilities or agreements with local evaluation and treatment facilities which shall include (a) required admission and treatment for short term inpatient care for any person enrolled in community support or residential services, (b) discharge planning procedures, (c) limitations on admissions or transfers to state hospitals, (d) adequate psychiatric supervision, (e) prospective payment methods, and (f) contractual assurances regarding referrals to local evaluation and treatment facilities from regional support networks.~~

~~————~~(8)) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the

regional support network six-year operating and capital plan, timeline, and budget required by subsection (1) of this section.

**Sec. 17.** RCW 71.24.310 and 1989 c 205 s 6 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that any enhanced program funding for implementation of chapter 71.05 RCW or this chapter, except for funds allocated for implementation of mandatory statewide programs as required by federal statute, be made available (~~((primarily))~~) only to those counties participating in regional support networks.

**Sec. 18.** RCW 71.24.400 and 1999 c 10 s 10 are each amended to read as follows:

The legislature finds that the current complex set of federal, state, and local rules and regulations, audited and administered at multiple levels, which affect the community mental health service delivery system, focus primarily on the process of providing mental health services and do not sufficiently address consumer and system outcomes. The legislature finds that the department and the community mental health service delivery system must make ongoing efforts to achieve the purposes set forth in RCW 71.24.015 related to reduced administrative layering, duplication, elimination of process measures, and reduced administrative costs.

**Sec. 19.** RCW 71.24.405 and 1999 c 10 s 11 are each amended to read as follows:

The department shall establish a (~~((single))~~) comprehensive and collaborative (~~((project))~~) effort within regional support networks and with local mental health service providers aimed at creating innovative and streamlined community mental health service delivery systems, in order to carry out the purposes set forth in RCW 71.24.400 and to capture the diversity of the community mental health service delivery system.

The (~~((project))~~) department must accomplish the following:

(1) Identification, review, and cataloging of all rules, regulations, duplicative administrative and monitoring functions, and other requirements that currently lead to inefficiencies in the community mental health service delivery system and, if possible, eliminate the requirements;

(2) The systematic and incremental development of a single system of accountability for all federal, state, and local funds provided to the community mental health service delivery system. Systematic efforts should be made to include federal and local funds into the single system of accountability;

(3) The elimination of process regulations and related contract and reporting requirements. In place of the regulations and requirements, a set of outcomes for mental health adult and children clients according to chapter 71.24 RCW must be used to measure the performance of mental health service providers and regional support networks. Such outcomes shall focus on stabilizing out-of-home and hospital care, increasing stable community living, increasing age-appropriate activities, achieving family and consumer satisfaction with services, and system efficiencies;

(4) Evaluation of the feasibility of contractual agreements between the department of social and health services and regional support networks and mental health service providers that link financial incentives to the success or failure of mental health service providers and regional support networks to meet outcomes established for mental health service clients;

(5) The involvement of mental health consumers and their representatives (~~((in the pilot projects))~~). Mental health consumers and their representatives will be involved in the development of outcome standards for mental health clients (~~((and other related aspects of the pilot projects))~~) under section 4 of this act; and

(6) An independent evaluation component to measure the success of the (~~((projects))~~) department in fully implementing the provisions of RCW 71.24.400 and this section."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert;

Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

SSB 5621 Prime Sponsor, Senate Committee On Agriculture & International Trade: Authorizing animal massage. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture and Ecology. (See Journal 82<sup>nd</sup> Day, March 30, 2001) Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

SSB 5637 Prime Sponsor, Senate Committee On Natural Resources, Parks & Shorelines: Creating a program of watershed health monitoring and assessments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Natural Resources.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that a comprehensive program of monitoring is fundamental to making sound public policy and programmatic decisions regarding salmon recovery and watershed health. Monitoring provides accountability for results of management actions and provides the data upon which an adaptive management framework can lead to improvement of strategies and programs. Monitoring is also a required element of any salmon recovery plan submitted to the federal government for approval. While numerous agencies and citizen organizations are engaged in monitoring a wide range of salmon recovery and watershed health parameters, there is a greater need for coordination of monitoring efforts, for using limited monitoring resources to obtain information most useful for achieving relevant local, state, and federal requirements regarding watershed health and salmon recovery, and for making the information more accessible to those agencies and organizations implementing watershed health programs and projects. Regarding salmon recovery monitoring, the state independent science panel has concluded that many programs already monitor indicators relevant to salmonids, but the efforts are largely uncoordinated or unlinked among programs, have different objectives, use different indicators, lack support for sharing data, and lack shared statistical designs to address specific issues raised by listing of salmonid species under the federal endangered species act.

Therefore, it is the intent of the legislature to encourage the refocusing of existing agency monitoring activities necessary to implement a comprehensive watershed health monitoring program, with a focus on salmon recovery. The program should: Be based on a framework of greater coordination of existing monitoring activities; require monitoring activities most relevant to adopted local, state, and federal watershed health objectives; and facilitate the exchange of monitoring information with agencies and organizations carrying out watershed health, salmon recovery, and water resources management planning and programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.82 RCW to read as follows:

In conducting assessments and other studies that include monitoring components or recommendations, the department and planning units shall implement the monitoring recommendations developed under section 3 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.85 RCW to read as follows:

(1) The monitoring oversight committee is hereby established. The committee shall be comprised of the directors or their designated representatives of:

- (a) The salmon recovery office;
- (b) The department of ecology;
- (c) The department of fish and wildlife;
- (d) The conservation commission;
- (e) The Puget Sound action team;
- (f) The department of natural resources;
- (g) The department of transportation;
- (h) The interagency committee for outdoor recreation; and

(i) Eight legislators designated as follows: The cochairs of the natural resources committee of the house of representatives; the chair and the ranking minority member of the senate natural resources, parks, and shorelines committee; the cochairs of the agriculture and ecology committee of the house of representatives; and the chair and the ranking minority member of the senate environment, energy, and water committee.

(2) The director of the salmon recovery office and the chair of the salmon recovery funding board shall cochair the committee. The cochairs shall convene the committee as necessary to develop, for the consideration of the governor and legislature, a comprehensive and coordinated monitoring strategy and action plan on watershed health with a focus on salmon recovery. The committee shall invite representation from the treaty tribes to participate in the committee's efforts. In addition, the committee shall invite participation by other state, local, and federal agencies and other entities as appropriate. The committee shall address the monitoring recommendations of the independent science panel provided under RCW 77.85.040(7) and of the joint legislative audit and review committee in its report number 01-1 on investing in the environment.

(3) The independent science panel shall act as an advisor to the monitoring oversight committee and shall review all work products developed by the committee and make recommendations to the committee cochairs.

(4) The committee shall make recommendations to individual agencies to improve coordination of monitoring activities.

(5) The committee shall:

- (a) Define the monitoring goals, objectives, and questions that must be addressed as part of a comprehensive statewide salmon recovery monitoring and adaptive management framework;
- (b) Identify and evaluate existing monitoring activities for inclusion in the framework, while ensuring data consistency and coordination and the filling of monitoring gaps;
- (c) Recommend statistical designs appropriate to the objectives;
- (d) Recommend performance measures appropriate to the objectives and targeted to the appropriate geographical, temporal, and biological scales;
- (e) Recommend standardized monitoring protocols for salmon recovery and watershed health;
- (f) Recommend procedures to ensure quality assurance and quality control of all relevant data;
- (g) Recommend data transfer protocols to support easy access, sharing, and coordination among different collectors and users;

(h) Recommend ways to integrate monitoring information into decision making;

(i) Recommend organizational and governance structures for oversight and implementation of the coordinated monitoring framework;

(j) Recommend stable sources of funding that will ensure the continued operation and maintenance of the state's salmon recovery and watershed health monitoring programs, once established; and

(k) Identify administrative actions that will be undertaken by state agencies to implement elements of the coordinated monitoring program.

(6) In developing the coordinated monitoring strategy, the committee shall coordinate with other appropriate state, federal, local, and tribal monitoring efforts, including but not limited to the Northwest power planning council, the Northwest Indian fisheries commission, the national marine fisheries service, and the United States fish and wildlife service. The committee shall also consult with watershed planning units under chapter 90.82 RCW, lead entities under this chapter, professional organizations, and other appropriate groups.

(7) The cochairs shall provide an interim report to the governor and the members of the appropriate legislative committees by March 1, 2002, on the progress made in implementing this section. By December 1, 2002, the committee shall provide a monitoring strategy and action plan to the governor, and the members of the appropriate legislative committees for achieving a comprehensive watershed health monitoring program with a focus on salmon recovery. The strategy and action plan shall document the results of the committee's actions in addressing the responsibilities described in subsection (5) of this section. In addition, the monitoring strategy and action plan shall include an assessment of existing state agency operations related to monitoring, evaluation, and adaptive management of watershed health and salmon recovery, and shall recommend any operational or statutory changes and funding necessary to fully implement the enhanced coordination program developed under this section. The plan shall make recommendations based upon the goal of fully realizing an enhanced and coordinated monitoring program by June 30, 2007.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

SSB 5679 Prime Sponsor, Senate Committee On Health & Long-Term Care: Creating the HIV/AIDS prevention study committee. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without the amendment by Committee Health Care.

Strike everything after the enacting clause and insert the following:



**"NEW SECTION. Sec. 1.** (1) The HIV/AIDS prevention study committee is established to consist of thirteen members. The president of the senate shall appoint two members, one from each major party in the senate; the co-speakers of the house of representatives shall appoint two members, one from each major party in the house of representatives; and the governor shall appoint eight members, including: Three members representing the local public health; one member representing the state board of health; and four members from the community, three of whom represent community-based organizations, and one consumer representative living with HIV/AIDS. The state health officer shall chair the committee.

(2) The HIV/AIDS prevention study committee shall meet at least six times throughout 2001 at various locations around Washington. The committee shall:

(a) Review the goals of prevention strategies under the AIDS omnibus act in relation to trends in the current epidemic;

(b) Review the coordination of current AIDS omnibus act funding and other HIV/AIDS prevention funding streams and develop specific outcome-based prevention strategy recommendations consistent with current funding; and

(c) Review the interaction and coordination of HIV/AIDS prevention programs with care services.

(3) The department of health shall supply staffing and coordination of this section.

(4) The committee shall submit a report of its findings and propose specific recommendations to update the AIDS omnibus act to the Washington state legislature in January 2002.

(5) This section expires on January 31, 2002.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky

Passed to Committee on Rules for second reading.

April 2, 2001

E2SSB 5695 Prime Sponsor, Senate Committee On Ways & Means: Creating alternative routes to teacher certification. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. (See Journal 82<sup>nd</sup> Day, March 30, 2001) Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke;

Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Benson and Cox.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Boldt, Buck, Clements, Cody, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Voting nay: Representatives Benson and Cox.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

SSB 5793 Prime Sponsor, Senate Committee On Labor, Commerce & Financial Institutions: Creating the holding company act for health care service contractors and health maintenance organizations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

SSB 5837 Prime Sponsor, Senate Committee On Natural Resources, Parks & Shorelines: Establishing a pilot project culturing shellfish on nonproductive oyster reserve land. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources. (For amendment, see Journal Day 82<sup>nd</sup>, March 30, 2001.) Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

SB 5852 Prime Sponsor, Senator Franklin: Reporting on issues pertaining to racial profiling. Reported by

## Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature declares its support for the executive order issued by the president of the United States in which it is stated that stopping or searching individuals on the basis of race is not an effective law enforcement policy, that it is inconsistent with democratic ideals, especially the commitment to equal protection under the law for all persons, and that it is neither legitimate nor defensible as a strategy for public protection.

(2) The legislature declares its support for the Washington association of sheriffs and police chiefs' recent resolution condemning racial profiling and reaffirming local law enforcement agencies' commitment to ensuring the public safety and the protection of civil liberties for all persons. The legislature further declares its support for the association's goal of implementing policing procedures that are fair, equitable, and constitutional.

(3) The legislature supports and encourages local law enforcement agencies' compliance with the recommendations of the Washington association of sheriffs and police chiefs regarding racial profiling. Local law enforcement agencies are encouraged to take actions to ensure that their practices do not enable or foster racial profiling. Such actions may include, but are not limited to: Adopting policies designed to prevent racial profiling; working with community minority groups to improve communication and understanding; training to ensure that legitimate police actions are not misperceived as racial profiling; establishing a citizen concern review process to address allegations of racial profiling; and reviewing data on traffic stops.

(4) The Washington association of sheriffs and police chiefs shall coordinate with the criminal justice training commission to ensure that issues related to racial profiling are addressed in basic law enforcement training and offered in regional training for in-service law enforcement officers at all levels."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

SSB 5862 Prime Sponsor, Senate Committee On Natural Resources, Parks & Shorelines: Streamlining the process of selling valuable materials from state lands. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources. (For amendment, see Journal Day 82<sup>nd</sup>, March 30, 2001.) Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

ESSB 5877 Prime Sponsor, Senate Committee On Health & Long-Term Care: Providing licensing standards for mental health counselors, marriage and family therapists, and social workers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advanced social work" means the application of social work theory and methods including emotional and biopsychosocial assessment, psychotherapy under the supervision of a licensed independent clinical social worker, case management, consultation, advocacy, counseling, and community organization.

(2) "Applicant" means a person who completes the required application, pays the required fee, is at least eighteen years of age, and meets any background check requirements and uniform disciplinary act requirements.

(3) "Committee" means the Washington state mental health counselors, marriage and family therapists, and social workers advisory committee.

(4) "Department" means the department of health.

(5) "Disciplining authority" means the department.

(6) "Independent clinical social work" means the diagnosis and treatment of emotional and mental disorders based on knowledge of human development, the causation and treatment of psychopathology, psychotherapeutic treatment practices, and social work practice as defined in advanced social work. Treatment modalities include but are not limited to diagnosis and treatment of individuals, couples, families, groups, or organizations.

(7) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of relationships, including marriage and family systems. Marriage and family therapy involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such diagnosed nervous and mental disorders. The practice of marriage and family therapy means the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

(8) "Mental health counseling" means the application of principles of human development, learning theory, psychotherapy, group dynamics, and etiology of mental illness and dysfunctional behavior to individuals, couples, families, groups, and organizations, for the purpose of treatment of mental disorders and promoting optimal mental health and functionality. Mental health counseling also includes, but is not limited to, the assessment, diagnosis, and treatment of mental and emotional disorders, as well as the application of a wellness model of mental health.

(9) "Secretary" means the secretary of health or the secretary's designee.

**NEW SECTION. Sec. 2.** A person must not represent himself or herself as a licensed advanced social

worker, licensed independent clinical social worker, licensed mental health counselor, or licensed marriage and family therapist, without being licensed by the department.

**NEW SECTION. Sec. 3.** Nothing in this chapter shall be construed to prohibit or restrict:

(1) The practice of marriage and family therapy, mental health counseling, or social work by an individual otherwise regulated under this title and performing services within the authorized scope of practice;

(2) The practice of marriage and family therapy, mental health counseling, or social work by an individual employed by the government of the United States or state of Washington while engaged in the performance of duties prescribed by the laws of the United States or state of Washington;

(3) The practice of marriage and family therapy, mental health counseling, or social work by a person who is a regular student in an educational program based on recognized national standards and approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(4) The practice of marriage and family therapy, mental health counseling, or social work under the auspices of a religious denomination, church, or religious organization.

**NEW SECTION. Sec. 4.** In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter. Any rules adopted shall be in consultation with the committee;

(2) Establish all licensing, examination, and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue licenses to applicants who have met the education, training, and examination requirements for licensure and to deny a license to applicants who do not meet the requirements;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(6) Administer and supervise the grading and taking of examinations for applicants for licensure;

(7) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states without examinations;

(8) Implement and administer a program for consumer education in consultation with the committee;

(9) Adopt rules implementing a continuing education program in consultation with the committee;

(10) Maintain the official record of all applicants and licensees; and

(11) Establish by rule the procedures for an appeal of an examination failure.

**NEW SECTION. Sec. 5.** The secretary shall keep an official record of all proceedings. A part of the record shall consist of a register of all applicants for licensing under this chapter and the results of each application.

**NEW SECTION. Sec. 6.** The Washington state mental health counselors, marriage and family therapists, and social workers advisory committee is established.

(1) The committee shall be comprised of nine members. Two members shall be licensed mental health counselors. Two members shall be licensed marriage and family therapists. One member shall be a licensed independent clinical social worker, and one member shall be a licensed advanced social worker. Three members must be consumers and represent the public at large and may not be licensed mental health care providers.

(2) Three members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and three members shall be appointed for a term of three years. Subsequent members shall be appointed for terms of three years. A person must not serve as a member for more than two consecutive terms.

(3)(a) Each member must be a resident of the state of Washington.

(b) Each member must not hold an office in a professional association for mental health, social work, or marriage and family therapy and must not be employed by the state of Washington.

(c) Each professional member must have been actively engaged as a mental health counselor, marriage

and family therapist, or social worker for five years immediately preceding appointment.

(d) The consumer members must represent the general public and be unaffiliated directly or indirectly with the professions licensed under this chapter.

(4) The secretary shall appoint the committee members.

(5) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(6) Committee members shall be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

(7) The committee shall elect a chair and vice-chair.

**NEW SECTION. Sec. 7.** The department of health may seek the advice and assistance of the advisory committee in administering this chapter, including, but not limited to:

(1) Advice and recommendations regarding the establishment or implementation of rules related to the administration of this chapter;

(2) Advice, recommendations, and consultation regarding case disposition guidelines and priorities related to unprofessional conduct cases regarding licensed mental health counselors, licensed clinical social workers, licensed advanced social workers, and licensed marriage and family therapists;

(3) Assistance and consultation of individual committee members as needed in the review, analysis, and disposition of reports of unprofessional conduct and consumer complaints;

(4) Assistance and recommendations to enhance consumer education; and

(5) Assistance and recommendations regarding any continuing education and continuing competency programs administered under the provisions of the chapter.

**NEW SECTION. Sec. 8.** The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licensure, and the discipline of persons licensed under this chapter. The secretary shall be the disciplinary authority under this chapter.

**NEW SECTION. Sec. 9.** (1) The secretary shall issue a license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following education and experience requirements for the applicant's practice area.

(a) Licensed social work classifications:

(i) Licensed advanced social worker:

(A) Graduation from a master's or doctorate social work educational program accredited by the council on social work education and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of three thousand two hundred hours with ninety hours of supervision by a licensed independent clinical social worker or a licensed advanced social worker who has been licensed or certified for at least two years. Of those hours, fifty hours must include direct supervision by a licensed advanced social worker or licensed independent clinical social worker; the other forty hours may be with an equally qualified licensed mental health practitioner. Forty hours must be in one-to-one supervision and fifty hours may be in one-to-one supervision or group supervision. Distance supervision is limited to forty supervision hours. Eight hundred hours must be in direct client contact; and

(D) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(ii) Licensed independent clinical social worker:

(A) Graduation from a master's or doctorate level social work educational program accredited by the council on social work education and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of four thousand hours of experience, of which one thousand hours must be direct client contact,

over a three-year period supervised by a licensed independent clinical social worker, with supervision of at least one hundred thirty hours by a licensed mental health practitioner. Of the total supervision, seventy hours must be with an independent clinical social worker; the other sixty hours may be with an equally qualified licensed mental health practitioner. Sixty hours must be in one-to-one supervision and seventy hours may be in one-to-one supervision or group supervision. Distance supervision is limited to sixty supervision hours; and

(D) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(b) Licensed mental health counselor:

(i) Graduation from a master's or doctoral level educational program in mental health counseling or a related discipline from a college or university approved by the secretary based upon nationally recognized standards;

(ii) Successful completion of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of thirty-six months full-time counseling or three thousand hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor in an approved setting. The three thousand hours of required experience includes a minimum of one hundred hours spent in immediate supervision with the qualified licensed mental health counselor, and includes a minimum of one thousand two hundred hours of direct counseling with individuals, couples, families, or groups; and

(iv) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(c) Licensed marriage and family therapist:

(i) Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards;

(ii) Successful passage of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of two calendar years of full-time marriage and family therapy. Of the total supervision, one hundred hours must be with a licensed marriage and family therapist with at least five years' clinical experience; the other one hundred hours may be with an equally qualified licensed mental health practitioner. Total experience requirements include:

(A) A minimum of three thousand hours of experience, one thousand hours of which must be direct client contact; at least five hundred hours must be gained in diagnosing and treating couples and families; plus

(B) At least two hundred hours of qualified supervision with a supervisor. At least one hundred of the two hundred hours must be one-on-one supervision, and the remaining hours may be in one-on-one or group supervision.

Applicants who have completed a master's program accredited by the commission on accreditation for marriage and family therapy education of the American association for marriage and family therapy may be credited with five hundred hours of direct client contact and one hundred hours of formal meetings with an approved supervisor; and

(iv) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(2) The department shall establish by rule what constitutes adequate proof of meeting the criteria.

(3) In addition, applicants shall be subject to the grounds for denial of a license or issuance of a conditional license under chapter 18.130 RCW.

**NEW SECTION. Sec. 10.** A person licensed under this chapter must provide clients at the commencement of any program of treatment with accurate disclosure information concerning the practice, in accordance with rules adopted by the department, including the right of clients to refuse treatment, the responsibility of clients to choose the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information must also include the license holder's professional education and training, the therapeutic orientation of the practice, the proposed course of treatment

where known, financial requirements, and such other information as required by rule. The disclosure must be acknowledged in writing by the client and license holder.

**NEW SECTION. Sec. 11.** (1) The date and location of examinations shall be established by the secretary. Applicants who have been found by the secretary to meet the other requirements for licensure shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The secretary or the secretary's designees shall examine each applicant by means determined most effective, on subjects appropriate to the scope of practice, as applicable. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of any practical work shall be preserved for a period of not less than one year after the secretary has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(4) The secretary may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirements.

**NEW SECTION. Sec. 12.** Applications for licensing shall be submitted on forms provided by the secretary. The secretary may require any information and documentation which reasonably relates to the need to determine whether the applicant meets the criteria for licensing provided for in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the secretary under RCW 43.70.250. The fee shall accompany the application.

**NEW SECTION. Sec. 13.** Any person certified under chapter 18.19 RCW who has met the applicable experience and education requirements under chapter 18.19 RCW prior to the effective date of this act is eligible for a license as an advanced social worker, an independent clinical social worker, a marriage and family therapist, or a mental health counselor under this chapter without taking the examination.

**NEW SECTION. Sec. 14.** An applicant holding a credential in another state may be licensed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the licensing standards in this state.

**NEW SECTION. Sec. 15.** The secretary shall establish by rule the procedural requirements and fees for renewal of a license. Failure to renew shall invalidate the license and all privileges granted by the license. If a license has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by taking continuing education courses, or meeting other standards determined by the secretary.

**NEW SECTION. Sec. 16.** This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 or 18.57 RCW, or in any way infringing upon the practice of psychology as defined in chapter 18.83 RCW, or restricting the scope of the practice of counseling for those registered under chapter 18.19 RCW, or restricting the scope of practice of persons licensed under this chapter.

**Sec. 17.** RCW 18.19.010 and 1987 c 512 s 1 are each amended to read as follows:

The qualifications and practices of counselors in this state are virtually unknown to potential clients. Beyond the regulated practices of psychiatry and psychology, there are a considerable variety of disciplines, theories, and techniques employed by other counselors under a number of differing titles. The legislature recognizes the right of all counselors to practice their skills freely, consistent with the requirements of the public health and safety, as well as the right of individuals to choose which counselors best suit their needs and purposes. This chapter shall not be construed to require or prohibit that individual or group policies or contracts



of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person registered (~~(or certified)~~) under this chapter.

**Sec. 18.** RCW 18.19.020 and 1991 c 3 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(1) ("Certified marriage and family therapist" means a person certified to practice marriage and family therapy pursuant to RCW 18.19.130.~~

~~(2) "Certified mental health counselor" means a person certified to practice mental health counseling pursuant to RCW 18.19.120.~~

~~(3) "Certified social worker" means a person certified to practice social work pursuant to RCW 18.19.110.~~

~~(4))~~ "Client" means an individual who receives or participates in counseling or group counseling.

~~((5))~~ (2) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

~~((6))~~ (3) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

~~((7))~~ (4) "Department" means the department of health.

~~((8))~~ (5) "Secretary" means the secretary of the department or the secretary's designee.

**Sec. 19.** RCW 18.19.030 and 1991 c 3 s 20 are each amended to read as follows:

No person may, for a fee or as a part of his or her position as an employee of a state agency, practice counseling without being registered to practice by the department under this chapter unless exempt under RCW 18.19.040. ~~((No person may represent himself or herself as a certified social worker, certified mental health counselor, or certified marriage and family therapist without being so certified by the department under this chapter.))~~

**Sec. 20.** RCW 18.19.040 and 1987 c 512 s 4 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling by a person without a mandatory charge;

(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;

(5) Evaluation, consultation, planning, policy-making, research, or related services conducted by social scientists for private corporations or public agencies;

(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;

(7) Counselors whose residency is not Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they don't hold themselves out to be registered (~~(or certified)~~) in

Washington state.

**Sec. 21.** RCW 18.19.050 and 1991 c 3 s 21 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary has the following authority:

- (a) To adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;
- (b) To set all ~~((certification,))~~ registration~~((,))~~ and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;
- (c) To establish forms and procedures necessary to administer this chapter;
- (d) To hire clerical, administrative, and investigative staff as needed to implement this chapter;
- (e) To issue a registration to any applicant who has met the requirements for registration; and
- (f) ~~((To set educational, ethical, and professional standards of practice for certification;~~
- ~~———— (g) To prepare and administer or cause to be prepared and administered an examination for all qualified applicants for certification;~~
- ~~———— (h) To establish criteria for evaluating the ability and qualifications of persons applying for a certificate, including standards for passing the examination and standards of qualification for certification to practice;~~
- ~~———— (i) To evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate and to establish standards and procedures for accepting alternative training in lieu of such graduation;~~
- ~~———— (j) To issue a certificate to any applicant who has met the education, training, and conduct requirements for certification;~~
- ~~———— (k) To set competence requirements for maintaining certification; and~~
- ~~———— (l)) To develop a dictionary of recognized professions and occupations providing counseling services to the public included under this chapter.~~

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of ~~((certifications and))~~ registrations and the discipline of ~~((certified practitioners and))~~ registrants under this chapter. The secretary shall be the disciplining authority under this chapter. The absence of educational or training requirements for counselors registered under this chapter or the counselor's use of nontraditional nonabusive therapeutic techniques shall not, in and of itself, give the secretary authority to unilaterally determine the training and competence or to define or restrict the scope of practice of such individuals.

(3) The department shall publish and disseminate information in order to educate the public about the responsibilities of counselors and the rights and responsibilities of clients established under this chapter. Solely for the purposes of administering this education requirement, the secretary shall assess an additional fee for each ~~((registration and certification))~~ application and renewal, equal to five percent of the fee. The revenue collected from the assessment fee may be appropriated by the legislature for the department's use in educating consumers pursuant to this section. The authority to charge the assessment fee shall terminate on June 30, 1994.

**Sec. 22.** RCW 18.19.060 and 1987 c 512 s 6 are each amended to read as follows:

Persons registered ~~((or certified))~~ under this chapter shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the department, that will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information provided by the counselor, the receipt of which shall be acknowledged in writing by the counselor and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the department may require by rule. The disclosure information shall also include a statement that registration of an individual under this chapter does not include a recognition of any practice standards, nor necessarily imply the effectiveness of any treatment.

**Sec. 23.** RCW 18.19.080 and 1991 c 3 s 23 are each amended to read as follows:

The secretary shall keep an official record of all proceedings, a part of which record shall consist of a

register of all applicants for registration (~~(or certification)~~) under this chapter, with the result of each application.

**Sec. 24.** RCW 18.19.180 and 1991 c 3 s 33 are each amended to read as follows:

An individual registered (~~(or certified)~~) under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.19.060 nor any information acquired from persons consulting the individual in a professional capacity when that information was necessary to enable the individual to render professional services to those persons except:

(1) With the written consent of that person or, in the case of death or disability, the person's personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health, or physical condition;

(2) That a person registered (~~(or certified)~~) under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of a crime or harmful act;

(3) If the person is a minor, and the information acquired by the person registered (~~(or certified)~~) under this chapter indicates that the minor was the victim or subject of a crime, the person registered (~~(or certified)~~) may testify fully upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry;

(4) If the person waives the privilege by bringing charges against the person registered (~~(or certified)~~) under this chapter;

(5) In response to a subpoena from a court of law or the secretary. The secretary may subpoena only records related to a complaint or report under chapter 18.130 RCW; or

(6) As required under chapter 26.44 RCW.

**Sec. 25.** RCW 18.19.190 and 1987 c 512 s 18 are each amended to read as follows:

This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW, or in any way infringing upon the practice of psychology as defined in chapter 18.83 RCW, or restricting the scope of the practice of counseling for those registered (~~(or certified)~~) under this chapter.

**Sec. 26.** RCW 18.120.020 and 2000 c 93 s 15 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;

registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists licensed under chapter 18.06 RCW; persons registered (~~or certified~~) under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.-- RCW (sections 1 through 16 of this act); dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter 18.88A RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**Sec. 27.** RCW 18.130.040 and 1999 c 335 s 10 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered (~~(or certified)~~) under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.-- RCW (sections 1 through 16 of this act);

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

~~((xii))~~ (xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

~~((xiii))~~ (xiv) Health care assistants certified under chapter 18.135 RCW;

~~((xiv))~~ (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

~~((xv))~~ (xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

~~((xvi))~~ (xvii) Sex offender treatment providers certified under chapter 18.155 RCW;

~~((xvii))~~ (xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

~~((xviii))~~ (xix) Persons registered as adult family home providers and resident managers under RCW

18.48.020;

~~((xix))~~ (xx) Denturists licensed under chapter 18.30 RCW;

~~((xx))~~ (xxi) Orthotists and prosthetists licensed under chapter 18.200 RCW; and

~~((xxi))~~ (xxii) Surgical technologists registered under chapter 18.215 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter

18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 28.** RCW 9A.44.010 and 1997 c 392 s 513 and 1997 c 112 s 37 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight,

and

(b) Also means any penetration of the vagina or anus however slight by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

(3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.

(5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.

(7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

(8) "Significant relationship" means a situation in which the perpetrator is:

(a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors;

(b) A person who in the course of his or her employment supervises minors; or

(c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.

(9) "Abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.

(10) "Developmentally disabled," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.

(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.

(12) "Mentally disordered person" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020.

(13) "Chemically dependent person" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020(4).

(14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered (~~or certified~~) under chapter 18.19 RCW or licensed under chapter 18.-- RCW (sections 1 through 16 of this act), regardless of whether the health care provider is licensed, certified, or registered by the state.

(15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

(16) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" also includes a person found incapacitated under chapter 11.88 RCW, a person over eighteen years of age who has a

developmental disability under chapter 71A.10 RCW, a person admitted to a long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and a person receiving services from a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW.

**Sec. 29.** RCW 18.100.050 and 1999 c 128 s 1 are each amended to read as follows:

(1) An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of Title 23B RCW for the purpose of rendering professional service. One or more of the legally authorized individuals shall be the incorporators of the professional corporation.

(2) Notwithstanding any other provision of this chapter, registered architects and registered engineers may own stock in and render their individual professional services through one professional service corporation.

(3) Licensed health care professionals, providing services to enrolled participants either directly or through arrangements with a health maintenance organization registered under chapter 48.46 RCW or federally qualified health maintenance organization, may own stock in and render their individual professional services through one professional service corporation.

(4) Professionals may organize a nonprofit nonstock corporation under this chapter and chapter 24.03 RCW to provide professional services, and the provisions of this chapter relating to stock and referring to Title 23B RCW shall not apply to any such corporation.

(5)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, ~~((18.19,))~~ 18.-- (sections 1 through 16 of this act), 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.57, 18.57A, 18.64, 18.71, 18.71A, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may own stock in and render their individual professional services through one professional service corporation and are to be considered, for the purpose of forming a professional service corporation, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are regulated under chapters 18.59 and 18.74 RCW may own stock in and render their individual professional services through one professional service corporation formed for the sole purpose of providing professional services within their respective scope of practice.

(c) Formation of a professional service corporation under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

**Sec. 30.** RCW 18.205.090 and 1998 c 243 s 9 are each amended to read as follows:

(1) The secretary shall issue a certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Completion of an educational program approved by the secretary or successful completion of alternate training that meets established criteria;

(b) Successful completion of an approved examination, based on core competencies of chemical dependency counseling; and

(c) Successful completion of an experience requirement that establishes fewer hours of experience for applicants with higher levels of relevant education. In meeting any experience requirement established under this subsection, the secretary may not require more than one thousand five hundred hours of experience in chemical dependency counseling for applicants who are licensed under chapter 18.83 RCW or under chapter 18.79 RCW as advanced registered nurse practitioners.

(2) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.

(3) Applicants are subject to the grounds for denial of a certificate or issuance of a conditional certificate under chapter 18.130 RCW.

(4) Certified chemical dependency professionals shall not be required to be registered under chapter

18.19 RCW or licensed under chapter 18.-- RCW (sections 1 through 16 of this act).

**Sec. 31.** RCW 25.05.510 and 1998 c 103 s 1103 are each amended to read as follows:

(1) A person or group of persons licensed or otherwise legally authorized to render professional services, as defined in RCW 18.100.030, within this state may organize and become a member or members of a limited liability partnership under the provisions of this chapter for the purposes of rendering professional service. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a limited liability partnership organized for the purpose of rendering the same professional services. Nothing in this section prohibits a limited liability partnership from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state.

(2)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, ~~((18.19,))~~ 18.-- (sections 1 through 16 of this act), 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.64, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may join and render their individual professional services through one limited liability partnership and are to be considered, for the purpose of forming a limited liability partnership, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are licensed pursuant to chapters 18.57 and 18.71 RCW may join and render their individual professional services through one limited liability partnership and are to be considered, for the purpose of forming a limited liability partnership, as rendering the "same specific professional services" or "same professional services" or similar terms.

(c) Formation of a limited liability partnership under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or any applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

**Sec. 32.** RCW 25.15.045 and 1999 c 128 s 2 are each amended to read as follows:

(1) A person or group of persons licensed or otherwise legally authorized to render professional services within this or any other state may organize and become a member or members of a professional limited liability company under the provisions of this chapter for the purposes of rendering professional service. A "professional limited liability company" is subject to all the provisions of chapter 18.100 RCW that apply to a professional corporation, and its managers, members, agents, and employees shall be subject to all the provisions of chapter 18.100 RCW that apply to the directors, officers, shareholders, agents, or employees of a professional corporation, except as provided otherwise in this section. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a professional limited liability company organized for the purpose of rendering the same professional services. Nothing in this section prohibits a professional limited liability company from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state. Persons engaged in a profession and otherwise meeting the requirements of this chapter may operate under this chapter as a professional limited liability company so long as each member personally engaged in the practice of the profession in this state is duly licensed or otherwise legally authorized to practice the profession in this state and:

(a) At least one manager of the company is duly licensed or otherwise legally authorized to practice the profession in this state; or

(b) Each member in charge of an office of the company in this state is duly licensed or otherwise legally authorized to practice the profession in this state.

(2) If the company's members are required to be licensed to practice such profession, and the company fails to maintain for itself and for its members practicing in this state a policy of professional liability insurance, bond, or other evidence of financial responsibility of a kind designated by rule by the state insurance commissioner and in the amount of at least one million dollars or a greater amount as the state insurance



commissioner may establish by rule for a licensed profession or for any specialty within a profession, taking into account the nature and size of the business, then the company's members are personally liable to the extent that, had the insurance, bond, or other evidence of responsibility been maintained, it would have covered the liability in question.

(3) For purposes of applying the provisions of chapter 18.100 RCW to a professional limited liability company, the terms "director" or "officer" means manager, "shareholder" means member, "corporation" means professional limited liability company, "articles of incorporation" means certificate of formation, "shares" or "capital stock" means a limited liability company interest, "incorporator" means the person who executes the certificate of formation, and "bylaws" means the limited liability company agreement.

(4) The name of a professional limited liability company must contain either the words "Professional Limited Liability Company," or the words "Professional Limited Liability" and the abbreviation "Co.," or the abbreviation "P.L.L.C." or "PLLC" provided that the name of a professional limited liability company organized to render dental services shall contain the full names or surnames of all members and no other word than "chartered" or the words "professional services" or the abbreviation "P.L.L.C." or "PLLC."

(5) Subject to the provisions in article VII of this chapter, the following may be a member of a professional limited liability company and may be the transferee of the interest of an ineligible person or deceased member of the professional limited liability company:

(a) A professional corporation, if its shareholders, directors, and its officers other than the secretary and the treasurer, are licensed or otherwise legally authorized to render the same specific professional services as the professional limited liability company; and

(b) Another professional limited liability company, if the managers and members of both professional limited liability companies are licensed or otherwise legally authorized to render the same specific professional services.

(6)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, ~~((18.19,))~~ 18.-- (sections 1 through 16 of this act), 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.57, 18.57A, 18.64, 18.71, 18.71A, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may own membership interests in and render their individual professional services through one limited liability company and are to be considered, for the purpose of forming a limited liability company, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are regulated under chapters 18.59 and 18.74 RCW may own membership interests in and render their individual professional services through one limited liability company formed for the sole purpose of providing professional services within their respective scope of practice.

(c) Formation of a limited liability company under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or any applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

**Sec. 33.** RCW 48.43.087 and 1996 c 304 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Health carrier" includes disability insurers regulated under chapter 48.20 or 48.21 RCW, health care services contractors regulated under chapter 48.44 RCW, plans operating under the health care authority under chapter 41.05 RCW, the basic health plan operating under chapter 70.47 RCW, the state health insurance pool operating under chapter 48.41 RCW, insuring entities regulated under this chapter, and health maintenance organizations regulated under chapter 48.46 RCW.

(b) "Intermediary" means a person duly authorized to negotiate and execute provider contracts with health carriers on behalf of mental health care practitioners.

(c) Consistent with their lawful scopes of practice, "mental health care practitioners" includes only the following: Any generally recognized medical specialty of practitioners licensed under chapter 18.57 or 18.71 RCW who provide mental health services, advanced practice psychiatric nurses as authorized by the nursing care quality assurance commission under chapter 18.79 RCW, psychologists licensed under chapter 18.83 RCW,

~~((social workers, marriage and family therapists, and mental health counselors certified under chapter 18.19-RCW)) and mental health counselors, marriage and family therapists, and social workers licensed under chapter 18.-- RCW (sections 1 through 16 of this act).~~

(d) "Mental health services" means outpatient services.

(2) Consistent with federal and state law and rule, no contract between a mental health care practitioner and an intermediary or between a mental health care practitioner and a health carrier that is written, amended, or renewed after June 6, 1996, may contain a provision prohibiting a practitioner and an enrollee from agreeing to contract for services solely at the expense of the enrollee as follows:

(a) On the exhaustion of the enrollee's mental health care coverage;

(b) During an appeal or an adverse certification process;

(c) When an enrollee's condition is excluded from coverage; or

(d) For any other clinically appropriate reason at any time.

(3) If a mental health care practitioner provides services to an enrollee during an appeal or adverse certification process, the practitioner must provide to the enrollee written notification that the enrollee is responsible for payment of these services, unless the health carrier elects to pay for services provided.

(4) This section does not apply to a mental health care practitioner who is employed full time on the staff of a health carrier.

**NEW SECTION. Sec. 34.** A new section is added to chapter 70.02 RCW to read as follows:

Mental health counselors, marriage and family therapists, and social workers licensed under chapter 18.-- RCW (sections 1 through 16 of this act) are subject to this chapter.

**NEW SECTION. Sec. 35.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 36.** Sections 1 through 16 of this act constitute a new chapter in Title 18 RCW.

**NEW SECTION. Sec. 37.** The following acts or parts of acts are each repealed:

(1) RCW 18.19.070 (Council established--Membership--Qualifications--Removal--Vacancy--Duties and powers--Compensation) and 1996 c 191 s 4, 1994 sp.s. c 9 s 501, 1991 c 3 s 22, & 1987 c 512 s 7;

(2) RCW 18.19.110 (Certification of social workers) and 1991 c 3 s 26 & 1987 c 512 s 12;

(3) RCW 18.19.120 (Certification of mental health counselors--Practice defined--Continuing education) and 1995 c 183 s 1, 1991 c 3 s 27, & 1987 c 512 s 13;

(4) RCW 18.19.130 (Certification of marriage and family therapists--Practice defined) and 1993 c 259 s 1, 1991 c 3 s 28, & 1987 c 512 s 14;

(5) RCW 18.19.140 (Applications for certification) and 1991 c 3 s 29 & 1987 c 512 s 17;

(6) RCW 18.19.150 (Examination of applicants for certification) and 1991 c 3 s 30 & 1987 c 512 s 16;

(7) RCW 18.19.160 (Certification of persons credentialed out-of-state--Temporary retirement of certified persons) and 1991 c 3 s 31 & 1987 c 512 s 19; and

(8) RCW 18.19.170 (Renewal of certificates--Continuing education) and 1998 c 32 s 1, 1996 c 191 s 6, 1991 c 3 s 32, & 1987 c 512 s 15."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

April 2, 2001

SB 5903 Prime Sponsor, Senator Winsley: Changing physician license fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Lambert and Mulliken.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Voting nay: Representatives Lambert, and Mulliken.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

March 31, 2001

ESSB 5937 Prime Sponsor, Senate Committee on Ways & Means: Changing the limits on postretirement employment for teachers' retirement system plan 1 and public employees' retirement system plan 1 retirees. (REVISED FOR ENGROSSED: Changing postretirement employment restrictions for teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees.) Reported by Committee on Appropriations.

MAJORITY recommendation: Do pass as amended. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schual-Berke and Talcott.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schual-Berke, and Talcott.

Excused: Representatives Gombosky, Schmidt and Tokuda.

Passed to Committee on Rules for second reading.

April 2, 2001

SSB 5940 Prime Sponsor, Senate Committee On Education: Strengthening career and technical education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that Washington requires strong career and technical education programs to meet the academic and career preparation needs of secondary students. The legislature further finds that career and technical education programs, including the vocational skills centers, provide:

- (a) Support for achievement of the certificate of mastery, particularly by students requiring applied learning opportunities for academic success;
- (b) Support for special needs students to fulfill the occupational preparation required for self-sufficiency in adult life;
- (c) Increases in the number of students who complete high school; and
- (d) Assistance with students' transitions from secondary schools to postsecondary education, training, and employment.

(2) In order to provide students with a variety of learning experiences that will assist them in achieving the higher standards of education reform, school districts currently offering career and technical education programs shall continue to provide career and technical education programs and school districts not offering career and technical education programs are encouraged to begin providing such programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28C.04 RCW to read as follows:

(1) To ensure high quality career and technical programs, the office of the superintendent of public instruction shall review and approve the plans of local districts for the delivery of career and technical education. Standards for career and technical programs shall be established by the office of the superintendent of public instruction. These standards should:

- (a) Demonstrate how career and technical education programs will ensure academic rigor; align with the state's education reform requirements; help address the skills gap of Washington's economy; and maintain strong relationships with local career and technical education advisory councils for the design and delivery of career and technical education; and
- (b) Demonstrate a strategy to align the five-year planning requirement under the federal Carl Perkins act with the state and district vocational program planning requirements that include:
  - (i) An assessment of equipment and technology needs to support the skills training of technical students;
  - (ii) An assessment of industry internships required for teachers to ensure the ability to prepare students for industry-defined standards or certifications, or both;
  - (iii) An assessment of the costs of supporting job shadows, mentors, community service and industry internships, and other activities for student learning in the community; and
  - (iv) A description of the leadership activities to be provided for technical education students.

(2) To ensure high quality career education programs and services in secondary schools, the office of the superintendent of public instruction may provide technical assistance to local districts and develop state guidelines for the delivery of career guidance in secondary schools.

(3) To ensure leadership development, the staff of the office of the superintendent of public instruction may serve as the state advisors to Washington state FFA, Washington future business leaders of America, Washington DECA, Washington SkillsUSA-VICA, Washington family, career and community leaders, and Washington technology students association, and any additional career or technical student organizations that are formed. Working with the directors or executive secretaries of these organizations, the office of the superintendent of public instruction may develop tools for the coordination of leadership activities with the curriculum of technical education programs.

(4) As used in this section, "career and technical education" means a planned program of courses and learning experiences that begins with exploration of career options; supports basic academic and life skills; and enables achievement of high academic standards, leadership, options for high skill, high wage employment

preparation, and advanced and continuing education.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representative Gombosky.

Passed to Committee on Rules for second reading.

March 31, 2001

SSB 6020 Prime Sponsor, Senate Committee On Health & Long-Term Care: Establishing a school sealant endorsement program for dental hygienists. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representative Mulliken.

Voting yea: Representatives Sehlin, Sommers, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, and Talcott.

Voting nay: Representative Mulliken.

Excused: Representatives Barlean, Gombosky, and Tokuda.

Passed to Committee on Rules for second reading.

April 2, 2001

SSB 6098 Prime Sponsor, Senate Committee On Ways & Means: Creating a committee to study Washington's tax structure. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Washington's tax system is one of the most unique systems in the nation. The state relies primarily on the sales tax, the business and occupation (B&O) tax, and the property tax.

(a) The state relies most heavily on one of the highest sales taxes in the nation. The sales tax is a large

and efficient revenue producer. It is relatively popular because it is paid in small increments. Since the sales tax is based on consumption, however, the tax is volatile and unstable during economic downturns and can cause large budget deficits.

(b) Washington is the only state in the nation that levies a B&O tax on gross income. Since the B&O tax is not based on profit, tax collections are very stable. However, the B&O tax favors established, profitable firms at the expense of start-up firms and firms with low-profit margins.

(c) The property tax is the oldest revenue source in the state, having been established before statehood. Property taxes are a very stable source of revenue. While Washington's property taxes are only slightly above average for the states, the tax is perceived as high by the taxpayers. In addition, the tax is complex and the administrative costs are high.

Washington's tax system has remained relatively unchanged since 1935. Since that time, the state has grown in population and emphasis from a more agrarian society to a more industrial, technology-based society. It is the intent of the legislature to study the current tax system in the state of Washington to determine how well it functions and how it can be changed to better serve the citizens of the state in the twenty-first century.

(2) The department of revenue shall create a committee on taxation to study the elasticity, equity, and adequacy of the state's tax system. The committee on taxation shall consist of eleven members. The committee shall include six academic scholars appointed by the department of revenue from the fields of economics, taxation, business administration, public administration, public policy, and other relevant disciplines as determined by the department. In making the appointments, the department shall consult with the majority and minority leaders in the senate, the co-speakers in the house of representatives, the chair of the ways and means committee in the senate, and the co-chairs of the finance committee in the house of representatives. The governor and the chairs of the majority and minority caucuses in each house of the legislature shall each appoint one member to the committee. These appointments may be legislative members.

(3) The members of the committee shall elect a chair. The committee may elect a chair from among their membership or may elect a nonvoting chair who is not a member of the committee. Members of the committee shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(4) The purpose of the study is to determine how well the current tax system functions and how it might be changed to better serve the citizens of the state in the twenty-first century. In reviewing options for changes to the tax system to better serve the citizens of the state, the committee shall develop multiple alternatives to the existing tax system. To the extent possible, the alternatives shall be designed to increase the harmony between the tax system of this state and the surrounding states, encourage commerce and business creation, and encourage home ownership. In developing alternatives, the committee shall examine and consider the effects of tax incentives, including exemptions, deferrals, and credits. The alternatives shall range from incremental improvements in the current tax structure to complete replacement of the tax structure. In conducting the study, the committee shall examine the tax structures of other states and review previous studies regarding tax reform in this state, including the study conducted by the 1982 Tax Advisory Council and the study conducted by Governor Gardner's Committee on Washington's Financial Future in 1988. In developing alternatives, the committee shall be guided by the following criteria:

(a) Administrative simplicity: A tax system should neither be excessively expensive for the state to administer nor impose undue recordkeeping and reporting requirements on taxpayers.

(b) Economic neutrality: A tax system should be designed to minimize distortions in economic decision making.

(c) Fairness: The burden of taxation should be equitably spread among the citizens.

(d) Stability: The revenue of a tax system should not fluctuate dramatically with the condition of the economy.

(e) Transparency: A tax system should be designed so that the costs of government are clear to citizens.

(5) While the committee may consider all possibilities, the committee shall present a primary proposal to the legislature that is revenue neutral and additional alternative proposals as the committee chooses.

(6) The department of revenue shall create an advisory group to include, but not be limited to, representatives of business, state agencies, local governments, labor, taxpayers, and other advocacy groups. The

group shall provide advice and assistance to the committee on taxation.

(7) The department of revenue shall provide staff to the committee for the purpose of the study.

(8) The committee shall present a preliminary report of the findings of the study and the alternatives developed by the committee to the ways and means committee in the senate and the finance committee in the house of representatives by January 15, 2002, and a final report by June 30, 2002."

Signed by Representatives Cairnes, Republican Co-Chair; Roach, Republican Vice Chair; Carrell; Conway; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Morris and Berkey.

Voting yea: Representatives Cairnes, Roach, Carrell, Conway, Santos, Veloria.

Voting nay: Representative Morris and Berkey.

Excused: Representatives Pennington and Van Luven.

Passed to Committee on Rules for second reading.

March 31, 2001

SSB 6110 Prime Sponsor, Senate Committee On Natural Resources, Parks & Shorelines: Providing for the administration of a Puget Sound crab pot buoy tag program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources. (For amendment, see Journal Day 82<sup>nd</sup>, March 30, 2001.) Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke and Talcott.

Voting yea: Representatives Sehlin, Sommers, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, and Talcott.

Excused: Representatives Barlean, Gombosky, and Tokuda.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Appropriations was relieved of ENGROSSED SENATE BILL NO. 5790, and the bill was referred to the Rules Committee for second reading.

There being no objection, the following bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1633,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5013,  
SUBSTITUTE SENATE BILL NO. 5015,  
SENATE BILL NO. 5022,  
SENATE BILL NO. 5038,

SENATE BILL NO. 5047,  
SENATE BILL NO. 5048,  
ENGROSSED SENATE BILL NO. 5051,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5052,  
ENGROSSED SENATE BILL NO. 5053,  
SENATE BILL NO. 5054,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5060,  
SENATE BILL NO. 5061,  
SENATE BILL NO. 5121,  
SENATE BILL NO. 5145,  
SENATE BILL NO. 5147,  
SUBSTITUTE SENATE BILL NO. 5183,  
SUBSTITUTE SENATE BILL NO. 5184,  
SUBSTITUTE SENATE BILL NO. 5187,  
SENATE BILL NO. 5197,  
SUBSTITUTE SENATE BILL NO. 5219,  
SUBSTITUTE SENATE BILL NO. 5241,  
SENATE BILL NO. 5252,  
ENGROSSED SENATE BILL NO. 5258,  
SENATE BILL NO. 5270,  
SENATE BILL NO. 5273,  
ENGROSSED SENATE BILL NO. 5289,  
SENATE BILL NO. 5305,  
SUBSTITUTE SENATE BILL NO. 5309,  
SENATE BILL NO. 5331,  
SENATE BILL NO. 5367,  
SENATE BILL NO. 5392,  
SENATE BILL NO. 5393,  
SUBSTITUTE SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5417,  
SENATE BILL NO. 5440,  
SUBSTITUTE SENATE BILL NO. 5443,  
SENATE BILL NO. 5454,  
SENATE BILL NO. 5457,  
ENGROSSED SENATE BILL NO. 5495,  
SUBSTITUTE SENATE BILL NO. 5565,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5606,  
SENATE BILL NO. 5691,  
SUBSTITUTE SENATE BILL NO. 5702,  
SUBSTITUTE SENATE BILL NO. 5813,  
SENATE BILL NO. 5921,  
SUBSTITUTE SENATE BILL NO. 5958,  
SENATE BILL NO. 5972,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5995,  
SENATE BILL NO. 6022,  
SUBSTITUTE SENATE BILL NO. 6055,  
SUBSTITUTE SENATE BILL NO. 6056,  
SENATE BILL NO. 6109,  
ENGROSSED SENATE JOINT RESOLUTION NO. 8208,

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



There being no objection, the House adjourned until 10:00 a.m., April 3, 2001, the 86<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
EIGHTY SIXTH DAY

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MORNING SESSION

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House Chamber, Olympia, Tuesday, April 3, 2001

The House was called to order at 9:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ryan Sanders and Chelsea Crooks. Speaker Chopp led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Jeannie Darneille.

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

Speaker Chopp called upon Representative Ogden to preside.

**SECOND READING**

**HOUSE BILL NO. 1625 by Representatives Esser, McIntire, Alexander and Murray**

**Providing for supplemental capital budget appropriations.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1625 was substituted for House Bill No. 1625 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1625 was read the second time.

Representative Alexander moved the adoption of the following amendment (0122):

On page 3, after line 2, insert the following:

"Sec. 3. 2000 2nd sp.s. c 1 s 1008 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building Renovation

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) ~~(\$2,000,000)~~ \$4,500,000 of the appropriation in this section is provided for ~~((design of the interior rehabilitation and exterior preservation of))~~ earthquake related costs associated with the state legislative building ~~((consistent with the recommendations of the commission on legislative building preservation and renovation.))~~ Funds in this subsection are also provided for planning, ~~((and development of))~~ developing, and securing relocation space for current and future construction projects related to the capitol historic district ~~((as well as access))~~ and site improvements ~~((to the south portico area)).~~

(3) The department, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;

(b) The goal shall be to reoccupy the building in time for the 2004 legislative session;

(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff. Functionally, the house of representatives shall be accommodated in the John L O'Brien building and the Pritchard building while the senate shall be accommodated in the Cherberg building and Newhouse building. It is intended that the Chambers of the house of representatives, house members and staff, and other legislative functions be located in the Pritchard building;

(d) The department shall temporarily move the state library to the Sunset Life building by June 30, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

(i) The office of the governor shall be moved to the Insurance building;

(ii) The office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus; and

(iii) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;

(f) The state legislative building shall be completely vacated by September 15, 2001, to make it available for renovation by the contractor; and

(g) State contracts for the Legislative Building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(4) \$1,000,000 of the appropriation in this section is provided for associated studies including:

(a) A private financing feasibility study;

(b) An investigation of exterior sandstone attachment; and

(c) A space use programming study to include:

(i) A prioritization of uses within the legislative building based on functional affiliation with the legislative process and the ceremonial functions of state-wide office holders that takes into consideration emerging telecommunication capabilities;

(ii) An analysis of space efficiency and space use related to legislative and state-wide ceremonial functions in the following buildings: Cherberg, O'Brien, Pritchard, Newhouse, the governor's mansion, and insurance;

(iii) A review of alternative uses and expansion capabilities for buildings on the capitol campus; and

(iv) By November 30, 2000, the department shall submit a report to the appropriate committees of the legislature on the recommendations of the space use programming study. These recommendations shall be the basis for the planning and development of relocation space for the capitol historic district ((as specified in subsection (2) of this section)).

((4)) (5) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall:

(a) Develop criteria and guidelines for the space programming study; and

(b) Periodically advise the department regarding the renovation under subsection (3), the receipt and use of private funds, and other issues that may arise.

((5)) (6) From the appropriation in this section, up to \$10,000 or an amount based on an appraised value may be expended to acquire a photo and document collection of historic significance that depicts legislative activities and facilities.

(7) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and September 15, 2001, and shall consult with the legislature and governor on major decisions.

Appropriation:

Capitol Building Construction Account .....	\$	3,000,000
<u>Thurston County Facilities Account.....</u>	<u>\$</u>	<u>2,500,000</u>
		-----
<u>Subtotal Appropriation .....</u>	<u>\$</u>	<u>5,500,000</u>

Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	102,500,000
		TOTAL
		108,000,000"

\$ ((-

Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Alexander, Cooper, McMorris and Conway spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser, McIntire, Veloria and Lantz spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1625.

**MOTIONS**

On motion of Representative Santos, Representatives Gombosky and Kirby were excused. On motion of Representative Schoesler, Representatives B. Chandler, G. Chandler, Crouse, Lisk and Van Luven were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1625 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Excused: Representatives Crouse, B. Chandler, G. Chandler, Gombosky, Kirby, Lisk, and Van Luven - 7.

Engrossed Substitute House Bill No. 1625, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Schoesler asked the Chamber for a moment of silence in honor of former Senator Irving Newhouse who died after a brief illness on Sunday.

**HOUSE BILL NO. 1633 by Representatives Campbell and Cody**

**Making technical corrections to provisions concerning the individual health insurance market.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1633 was not substituted for House Bill No. 1633.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1633.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1633 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Excused: Representatives B. Chandler, G. Chandler, Crouse, Gombosky, Kirby, Lisk, and Van Luven - 7.

House Bill No. 1633, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., April 4, 2001, the 87<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
EIGHTY SEVENTH DAY

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MORNING SESSION

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House Chamber, Olympia, Wednesday, April 4, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicole Ballard and Ed Morell. Prayer was offered by Representative Brad Benson.

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

**MESSAGES FROM THE SENATE**

April 3, 2001

Mr. Speakers:

The Senate has passed the following bill:

and the same is herewith transmitted.

SECOND SUBSTITUTE SENATE BILL NO. 5540,

Brad Hendrickson, Deputy Secretary

April 3, 2001

Mr. Speakers:

The Senate has passed the following bill:

and the same is herewith transmitted.

HOUSE BILL NO. 1100,

Brad Hendrickson, Deputy Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1100,

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

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5013 by Senate Committee on Judiciary**

**Clarifying the definition of "persistent offender."**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5013.

#### MOTIONS

On motion of Representative Schoesler, Representative Skinner was excused. On motion of Representative Santos, Representatives Edwards, Morris, Murray, Poulsen, Quall, Romero, Schual-Berke, Simpson and Veloria were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5013 and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 88.

Excused: Representatives Edwards, Morris, Murray, Poulsen, Quall, Romero, Schual-Berke, Simpson, Skinner, and Veloria - 10.

Engrossed Substitute Senate Bill No. 5013, having received the necessary constitutional majority, was declared passed.

#### **SUBSTITUTE SENATE BILL NO. 5015 by Senate Committee on Judiciary**

##### **Modifying the definition of border area.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Sommers spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5015.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5015 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley,

Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Excused: Representatives Edwards, Morris, Murray, Poulsen, Romero, Schual-Berke, Simpson, Skinner, and Veloria - 9.

Substitute Senate Bill No. 5015, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5022 by Senators Jacobsen and Oke**

**Modifying the salmon recovery funding board's reporting of financial affairs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Sump spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5022.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5022 and the bill passed the House by the following vote: Yeas - 89, Nays - 1, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Voting nay: Representative Ericksen - 1.

Excused: Representatives Morris, Murray, Poulsen, Romero, Simpson, Skinner, Veloria, and Edwards - 8.

Senate Bill No. 5022, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5038 by Senators McCaslin and Kline**

**Incorporating amendments into the reorganized chapter 9.94A RCW.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.



Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5038.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5038 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Excused: Representatives Morris, Murray, Poulsen, Romero, Simpson, Skinner, and Veloria - 7.

Senate Bill No. 5038, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5047 by Senators Long, Costa, Hargrove and Carlson**

**Authorizing the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5047.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5047 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Excused: Representatives Morris, Murray, Poulsen, Romero, Simpson, Skinner, and Veloria - 7.

Senate Bill No. 5047, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5048 by Senators Long, Hargrove, Winsley and Costa****Changing provisions relating to less restrictive alternative commitments.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5048.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5048 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Morris, Murray, Poulsen, Romero, Skinner, and Veloria - 6.

Senate Bill No. 5048, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5051 by Senators Long, Hargrove, Winsley, Haugen, Stevens, Patterson, McAuliffe, Fairley and Carlson****Changing provisions relating to persons incapacitated by a chemical dependency.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boldt and Tokuda spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Senate Bill No. 5051.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5051 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody,

Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Morris, Murray, Poulsen, Romero, Skinner, and Veloria - 6.

Engrossed Senate Bill No. 5051, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5052 by Senate Committee on Judiciary**

**Making technical corrections to trust and estate dispute resolution provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Lantz spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5052.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5052 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Morris, Murray, Poulsen, Romero, Skinner, and Veloria - 6.

Engrossed Substitute Senate Bill No. 5052, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5121 by Senators Regala, Morton, Oke, Eide, Fraser and Jacobsen**

**Correcting references to the former office of marine safety.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill

was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5121.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5121 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, and Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Morris, Poulsen, Romero, Skinner, and Veloria - 5.

Senate Bill No. 5121, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5145 by Senators Long, Franklin, Carlson, Winsley, Honeyford and Fraser**

**Exempting trainers and trainees in housing authority resident training programs from membership in the public employees' retirement system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Sehlin spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5145.

There being no objection, Representative Dunshee was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5145 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods,

Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Dunshee, Morris, Poulsen, Romero, Skinner, and Veloria - 6.

Senate Bill No. 5145, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5184 by Senate Committee on Health & Long-Term Care**  
**Reporting investigations of vulnerable adult abuse.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For committee amendment, see Journal, 80th Day, March 28, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Cody and Campbell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5184 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5184 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives McDermott, Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Dunshee, Morris, Poulsen, Romero, Skinner, and Veloria - 6.

Substitute Senate Bill No. 5184 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5187 by Senate Committee on Judiciary**

**Updating creditor/debtor personal property exemptions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Carrell and Lantz spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5187 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5187 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Dunshee, Morris, Poulsen, Romero, Skinner, and Veloria - 6.

Substitute Senate Bill No. 5187 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5197 by Senators Winsley and Prentice**

#### **Revising private activity bond provisions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Alexander and McIntire spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5197 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5197 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, and Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden,

Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Morris, Poulsen, Romero, Skinner, Veloria, and Dunshee - 6.

Senate Bill No. 5197 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5219 by Senate Committee on Labor, Commerce & Financial Institutions**

**Modifying contracts for the sale of travel-related benefits.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5219.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5219 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Dunshee, Morris, Poulsen, Romero, Skinner, and Veloria - 6.

Substitute Senate Bill No. 5219, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5241 by Senate Committee on Judiciary**

**Changing provisions relating to venue.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Lantz spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5241.

There being no objection, Representatives Doumit and Quall were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5241 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Excused: Representatives Dunshee, Doumit, Morris, Poulsen, Quall, Romero, and Veloria - 7.

Substitute Senate Bill No. 5241, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SENATE BILL NO. 5258 by Senators Costa, Winsley, Franklin, Thibaudeau and Kohl-Welles**

#### **Regulating disclosure of health care information.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Senate Bill No. 5258.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5258 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Doumit, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker



Ballard, and Speaker Chopp - 92.

Excused: Representatives Dunshee, Morris, Poulsen, Quall, Romero, and Veloria - 6.

Engrossed Senate Bill No. 5258, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5252 by Senators McCaslin, Kline, Fairley, Hewitt, Patterson, Long, Constantine, Roach and Costa**

**Expanding venue for local courts during emergencies and when the defendant appears electronically from a location outside the district.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Lantz spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5252.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5252 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, and Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Dunshee, Morris, Poulsen, Quall, Romero, and Veloria - 6.

Senate Bill No. 5252, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5273 by Senators Gardner, McCaslin, Haugen and Winsley**

**Revising election filing dates.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and McDermott spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5273.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5273 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Dunshee, Morris, Quall, Romero, and Veloria - 5.

Senate Bill No. 5273, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5331 by Senators Kline, McCaslin, Johnson and Long****Modifying collection of business to business debts by collection agencies.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Benson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5331.

There being no objection, Representative Alexander was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5331 and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Cox, Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Voting nay: Representatives Pennington, and Poulsen - 2.

Excused: Representatives Alexander, Dunshee, Morris, Romero, and Veloria - 5.

Senate Bill No. 5331, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on Senate Bill No. 5331.

JIM DUNN, 17th DISTRICT

**SENATE BILL NO. 5367 by Senators Fraser, Long, Patterson, Costa, Regala and Jacobsen**

**Changing competitive grant requirements for community mobilization programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Tokuda spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5367.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5367 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Alexander, Dunshee, Morris, Romero, and Veloria - 5.

Senate Bill No. 5367, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5392 by Senators Long, Constantine and Kline**

**Changing provisions relating to emancipation of minors.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Juvenile Justice was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Delvin and Dickerson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5392 as the amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5392 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Voting nay: Representatives Dunn, and Hurst - 2.

Excused: Representatives Alexander, Dunshee, Morris, Romero, and Veloria - 5.

Senate Bill No. 5392 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5393 by Senators Long, Kline and Kohl-Welles**

#### **Revising provisions relating to truancy records.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Juvenile Justice was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Dickerson and Delvin spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5393 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5393 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Voting nay: Representative Dunn - 1.

Excused: Representatives Dunshee, Morris, Romero, and Veloria - 4.

Senate Bill No. 5393 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5443 by Senate Committee on Natural Resources, Parks & Shorelines**

**Changing required renewal dates in order to validly renew certain commercial fishing licenses.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Pearson and Rockefeller spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5443 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5443 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Morris, Romero, and Veloria - 3.

Substitute Senate Bill No. 5443 as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5495 by Senator Jacobsen**

**Modifying the appointment process for members of the community outdoor athletic fields advisory council.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Rockefeller and Sump spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Senate Bill No. 5495 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5495 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Morris, Romero, and Veloria - 3.

Engrossed Senate Bill No. 5495 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5565 by Senate Committee on Health & Long-Term Care**

#### **Dispensing controlled substance orders and prescriptions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For committee amendment, see Journal, 79th Day, March 27, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5565 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5565 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien,

Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Morris, Romero, and Veloria - 3.

Substitute Senate Bill No. 5565 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5691 by Senators Costa, Long, Hargrove and Kohl-Welles**

**Adding a limitation on sealing of juvenile offender records.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Delvin and Dickerson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5691.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5691 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Morris, Romero, and Veloria - 3.

Senate Bill No. 5691, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5702 by Senate Committee on Ways & Means**

**Changing taxation of forest lands.**

The bill was read the second time.

Representative Sump moved the adoption of the following amendment (0124):

On page 10, beginning on line 9, after "(3)" strike all material through "recent." on line 34, and insert the following:

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000 by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection (3).

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent."

Representatives Sump and Rockefeller spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Sump and Rockefeller spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5702 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5702 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Morris, Romero, and Veloria - 3.

Substitute Senate Bill No. 5702 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SENATE BILL NO. 5053 by Senators Constantine and Johnson**

#### **Making corrections to Article 9A of the Uniform Commercial Code.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Esser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Senate Bill No. 5053.



There being no objection, Representatives Carrell, Doumit, Dunshee, Kirby, McIntire, Poulsen, Romero, Sommers and Veloria were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5053 and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 88.

Excused: Representatives Carrell, Doumit, Dunshee, Kirby, McIntire, Morris, Poulsen, Romero, Sommers, and Veloria - 10.

Engrossed Senate Bill No. 5053, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SUBSTITUTE SENATE BILL NO. 5060 by Senate Committee on State & Local Government**

#### **Revising alternative public works contracting procedures.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government was before the House for purpose of amendments. (For committee amendment, see Journal, 80th Day, March 28, 2001.)

Representative Pennington moved the adoption of the following amendment (0128) to the committee amendment:

On page 1, beginning on line 23 of the amendment, strike "a population greater than five hundred thousand" and insert "~~((a population))~~ total revenues greater than ~~((five hundred thousand))~~ fifteen million dollars per year"

On page 2, beginning on line 5 of the amendment, strike "a population greater than five hundred thousand" and insert "total revenues greater than fifteen million dollars per year"

Representatives Pennington, Fromhold, Pennington (again) and Linville spoke in favor of the adoption of the amendment to the committee amendment.

Representative McMorris spoke against adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Mulliken moved the adoption of the following amendment (0123) to the committee amendment:

On page 1, line 24, of the amendment, after "thousand;" insert "every public utility district with revenues from energy sales greater than twenty-three million dollars per year;"

On page 2, line 5, of the amendment, after "thousand;" insert "every public utility district with revenues from energy sales greater than twenty-three million dollars per year;"

Representatives Mulliken, Armstrong, and Miloscia spoke in favor of adoption of the amendment to the committee amendment.

Representatives McMorris and Pennington spoke against adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Miloscia, McMorris and DeBolt spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5060 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5060 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Carrell, Doumit, Kirby, Morris, Romero, and Veloria - 6.

Engrossed Substitute Senate Bill No. 5060 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5061 by Senators Winsley and Patterson**

#### **Awarding contracts for building engineering systems.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Miloscia spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5061.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5061, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Carrell, Doumit, Kirby, Morris, Romero, and Veloria - 6.

Senate Bill No. 5061, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5401 by Senate Committee on State & Local Government**

#### **Eliminating boards and commissions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Miloscia and McMorris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5401 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5401 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and

Speaker Chopp - 92.

Excused: Representatives Carrell, Doumit, Kirby, Morris, Romero, and Veloria - 6.

Substitute Senate Bill No. 5401 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5813 by Senate Committee on Labor, Commerce & Financial Institutions**

**Allowing restaurants and private clubs to sell wine for off-premises consumption.**

The bill was read the second time.

Representative Clements moved the adoption of the following amendment (0138):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 66.24.450 and 1999 c 281 s 5 are each amended to read as follows:

(1) No club shall be entitled to a spirits, beer, and wine private club license:

(a) Unless such private club has been in continuous operation for at least one year immediately prior to the date of its application for such license;

(b) Unless the private club premises be constructed and equipped, conducted, managed, and operated to the satisfaction of the board and in accordance with this title and the regulations made thereunder;

(c) Unless the board shall have determined pursuant to any regulations made by it with respect to private clubs, that such private club is a bona fide private club; it being the intent of this section that license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a license to sell liquor, but solely to a bona fide private club, where the sale of liquor is incidental to the main purposes of the spirits, beer, and wine private club, as defined in RCW 66.04.010(7).

(2) The annual fee for a spirits, beer, and wine private club license, whether inside or outside of an incorporated city or town, is seven hundred twenty dollars per year.

(3) The board may issue an endorsement to the spirits, beer, and wine private club license that allows up to forty nonclub, member-sponsored events using club liquor. Visitors and guests may attend these events only by invitation of the sponsoring member or members. These events may not be open to the general public. The fee for the endorsement shall be an annual fee of nine hundred dollars. Upon the board's request, the holder of the endorsement must provide the board or the board's designee with the following information at least seventy-two hours prior to the event: The date, time, and location of the event; the name of the sponsor of the event; and a brief description of the purpose of the event.

(4) The board may issue an endorsement to the spirits, beer, and wine private club license that allows the holder of a spirits, beer, and wine private club license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this section is one hundred twenty dollars.

**Sec. 2.** RCW 66.24.452 and 1997 c 321 s 31 are each amended to read as follows:

(1) There shall be a beer and wine license to be issued to a private club for sale of beer and wine for on-premises consumption.

(2) Beer and wine sold by the licensee may be on tap or by open bottles or cans.

(3) The fee for the private club beer and wine license is one hundred eighty dollars per year.

(4) The board may issue an endorsement to the private club beer and wine license that allows the holder of a private club beer and wine license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be

sold for off-premises consumption under this section. The annual fee for the endorsement under this section is one hundred twenty dollars.

**Sec. 3.** RCW 66.24.425 and 1998 c 126 s 7 are each amended to read as follows:

(1) The board may, in its discretion, issue a spirits, beer, and wine restaurant license to a business which qualifies as a "restaurant" as that term is defined in RCW 66.24.410 in all respects except that the business does not serve the general public but, through membership qualification, selectively restricts admission to the business. For purposes of RCW 66.24.400 and 66.24.420, all licenses issued under this section shall be considered spirits, beer, and wine restaurant licenses and shall be subject to all requirements, fees, and qualifications in this title, or in rules adopted by the board, as are applicable to spirits, beer, and wine restaurant licenses generally except that no service to the general public may be required.

(2) No license shall be issued under this section to a business:

(a) Which shall not have been in continuous operation for at least one year immediately prior to the date of its application; or

(b) Which denies membership or admission to any person because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap.

(3) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this section is one hundred twenty dollars.

**Sec. 4.** RCW 66.24.400 and 1998 c 126 s 5 are each amended to read as follows:

(1) There shall be a retailer's license, to be known and designated as a spirits, beer, and wine restaurant license, to sell spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only: PROVIDED, That a hotel, or club licensed under chapter 70.62 RCW with overnight sleeping accommodations, that is licensed under this section may sell liquor by the bottle to registered guests of the hotel or club for consumption in guest rooms, hospitality rooms, or at banquets in the hotel or club: PROVIDED FURTHER, That a patron of a bona fide hotel, restaurant, or club licensed under this section may remove from the premises recorked or recapped in its original container any portion of wine which was purchased for consumption with a meal, and registered guests who have purchased liquor from the hotel or club by the bottle may remove from the premises any unused portion of such liquor in its original container. Such license may be issued only to bona fide restaurants, hotels and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a spirits, beer, and wine restaurant license under the provisions and limitations of this title.

(2) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this section is one hundred twenty dollars."

Correct the title.

Representative Clements spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill

as amended by the House was placed on final passage.

Representative Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5813 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5813 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Carrell, Doumit, Kirby, Morris, Romero, and Veloria - 6.

Substitute Senate Bill No. 5813 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5958 by Senate Committee on Labor, Commerce & Financial Institutions**

#### **Adopting the Washington life and disability insurance guaranty association act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benson and Hatfield spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5958.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5958 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and

Speaker Chopp - 92.

Excused: Representatives Carrell, Doumit, Kirby, Morris, Romero, and Veloria - 6.

Substitute Senate Bill No. 5958, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5972 by Senator Hargrove**

**Releasing juvenile offenders.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dickerson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5972.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5972 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Carrell, Doumit, Kirby, Morris, Romero, and Veloria - 6.

Senate Bill No. 5972, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5995 by Senate Committee on Human Services & Corrections**

**Providing for information sharing among the courts, providers, divisions, and agencies serving dependent children and their families.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boldt and Tokuda spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5995.

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**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5995 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Carrell, Doumit, Kirby, Morris, Romero, and Veloria - 6.

Engrossed Substitute Senate Bill No. 5995, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6022 by Senators West, Prentice, Patterson, Roach, Rasmussen and Snyder**

**Changing from five years to fifteen years the time that certain amounts are awarded to owners and breeders.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 6022.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6022 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Kirby, Carrell, Doumit, Morris, Romero, and Veloria - 6.

Senate Bill No. 6022, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6055 by Senate Committee on Human Services & Corrections**



**Evaluating children within the foster care agency caseload.**

The bill was read the second time.

Representative Dickerson moved the adoption of the following amendment (0120):

On page 2, line 34 after "(5)" insert: "Use the assessment tool developed pursuant to subsection (4) in making out-of-home placement decisions for children;

(6)"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Dickerson spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Boldt and Tokuda spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 6055 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6055 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Carrell, Doumit, Kirby, Morris, Romero, and Veloria - 6.

Substitute Senate Bill No. 6055 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6109 by Senators Patterson, Gardner and Kline****Reporting election independent expenditures and contributions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McDermott spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 6109.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6109 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Carrell, Doumit, Kirby, Morris, Romero, and Veloria - 6.

Senate Bill No. 6109, having received the necessary constitutional majority, was declared passed.

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

### MOTION

On motion of Representative DeBolt, the House adjourned until 10:00 a.m., April 5, 2001, the 88<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Thursday, April 5, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Linda Jackley and Daniel Gibson. Prayer was offered by Representative Ed Murray.

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

**MESSAGES FROM THE SENATE**

April 4, 2001

Mr. Speakers:

The Senate has passed the following bills:

SENATE BILL NO. 5523,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,  
SUBSTITUTE SENATE BILL NO. 5748,  
SUBSTITUTE SENATE BILL NO. 5759,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5760,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5764,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5765,  
SUBSTITUTE SENATE BILL NO. 5894,  
SECOND SUBSTITUTE SENATE BILL NO. 5947,  
SUBSTITUTE SENATE BILL NO. 6008,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8403,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8410,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 4, 2001

Mr. Speakers:

The Senate has passed the following bills:

ENGROSSED SENATE BILL NO. 5686,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5749,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 4, 2001

Mr. Speakers:

The Senate has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1019,  
 SUBSTITUTE HOUSE BILL NO. 1027,  
 HOUSE BILL NO. 1055,  
 SUBSTITUTE HOUSE BILL NO. 1140,  
 HOUSE BILL NO. 1280,  
 HOUSE BILL NO. 1296,  
 HOUSE BILL NO. 1309,  
 HOUSE BILL NO. 1313,  
 HOUSE BILL NO. 1317,  
 SUBSTITUTE HOUSE BILL NO. 1349,  
 SUBSTITUTE HOUSE BILL NO. 1375,  
 HOUSE BILL NO. 1546,  
 HOUSE BILL NO. 1548,  
 HOUSE BILL NO. 1577,  
 HOUSE BILL NO. 1623,  
 SUBSTITUTE HOUSE BILL NO. 1632,  
 HOUSE BILL NO. 1634,  
 SUBSTITUTE HOUSE BILL NO. 1739,  
 ENGROSSED HOUSE BILL NO. 1864,  
 HOUSE BILL NO. 1983,  
 HOUSE JOINT MEMORIAL NO. 4002,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 4, 2001

Mr. Speakers:

The Senate has passed the following bills:

SENATE BILL NO. 5523,

and the same are herewith transmitted.

Tony M. Cook, Secretary

## SECOND READING

### **SUBSTITUTE SENATE BILL NO. 5372 by Senate Committee on Ways & Means**

#### **Authorizing cooperative agreements concerning the taxation of cigarette sales on Indian lands.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Conway, Morris and Clements spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5372 as amended by the House.

**COLLOQUY**

Representative Conway: "Is it the intent of this legislation to provide only for agreements with 14 Tribes that own and operate smoke shops and not provide a precedent for other Tribes which have different circumstances such as independent smoke shops that are licensed by the Tribal government, such as Puyallup?"

Representative Cairnes: "Yes. This bill represents terms and conditions agreed to by only the Tribes listed in the bill. The State recognizes that agreements with other Tribes may involve alternative rates and conditions."

There being no objection, Representatives McMorris and Ogden were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5372 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Voting nay: Representatives Dunn, Fisher, and Kirby - 3.

Excused: Representatives McMorris and Ogden - 2.

Substitute Senate Bill No. 5372 as amended by the House, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1995 by Representatives Dickerson, Cairnes, Grant, Dunn, Campbell, Kagi, Pearson and Wood**

**Prohibiting civil forfeitures of property unless the owner has been convicted of a crime.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1995 was substituted for House Bill No. 1995 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1995 was read the second time.

Representative Hurst moved the adoption of the following amendment (0143):

On page 13, line 1, after "consist of" strike "twelve" and insert "sixteen"

On page 13, line 1, after "members." strike "Two" and insert "Four"

On page 13, line 2, after "senate," strike "one" and insert "two"

On page 13, line 3, after "and" strike "two" and insert "four"

On page 13, line 4, after "representatives," strike "one" and insert "two"

Representative Hurst spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson, Cairnes and Hurst spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1995.

There being no objection, Representative Cody was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1995 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Cody and McMorris - 2.

Engrossed Substitute House Bill No. 1995, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2104 by Representatives Rockefeller, Sump, Pearson and Doumit**

#### **Providing for an increase in forest fire protection funds.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2104 was substituted for House Bill No. 2104 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2104 was read the second time.

Speaker Chopp announced that House Bill No. 2104 was co-prime sponsored by Representatives Rockefeller and Sump.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller and Sump spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 2104.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2104 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute House Bill No. 2104, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5057 by Senators Gardner, Hale, Haugen, Horn, Spanel, Patterson, Costa, Kline and McCaslin**

#### **Specifying how code cities may change the plan of government.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Mulliken spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5057.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5057 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Senate Bill No. 5057, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5063 by Senators Patterson and Winsley**

**Authorizing a limited public works process.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Romero and Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5063 as amended by the House.

There being no objection, Representatives Dickerson and Dunshee were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5063 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Dickerson, Dunshee, and McMorris - 3.

Senate Bill No. 5063 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5118 by Senate Committee on Ways & Means**

**Enacting the interstate compact for adult offender supervision.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.



Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5118.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5118 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute Senate Bill No. 5118, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5182 by Senate Committee on Environment, Energy & Water**

#### **Ensuring a sustainable, comprehensive pipeline safety program in the state.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 85th Day, April 2, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Linville, Ruderman, Sehlin, Cooper and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5182 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5182 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute Senate Bill No. 5182 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5206 by Senators Gardner, Prentice, Winsley and Fraser**

**Modifying geologist licensing provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and B. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5206.

There being no objection, Representatives Conway, Dickerson, Dunn, Dunshee, Ericksen, Linville, Lisk, Quall, Sehlin, Sommers and Veloria were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5206 and the bill passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Doumit, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 86.

Excused: Representatives Dunn, Conway, Dickerson, Dunshee, Ericksen, Linville, Lisk, McMorris, Quall, Sehlin, Sommers, and Veloria - 12.

Senate Bill No. 5206, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on Senate Bill No. 5206.

JIM DUNN, 17<sup>th</sup> District

**SUBSTITUTE SENATE BILL NO. 5224 by Senate Committee on Transportation**

**Redeveloping King Street railroad station.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5224.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5224 and the bill passed the House by the following vote: Yeas - 79, Nays - 10, Absent - 0, Excused - 9.

Voting yea: Representatives Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Cooper, Crouse, Darneille, Delvin, Dickerson, Doumit, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 79.

Voting nay: Representatives Ahern, Anderson, Casada, Cox, DeBolt, Mielke, Pflug, Roach, Schindler and Schoesler - 10.

Excused: Representatives Conway, Dunn, Dunshee, Ericksen, Linville, McMorris, Quall, Sehlin, and Sommers - 9.

Substitute Senate Bill No. 5224, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SUBSTITUTE SENATE BILL NO. 5238 by Senate Committee on Human Services & Corrections**

#### **Modifying the board of commissioners of a water-sewer district.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mulliken spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5238.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5238 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen,

Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Excused: Representatives Conway, Dunn, Dunshee, Ericksen, McMorris, Sehlin, and Sommers - 7.

Engrossed Substitute Senate Bill No. 5238, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5256 by Senators Kastama and Regala**

**Enacting the emergency management assistance compact.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations and without the committee amendment by the Committee on State Government was adopted. (For committee amendment, see Journal, 85th Day, April 2, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Romero and Lambert spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5256 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5256 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Conway, Dunn, Dunshee, McMorris, Sehlin, and Sommers - 6.

Senate Bill No. 5256 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5274 by Senate Committee on Transportation**

**Revising the appointment of vehicle licensing subagents.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted.

(For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Lovick, Hankins and Fisher spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5274 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5274 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Voting nay: Representative Ericksen - 1.

Excused: Representatives Conway, Dunshee, and McMorris - 3.

Substitute Senate Bill No. 5274 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5348 by Senators Costa, Long, Patterson, Kastama, Hargrove, Sheahan, McCaslin, Prentice, Kohl-Welles, Haugen, Kline, Johnson, Zarelli and Oke**

**Updating the uniform child custody jurisdiction and enforcement act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Lantz spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5348.

There being no objection, Representative Carrell was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5348 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Cooper, Cox,

Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Carrell, Conway, Dunshee, and McMorris - 4.

Senate Bill No. 5348, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5377 by Senators Gardner, Horn and Haugen**

**Marking the gross weight on certain vehicles.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lovick spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5377.

There being no objection, Representatives Armstrong and Darneille were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5377 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Armstrong, Darneille, and McMorris - 3.

Senate Bill No. 5377, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5413 by Senate Committee on Human Services & Corrections**

**Improving accountability in child dependency cases.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted.

(For committee amendment, see Journal, 85th Day, April 2, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Boldt and Kagi spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5413 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5413 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Engrossed Substitute Senate Bill No. 5413 as amended by the House, having received the necessary constitutional majority, was declared passed.

### ENGROSSED SUBSTITUTE SENATE BILL NO. 5434 by Senate Committee on Transportation

#### **Removing the photo requirement for special identification cards for persons issued disabled parking permits.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Ericksen spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5434.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5434 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt,

Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Engrossed Substitute Senate Bill No. 5434, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5442 by Senate Committee on Natural Resources, Parks & Shorelines**

**Allowing the use of certain salmon fishing gear with an experimental fishery permit.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Pearson and Rockefeller spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5442 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5442 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute Senate Bill No. 5442 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5468 by Senate Committee on Human Services & Corrections**

**Revising the chemical dependency disposition alternative.**

The bill was read the second time.



There being no objection, the committee amendment by the Committee on Juvenile Justice was adopted. (For committee amendment, see Journal, 81st Day, March 29, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Delvin and Dickerson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5468 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5468 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute Senate Bill No. 5468 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5472 by Senate Committee on Judiciary**

#### **Changing provisions relating to termination of municipal courts and service contracts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Lantz spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5472.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5472 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute Senate Bill No. 5472, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5497 by Senate Committee on Agriculture & International Trade**

**Excluding farm and agricultural land from forest land under the forest practices act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5497.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5497 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute Senate Bill No. 5497, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5531 by Senator Spanel**

**Restricting shrimp pot and commercial fishery licenses.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill

was placed on final passage.

Representative Rockefeller spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5531.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5531 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Senate Bill No. 5531, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5572 by Senate Committee on Transportation**

#### **Authorizing Crime Stoppers signs in view of specified highway systems.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5572.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5572 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute Senate Bill No. 5572, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5593 by Senate Committee on Ways & Means**

**Changing the public accountancy act.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Clements and Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5593 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5593 as amended by the House and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Voting nay: Representatives Boldt, Dunn, Fromhold, Kessler, Lantz, Mielke, Ogden, and Pennington - 8.  
Excused: Representative McMorris - 1.

Engrossed Second Substitute Senate Bill No. 5593 as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5695 by Senate Committee on Ways & Means**

**Creating alternative routes to teacher certification.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For committee amendment, see Journal, 81st Day, March 29, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Anderson and Quall spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5695 as amended by the House.

There being no objection, Representative Veloria was excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5695 as amended by the House and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp, - 90.

Voting nay: Representatives Ahern, Benson, Bush, Cox, Crouse, and Schindler - 6.

Excused: Representatives Veloria, and McMorris - 2.

Engrossed Second Substitute Senate Bill No. 5695 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5733 by Senate Committee on Transportation**

#### **Adjusting day labor allowances for county road construction.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Armstrong and Cooper spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5733.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5733 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards,

Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Voting nay: Representative Conway - 1.

Excused: Representative McMorris - 1.

Substitute Senate Bill No. 5733, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5863 by Senators Snyder and Zarelli**

**Allowing the department of natural resources to exchange certain bedlands to obtain clear title to certain property on the Cowlitz river.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5863.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5863 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Senate Bill No. 5863, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5904 by Senate Committee on Agriculture & International Trade**

**Revising procedures for conservation district elections. (REVISED FOR ENGROSSED: Revising procedures for choosing conservation district supervisors.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Ecology was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives G. Chandler and Linville spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5904 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5904 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Wood, Woods, Speaker Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Engrossed Substitute Senate Bill No. 5904 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5925 by Senate Committee on Environment, Energy & Water**

#### **Reusing waste water derived from food processing.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and G. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5925.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5925 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt,

Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute Senate Bill No. 5925, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5940 by Senate Committee on Education**

#### **Strengthening career and technical education.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendments. (For committee amendment, see Journal, 85th Day, April 2, 2001.)

Representative Sommers moved the adoption of the following amendment (0150) to the committee amendment:

On page 3, line 3 of the amendment, strike all of section 3

Correct the title.

Representatives Sommers and Sehlin spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Haigh, Talcott and Quall spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5940 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5940 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden,



Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute Senate Bill No. 5940 as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5942 by Senate Committee on Judiciary**

**Increasing penalties for crimes against dog guides and service animals.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5942.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5942 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Engrossed Substitute Senate Bill No. 5942, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6053 by Senate Committee on Transportation**

**Adjusting state route 525.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Marine and Lovick spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 6053.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6053 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute Senate Bill No. 6053, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 6107 by Senators Fraser and Morton**

#### **Extending the applicability of provisions relating to geothermal energy.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Crouse, Poulsen and Carrell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 6107.

There being no objection, Representatives Anderson and Mitchell were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6107 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp, - 95.

Excused: Representatives Anderson, McMorris, and Mitchell - 3.

Senate Bill No. 6107, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6110 by Senate Committee on Natural Resources, Parks & Shorelines**

**Providing for the administration of a Puget Sound crab pot buoy tag program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources was adopted. (For committee amendment, see Journal, 80th Day, March 28, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 6110 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6110 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Anderson, McMorris, and Mitchell - 3.

Substitute Senate Bill No. 6110 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT MEMORIAL NO. 8006 by Senators Jacobsen, Swecker and Parlette**

**Requesting fish passage modifications be made to the Leavenworth National Fish Hatchery.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Rockefeller and Sump spoke in favor of passage of the joint memorial.

Speaker Chopp stated the question before the House to be the final passage of Senate Joint Memorial No. 8006.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8006 and the memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Anderson, McMorris, and Mitchell - 3.

Senate Joint Memorial No. 8006, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT MEMORIAL NO. 8008 by Senators Benton and Carlson****Requesting a joint Oregon-Washington committee on taxation be established.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Berkey, Ogden, Pennington, Dunn and Delvin spoke in favor of passage of the joint memorial.

Speaker Chopp stated the question before the House to be the final passage of Senate Joint Memorial No. 8008.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8008 and the memorial passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Voting nay: Representative McIntire - 1.

Excused: Representatives Anderson, McMorris, and Mitchell - 3.

Senate Joint Memorial No. 8008, having received the necessary constitutional majority, was declared

passed.

**SENATE JOINT MEMORIAL NO. 8019 by Senators Rasmussen, Parlette, Spanel and Oke**

**Petitioning the secretary of agriculture to review certain policies of the conservation reserve enhancement program.**

The joint memorial was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Ecology was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial as amended by the House was placed on final passage.

Representative Linville spoke in favor of passage of the joint memorial.

Speaker Chopp stated the question before the House to be the final passage of Senate Joint Memorial No. 8019 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8019 as amended by the House and the memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Anderson, McMorris, and Mitchell - 3.

Senate Joint Memorial No. 8019 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5054 by Senators Johnson and Constantine**

**Modifying the rule against perpetuities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Lantz spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5054.

JOURNAL OF THE HOUSE  
**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5054 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Morell, Morris Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Anderson, McMorris, and Mitchell - 3.

Senate Bill No. 5054, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5305 by Senators Constantine and McCaslin**

**Correcting outdated references and double amendments.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Hurst spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5305.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5305 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Mitchell, Anderson, and McMorris - 3.

Senate Bill No. 5305, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5417 by Senate Committee on Human Services & Corrections**

**Changing provisions relating to opiate substitution treatment programs.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For committee amendment, see Journal, 81st Day, March 29, 2001.)

There being no objection, amendment (0130) to the committee amendment was withdrawn.

Representative Lambert moved the adoption of the following amendment (0151) to the committee amendment:

On page 1, line 14 after "opioids." insert the following:

"Opiate substitution treatment should only be used for participants who are deemed appropriate to need this level of intervention and should not be the first treatment intervention for all opiate addicts."

On page 3, line 27 after "population;" insert the following:

"(e) Demonstrate a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community. No program shall exceed 350 participants unless specifically authorized by the county in which the program is certified."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Lambert and Tokuda spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Ballasiotes, Lambert and Tokuda spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5417 as amended by the House.

There being no objection, Representative Pennington was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5417 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers,

Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Voting nay: Representatives B. Chandler, Lisk, and Schindler - 3.

Excused: Representatives Anderson, McMorris, Mitchell, and Pennington - 4.

Substitute Senate Bill No. 5417 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6056 by Senate Committee on Human Services & Corrections**

**Providing for department of social and health services coordination of services for children and families in child dependency cases.**

The bill was read the second time.

Representative Kagi moved the adoption of the following amendment (0137):

On page 2, line 11, strike all of section 3

Correct the title.

Representative Kagi spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 6056 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6056 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives McMorris, Mitchell, Pennington, and Anderson - 4.

Substitute Senate Bill No. 6056 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5263 by Senate Committee on Labor, Commerce & Financial**



**Institutions****Changing provisions relating to employment rights of members of reserve and national guard forces.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Schmidt and Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5263 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5263 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Anderson, McMorris, Mitchell, and Pennington - 4.

Substitute Senate Bill No. 5263 as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of the following bills, which were placed on the Second Reading calendar.

SUBSTITUTE SENATE BILL NO. 5014,  
 SENATE BILL NO. 5064,  
 SUBSTITUTE SENATE BILL NO. 5077,  
 SENATE BILL NO. 5127,  
 SENATE BILL NO. 5223,  
 SENATE BILL NO. 5275,  
 SUBSTITUTE SENATE BILL NO. 5319,  
 SUBSTITUTE SENATE BILL NO. 5376,  
 SUBSTITUTE SENATE BILL NO. 5494,  
 SUBSTITUTE SENATE BILL NO. 5502,  
 SUBSTITUTE SENATE BILL NO. 5558,  
 SENATE BILL NO. 5604,  
 SENATE BILL NO. 5692,

SUBSTITUTE SENATE BILL NO. 5734,  
ENGROSSED SENATE BILL NO. 5790,  
SUBSTITUTE SENATE BILL NO. 5793,  
SUBSTITUTE SENATE BILL NO. 5862,  
SUBSTITUTE SENATE BILL NO. 5905,  
SUBSTITUTE SENATE BILL NO. 5961,  
SUBSTITUTE SENATE BILL NO. 5984,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8016,

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., April 6, 2001, the 89<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Friday, April 6, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Abe Armstrong and Chelsea Crooks. Prayer was offered by Bishop Carlos A. Sevilla, Diocese of Yakima.

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

**MESSAGES FROM THE SENATE**

April 5, 2001

Mr. Speakers:

The Senate has passed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 5, 2001

Mr. Speakers:

The Senate has passed the following bills:

SENATE BILL NO. 5082,  
SENATE BILL NO. 5102,  
SENATE BILL NO. 6092,  
SENATE CONCURRENT RESOLUTION NO. 8415,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 5, 2001

Mr. Speakers:

The Senate has passed the following bills:

HOUSE BILL NO. 1067,  
HOUSE BILL NO. 1098,  
HOUSE BILL NO. 1116,  
HOUSE BILL NO. 1131,  
HOUSE BILL NO. 1216,  
SUBSTITUTE HOUSE BILL NO. 1376,  
HOUSE BILL NO. 1419,  
SUBSTITUTE HOUSE BILL NO. 1515,  
HOUSE BILL NO. 1547,

SUBSTITUTE HOUSE BILL NO. 1763,  
HOUSE BILL NO. 1943,  
SUBSTITUTE HOUSE BILL NO. 2221,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### SIGNED BY THE SPEAKERS

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 1019,  
SUBSTITUTE HOUSE BILL NO. 1027,  
SUBSTITUTE HOUSE BILL NO. 1140,  
HOUSE BILL NO. 1280,  
HOUSE BILL NO. 1296,  
HOUSE BILL NO. 1309,  
HOUSE BILL NO. 1313,  
HOUSE BILL NO. 1317,  
SUBSTITUTE HOUSE BILL NO. 1375,  
HOUSE BILL NO. 1546,  
HOUSE BILL NO. 1548,  
HOUSE BILL NO. 1577,  
SUBSTITUTE HOUSE BILL NO. 1632,  
HOUSE BILL NO. 1634,  
SUBSTITUTE HOUSE BILL NO. 1739,  
ENGROSSED HOUSE BILL NO. 1864,  
HOUSE BILL NO. 1983,

### RESOLUTIONS

HOUSE RESOLUTION NO. 2001-4639 by Representatives Pearson, Doumit, Rockefeller, Sump, Haigh, G. Chandler, Delvin, Linville, Hankins, Eickmeyer, Esser and McDermott

WHEREAS, The Washington State Legislature has designated that the second Wednesday in April each year is celebrated as Arbor Day; and

WHEREAS, The year 2001 Arbor Day theme of "Trees for the 21st Century" inspires public tree plantings to restore trees lost to urban sprawl, rural land conversion, disease and pests, lack of proper care, and even old age; and

WHEREAS, Arbor Day is a day to recognize our state tree, the western hemlock and our state flower, the rhododendron; and

WHEREAS, Arbor Day is a traditional day for the planting of trees and shrubs by citizens in the state of Washington; and

WHEREAS, Nurseries, orchards, tree farms, public and private forests, and street and park trees add to the beauty and vigor of our state; and

WHEREAS, Arbor Day focuses community attention on planting trees while educating children and community groups about the value of trees; and

WHEREAS, Arbor Day is a symbolic day to recognize the importance of trees and shrubs to the environment, in neighborhoods and communities, in the state's agricultural and timber-based economy, and the importance of continued regeneration of our renewable resources; and

WHEREAS, The state of Washington is appropriately called the Evergreen State due to the special significance that trees and plants contribute to our economy, natural beauty, environment, and quality of life of our citizens; and

WHEREAS, Urban and community forestry programs have greatly benefited the citizens of our cities and towns by contributing to the preservation of precious greenspace, planning for and managing community trees, and promoting the planting and care of trees along streets, highways, in parks, and at schools; and

WHEREAS, By observing Arbor Day and participating in urban and community forestry programs every year, the citizens of the state can show their appreciation for the state's natural resources, the full range of benefits that are provided from trees and shrubs in the state, and the importance of planting and caring for trees and shrubs throughout the year;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize April 11, 2001, as Arbor Day and encourage residents to plant a tree or shrub and celebrate this day; and

BE IT FURTHER RESOLVED, That, during the month of October, urban and community forestry month, the House of Representatives encourage residents to celebrate by planting and caring for trees, and by identifying significant and historic trees in their communities.

House Resolution No. 4639 was adopted.

HOUSE RESOLUTION NO. 2001-4640 by Representatives Quall, Morris, Barlean, Sehlin, Rockefeller, Esser and McDermott

WHEREAS, The incomparable Skagit Valley is the tulip capital of the United States; and

WHEREAS, Every April, millions of tulips paint our beautiful valley in vivid color, celebrating the beginning of Spring; and

WHEREAS, The Skagit Valley Tulip Festival begins the festival season in Washington State; and

WHEREAS, This year's eighteenth annual event will run from April 6 through April 22, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, This year's Tulip Festival Ambassadors will ably and personably perform their responsibilities as representatives of this festival; and

WHEREAS, More than half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event, and contributing to the economy of the Skagit Valley and Washington State; and

WHEREAS, This year's visitors will be greeted by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow by the fullness of life in the valley and its wonderful people; and

WHEREAS, Highlights of the event include the Kiwanis Annual Salmon Barbeque, the Tulip Pedal Bike Ride, the Tulip 10k Slug Run/Walk, the Downtown Mount Vernon Street Fair, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives salute the seven communities of the Skagit Valley, their Chambers of Commerce, Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee for their Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington State to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Audrey Smith, Tulip Festival Executive Director, and the Skagit Valley Tulip Festival Ambassadors.

House Resolution No. 4640 was adopted.

HOUSE RESOLUTION NO. 2001-4642 by Representatives Doumit, Sump, Dunshee, G. Chandler, Sommers, Esser and McDermott

WHEREAS, Timothy K. Brown is largely responsible for making Washington's WildWatch program through his expertise and unselfish donation of equipment and time; and

WHEREAS, The ability for the public to see live views of wildlife over the Department of Fish and

Wildlife's internet page has proven to be one of the most successful ventures in reaching out to children and adults to understand and appreciate nature; and

WHEREAS, The camera focused on a bald eagle nest in Kent that was popular with over 400,000 visitors between May and September last year; and

WHEREAS, The Kent EagleCam was declared "the best wildlife viewing camera on the net" by the Discovery Channel; and

WHEREAS, The Kent EagleCam has generated enthusiastic requests for more camera sites to be established, and that many of these requests have come from people who watch the wildlife with their grandchildren; and

WHEREAS, Tim Brown, hoping to provide even greater opportunities for the public climbed 125 feet up a Douglas fir tree on the Capitol Campus to install cameras by an eagle nest near the Governor's mansion; and

WHEREAS, Tim's most recent efforts will not only allow live pictures of eagles raising eaglets to be refreshed over the internet every five to ten seconds, but his installation of an infrared camera will allow for night photography as well; and

WHEREAS, Tim has been a dedicated public servant by working in the field of sustainable ecosystem forestry approximately thirty years, including as a fire officer and fire fighter with the United States Department of Agriculture and the United States Department of the Interior; and

WHEREAS, Tim is internationally known for his efforts to protect and enhance trees for wildlife while managing forest for other purposes; and

WHEREAS, Tim is recognized as being one of the most skilled tree climbers in North America, and certifies climbers for both the United States Department of Agriculture and the Department of the Interior; and

WHEREAS, The work Tim has done with engineers and specialists on the development and use of low-light surveillance and monitoring equipment for wildlife applications has produced dramatic results; and

WHEREAS, Tim still finds time to donate hundreds of hours annually to rescue injured wildlife, such as young eagles falling out of nests;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize that Timothy K. Brown has provided a legacy for all of us through his tireless devotion to protecting wildlife and by providing everybody with the opportunity to better understand and love nature; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to each member of Congress from the State of Washington, the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of the Interior, and the Director of the state Department of Fish and Wildlife.

House Resolution No. 4642 was adopted.

HOUSE RESOLUTION NO. 2001-4643 by Representatives Pflug, Cairnes, Anderson, Simpson, Rockefeller, Esser, McDermott and Hunt

WHEREAS, Washington state annually awards one teacher in the state with the distinguished Teacher of the Year award; and

WHEREAS, Katie Henderson, chosen from among hundreds of Washington's top educators, is the recipient of the 2001 Washington State Teacher of the Year award; and

WHEREAS, Katie Henderson is a sixth grade teacher at Glenridge Elementary in the Kent School District and has been a professional educator for more than twenty-five years; and

WHEREAS, Mrs. Henderson is a remarkable catalyst for learning in her classrooms and her school, helping to cultivate a community of learners among her colleagues and students; and

WHEREAS, Her passion, vision, and commitment to educating her students consistently exceeds all expectations, and she regularly engages each student's mind, heart, and spirit, drawing out of these students the confidence and courage to have fun while learning; and

WHEREAS, Mrs. Henderson's brilliance in seizing every teachable moment and stretching young minds to want to learn new and exciting concepts is at the heart of education; and

WHEREAS, Mrs. Henderson challenges her students to follow her down new roads and adventures in learning; and

WHEREAS, Parents of Mrs. Henderson's students have sung praises of her ability to connect with their children, no matter how different each is; and

WHEREAS, Mrs. Henderson guides her students to discover within themselves new paths for success and new validation for their own unique talents; and

WHEREAS, Mrs. Henderson is a respected leader in her school district, regularly volunteering for special committee assignments and leadership positions, committing her time and energy to improving the Kent School District through curriculum development, coaching, and teacher training;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Katie Henderson for her remarkable achievement in being awarded Washington State Teacher of the Year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Speakers of the House of Representatives to the Office of the Superintendent of Public Instruction, the Washington Education Association, the Kent School District Superintendent, the principal of Glenridge Elementary, and Katie Henderson.

House Resolution No. 4643 was adopted.

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

## SECOND READING

### **ENGROSSED SUBSTITUTE SENATE BILL NO. 5606 by Senate Committee on Human Services & Corrections**

#### **Regarding background checks.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was before the House for purpose of amendments. (For committee amendment, see Journal, 81st Day, March 29, 2001.)

Representative Ballasiotes moved the adoption of the following amendment (0125) to the committee amendment:

On page 1, line 19 after "performed." strike all material through line 21

On page 4, from the beginning of line 35 strike all material through "(2)" on page 5, line 1

Representative Ballasiotes spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Lambert moved the adoption of the following amendment (0140) to the committee amendment:

On page 1, beginning on line 22 of the amendment, strike all material through line 33 and insert the following:

"Sec. 2. RCW 9.96A.020 and 1999 c 16 s 1 are each amended to read as follows:

(1) Subject to the exceptions in subsections (3) and (4) of this section, and unless there is another provision of law to the contrary, a person is not disqualified from employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, nor is a person disqualified to practice, pursue or engage in any occupation, trade, vocation, or business for which a license, permit, certificate or registration is required to be issued by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations solely because of a prior conviction of a felony. However, this section does not preclude the fact of any prior conviction of a crime from being considered.

(2) A person may be denied employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, or business by reason of the prior conviction of a felony if the felony for which he or she was convicted directly relates to the position of employment sought or to the specific occupation, trade, vocation, or business for which the license, permit, certificate or registration is sought, and the time elapsed since the conviction is less than ten years. However, for positions in the county treasurer's office, a person may be disqualified from employment because of a prior guilty plea or conviction of a felony involving embezzlement or theft, even if the time elapsed since the guilty plea or conviction is ten years or more.

(3) A person is disqualified for any certificate required or authorized under chapters 28A.405 or 28A.410 RCW, because of a prior guilty plea or the conviction of a felony involving sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or a violation of similar laws of another jurisdiction, even if the time elapsed since the guilty plea or conviction is ten years or more.

(4) A person is disqualified from employment by school districts, educational service districts, and their contractors hiring employees who will have regularly scheduled unsupervised access to children, because of a prior guilty plea or conviction of a felony involving sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or a violation of similar laws of another jurisdiction, even if the time elapsed since the guilty plea or conviction is ten years or more.

(5) A person is disqualified from employment by the department of social and health services because of a prior felony guilty plea or conviction if the felony relates to the position of employment sought and the position involves or may involve unsupervised access to children, a person who is under the age of twenty-one and has been sentenced to a term of confinement under the supervision of the department of social and health services under chapter 13.40 RCW, a person who is a vulnerable adult under chapter 74.34 or a person who is a vulnerable person, even if the time elapsed since the guilty plea or conviction is ten years or more. For the purposes of this section, "vulnerable person" means an adult of any age who lacks the functional, mental, or physical ability to care for himself or herself.

(6) Subsections (3) and (4) of this section only apply to a person applying for a certificate or for employment on or after July 25, 1993."

Representative Lambert spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Lambert moved the adoption of the following amendment (0141) to the committee amendment:

On page 4, line 29 of the amendment, before "The board" insert "(1)"

One page 4, line 32 of the amendment, after "act." insert the following:

"(2) The Legislature's delegation of authority to the agency under this act is strictly limited to:

- (a) The minimum delegation necessary to administer the act's clear and unambiguous directives; and
- (b) The administration of circumstances and behaviors foreseeable at the time of enactment."



Representative Lambert spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Lambert moved the adoption of the following amendment (0142) to the committee amendment:

On page 5, line 1 of the amendment, after "(2)" strike all material through "position" on line 3 and insert the following:

"The personnel resources board must develop policy recommendations addressing the action that will be taken if a background check result disqualifies an employee from his or her current position. A report of the recommendations developed must be delivered to the legislature by December 1, 2001"

Representative Lambert spoke in favor of the adoption of the amendment to the committee amendment.

Representative Tokuda spoke against adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

There being no objection, the House deferred action on Engrossed Substitute Senate Bill No. 5606, and the bill held its place on the Second Reading calendar.

#### **HOUSE BILL NO. 1845 by Representatives Sehlin and Sommers**

##### **Increasing the fee for a surface mining reclamation permit.**

The bill was read the second time.

With the consent of the House, amendment (0092) was withdrawn.

Representative Boldt moved the adoption of the following amendment (0146):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 78.44.085 and 1997 c 413 s 1 are each amended to read as follows:

(1) An applicant for a public or private reclamation permit shall pay ~~((**an**))~~ a non-refundable application fee to the department before being granted a surface mining permit. The amount of the application fee shall be ~~((**six hundred fifty**))~~ one thousand dollars.

(2) After June 30, ~~((**1993**))~~ 2001, each public or private permit holder shall pay an annual permit fee of ~~((**six hundred fifty**))~~ one thousand dollars. The annual permit fee shall be payable to the department on the first anniversary of the permit date and each year thereafter. Annual fees paid by a county for mines used exclusively for public works projects and having less than seven acres of disturbed area per mine shall not exceed one thousand dollars. Annual fees are waived for all mines used primarily for public works projects if the mines are owned and primarily operated by counties with 1993 populations of less than twenty thousand persons, and if each mine has less than seven acres of disturbed area.

(3) Appeals from any determination of the department shall not stay the requirement to pay any annual permit fee. Failure to pay the annual fee may constitute grounds for an order to suspend surface mining or cancellation of the reclamation permit as provided in this chapter.

(4) All fees collected by the department shall be deposited into the surface mining reclamation account.

(5) If the department delegates enforcement responsibilities to a county, city, or town, the department may allocate funds collected under this section to the county, city, or town.

(6) Within sixty days after receipt of a permit application, the department shall advise applicants of any information necessary to successfully complete the application.

NEW SECTION. **Sec. 2.** By January 1, 2003, the department of natural resources shall report to the appropriate policy and fiscal committees of the legislature regarding program deliverables and uses of the new fee revenue.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Correct the title.

Representative Boldt spoke in favor of adoption of the amendment.

Representative Sommers spoke against adoption of the amendment.

The amendment was adopted.

There being no objection, the House deferred action on House Bill No. 1845, and the bill held its place on the Second Reading calendar.

#### **SUBSTITUTE SENATE BILL NO. 5114 by Senate Committee on Transportation**

##### **Modifying motorcycle provisions.**

The bill was read the second time.

Representative Pennington moved the adoption of the following amendment (0149):

On page 2, after line 9, insert the following:

**Sec. 4** RCW 46.37.530 and 1997 c 328 s 4 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person to operate or ride upon a motorcycle, motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a ~~((protective))~~ motorcycle helmet ~~((of a type conforming to rules adopted by the state patrol))~~ except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The motorcycle helmet ~~((must be equipped with either a))~~ neck or chin strap ~~((which shall))~~ must be fastened securely while the motorcycle or motor-driven cycle is in motion. Persons operating electric-assisted bicycles shall comply with all laws and regulations related to the use of bicycle helmets;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet (~~(which)~~) that does not meet the requirements established by ~~((the state patrol))~~ this section.

(2) The state patrol (~~(is hereby authorized and empowered to))~~ may adopt and amend rules, pursuant to the Administrative Procedure Act, concerning ~~((the))~~ standards ~~((and procedures for conformance of rules-adopted))~~ for glasses, goggles, and face shields~~((, and protective helmets))~~.

(3) For purposes of this section, "motorcycle helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.

NEW SECTION. **Sec. 5.** Correct the title.

### POINT OF ORDER

Representative Fisher requested a scope and object ruling on amendment (0149) to Substitute Senate Bill No. 5114.

There being no objection, the House deferred action on Substitute Senate Bill No. 5114, and the bill held its place on the Second Reading calendar.

### **SUBSTITUTE SENATE BILL NO. 5205 by Senate Committee on Labor, Commerce & Financial Institutions**

#### **Requiring self-insurers and the department to provide information for independent medical examinations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5205.

There being no objection, Representatives Cody, Dunn, Fromhold, McMorris and Ogden were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5205 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and

Speaker Chopp - 93.

Excused: Representatives Cody, Dunn, Fromhold, McMorris and Ogden - 5.

Substitute Senate Bill No. 5205, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5374 by Senators Constantine, Winsley, Prentice and McCaslin**

**Imposing criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, personal care products, nonprescription drugs, or medical devices. (REVISED FOR ENGROSSED: Imposing criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, nonprescription drugs, or medical devices.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Wood, B. Chandler and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Senate Bill No. 5374 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5374 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp, and - 93.

Excused: Representatives Cody, Dunn, Fromhold, McMorris and Ogden - 5.

Engrossed Senate Bill No. 5374 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5484 by Senate Committee on Ways & Means**

**Providing a limited sales tax exemption for certain sales of conifer seed.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill

was placed on final passage.

Representatives Morris and Cairnes spoke in favor of passage of the bill.

There being no objection, Representative Mielke was excused.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5484.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5484 and the bill passed the House by the following vote: Yeas - 89, Nays - 3, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Voting nay: Representatives Dickerson, Schual-Berke, and Sommers - 3.

Excused: Representatives Cody, Dunn, Fromhold, McMorris, Mielke, and Ogden - 6.

Substitute Senate Bill No. 5484, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SUBSTITUTE SENATE BILL NO. 5583 by Senate Committee on Human Services & Corrections**

#### **Implementing recommendations of the joint legislative audit and review committee's performance audit of the public mental health system.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 85th Day, April 2, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Schual-Berke and Campbell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5583 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5583 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson,

Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Cody, Dunn, Fromhold, McMorris, Mielke, and Ogden - 6.

Engrossed Substitute Senate Bill No. 5583 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5637 by Senate Committee on Natural Resources, Parks & Shorelines**

**Creating a program of watershed health monitoring and assessments.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendments. (For committee amendment, see Journal, 85thDay, April 2, 2001.)

Representative Pennington moved the adoption of the following amendment (0153) to the committee amendment:

On page 2, line 28 of the amendment, after "committee." insert "A legislator designated as a member of the monitoring oversight committee pursuant to this subsection may designate an alternate legislator to serve on the oversight committee in his or her place. The alternate legislator must be a member of the same standing committee listed in this subsection as the legislator who is designating the alternate."

Representative Pennington spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Doumit moved the adoption of the following amendment (0154) to the committee amendment:

On page 2, line 30, after "board" insert ", or their designees,"

Representative Doumit spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Doumit and Sump spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5637 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5637 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Cody, Dunn, Fromhold, McMorris and Ogden - 5.

Substitute Senate Bill No. 5637 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SUBSTITUTE SENATE BILL NO. 5877 by Senate Committee on Health & Long-Term Care**

**Providing licensing standards for mental health counselors, marriage and family therapists, and social workers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 85th Day, April 2, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Campbell and Schual-Berke spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5877 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5877 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall,

Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Cody, Dunn, Fromhold, McMorris and Ogden - 5.

Engrossed Substitute Senate Bill No. 5877 as amended by the House, having received the necessary constitutional majority, was declared passed.

**MESSAGES FROM THE SENATE**

April 5, 2001

Mr. Speakers:

The President has signed:

and the same is herewith transmitted.

HOUSE BILL NO. 1100,

Brad Hendrickson, Deputy Secretary

April 6, 2001

Mr. Speakers:

The President has signed:

and the same are herewith transmitted.

SENATE BILL NO. 5057,  
SUBSTITUTE SENATE BILL NO. 5118,

Brad Hendrickson, Deputy Secretary

April 6, 2001

Mr. Speakers:

The President has signed:

and the same is herewith transmitted.

SENATE BILL NO. 5691,

Brad Hendrickson, Deputy Secretary

April 6, 2001

Mr. Speakers:

The President has signed:

and the same is herewith transmitted.

SENATE BILL NO. 6109,

Brad Hendrickson, Deputy Secretary

April 6, 2001

Mr. Speakers:

The President has signed:

ENGROSSED SENATE BILL NO. 5053,  
SENATE BILL NO. 5061,



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SUBSTITUTE SENATE BILL NO. 5958,  
SENATE BILL NO. 5972,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5995,  
SENATE BILL NO. 6022,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 6, 2001

Mr. Speakers:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5013,  
SUBSTITUTE SENATE BILL NO. 5015,  
SENATE BILL NO. 5022,  
SENATE BILL NO. 5038,  
SENATE BILL NO. 5047,  
SENATE BILL NO. 5048,  
ENGROSSED SENATE BILL NO. 5051,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5052,  
SENATE BILL NO. 5121,  
SENATE BILL NO. 5145,  
SUBSTITUTE SENATE BILL NO. 5219,  
SUBSTITUTE SENATE BILL NO. 5241,  
SENATE BILL NO. 5252,  
ENGROSSED SENATE BILL NO. 5258,  
SENATE BILL NO. 5273,  
SENATE BILL NO. 5331,  
SENATE BILL NO. 5367,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1055,  
SUBSTITUTE HOUSE BILL NO. 1349,  
HOUSE BILL NO. 1623,  
HOUSE JOINT MEMORIAL NO. 4002,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5013,  
SUBSTITUTE SENATE BILL NO. 5015,  
SENATE BILL NO. 5022,  
SENATE BILL NO. 5038,  
SENATE BILL NO. 5047,  
SENATE BILL NO. 5048,  
ENGROSSED SENATE BILL NO. 5051,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5052,  
ENGROSSED SENATE BILL NO. 5053,  
SENATE BILL NO. 5057,  
SENATE BILL NO. 5061,  
SUBSTITUTE SENATE BILL NO. 5118,

SENATE BILL NO. 5121,  
 SENATE BILL NO. 5145,  
 SUBSTITUTE SENATE BILL NO. 5219,  
 SUBSTITUTE SENATE BILL NO. 5241,  
 SENATE BILL NO. 5252,  
 ENGROSSED SENATE BILL NO. 5258,  
 SENATE BILL NO. 5273,  
 SENATE BILL NO. 5331,  
 SENATE BILL NO. 5367,  
 SENATE BILL NO. 5691,  
 SUBSTITUTE SENATE BILL NO. 5958,  
 SENATE BILL NO. 5972,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5995,  
 SENATE BILL NO. 6022,  
 SENATE BILL NO. 6109,

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

### INTRODUCTIONS AND FIRST READING

HB 2232 by Representatives Sehlin, Sommers and Fromhold

AN ACT Relating to defining earnable compensation for the teachers' retirement system; and amending RCW 41.32.010.

Referred to Committee on Appropriations.

HB 2233 by Representatives Sommers and Sehlin

AN ACT Relating to contractual agreements with federal government for administration of state supplementation of supplemental security income; and amending RCW 74.04.630.

Referred to Committee on Appropriations.

HB 2234 by Representatives Ahern, Mastin, Mulliken, Roach, Schindler, Sump, Anderson, Jarrett, Armstrong, McMorris, Benson, Morell, Cox, Mielke, Pearson, Mitchell, Alexander and Casada

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on First Reading.

HB 2235 by Representatives Cooper, Ericksen, Berkey, Barlean, Lovick, Dunshee, Crouse, Poulsen, Fromhold, Jarrett, Rockefeller, Edmonds, Morris, Marine, Murray, Linville and Conway

AN ACT Relating to providing incentives to reduce air pollution from diesel fuels; amending RCW 82.36.010, 82.34.010, and 82.34.020; adding a new section to chapter 82.36 RCW; and providing an expiration date.

Referred to Committee on Transportation.

SB 5523 by Senators Horn, Rossi and Snyder

AN ACT Relating to overpayments of tax concerning leased equipment when a remedy to refund the overpayment no longer exists under the nonclaim statute; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Finance.

2SSB 5540 by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Eide, Regala, Fraser, Costa, Rasmussen, Patterson, Kline, Kohl-Welles, Winsley and Gardner; by request of Governor Locke)

AN ACT Relating to public utility tax credits for home energy assistance programs for low-income households; amending RCW 74.38.070; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Finance.

ESB 5686 by Senators Eide, Rasmussen, Kohl-Welles, McAuliffe and Carlson; by request of Governor Locke

AN ACT Relating to changing academic assessments timelines; and amending RCW 28A.655.060.

Referred to Committee on Appropriations.

ESSB 5743 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Horn, Shin, Winsley, Oke and Kohl-Welles; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to investing in human resources for transportation; amending RCW 47.80.030; adding a new section to chapter 49.04 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; and creating new sections.

Referred to Committee on Transportation.

SSB 5748 by Senate Committee on Transportation (originally sponsored by Senators McAuliffe, Horn, Shin, Winsley, Oke, Haugen, Kohl-Welles and Kastama; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to integration of transportation and land use planning; amending RCW 35.63.060, 35A.63.060, 47.05.051, and 47.06.040; and adding a new section to chapter 47.26 RCW.

Referred to Committee on Transportation.

ESSB 5749 by Senate Committee on Transportation (originally sponsored by Senators McAuliffe, Horn, Winsley, Oke and Haugen; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to cost-benefit analysis for transportation planning; amending RCW 47.05.010, 47.05.030, 47.05.035, 47.05.051, and 47.06.130; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5759 by Senate Committee on Transportation (originally sponsored by Senators Patterson, Horn, Prentice, McAuliffe, Shin, Finkbeiner, Winsley, Haugen, Franklin, Kohl-Welles and Kastama; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to priority programming of highway improvements; amending RCW 47.05.051; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

ESSB 5760 by Senate Committee on Transportation (originally sponsored by Senators Patterson, Horn, Prentice, McAuliffe, Shin, Finkbeiner, Haugen and Kohl-Welles; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to use of intelligent transportation systems and traffic system management; adding a new section to chapter 47.05 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

ESSB 5764 by Senate Committee on Transportation (originally sponsored by Senators Shin, Horn, Winsley, Oke and Haugen; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to maintaining and preserving transportation facilities and assets; amending RCW 35.84.060, 47.06.050, and 47.06.090; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.78 RCW; and creating a new section.

Referred to Committee on Transportation.

ESSB 5765 by Senate Committee on Transportation (originally sponsored by Senators Prentice, Swecker, Shin, Oke, Parlette, Horn, Haugen and McDonald; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to improving the efficiency and accountability of the environmental permitting and compliance process for transportation projects; adding a new chapter to Title 47 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SSB 5894 by Senate Committee on Ways & Means (originally sponsored by Senators Patterson and Rossi)

AN ACT Relating to the taxation of lodging; and amending RCW 82.04.050, 67.28.180, 67.40.090, and 36.100.040.

Referred to Committee on Finance.

2SSB 5947 by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Morton, Gardner and Honeyford)

AN ACT Relating to tax exemptions for dairy farmers and anaerobic digesters; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

SSB 6008 by Senate Committee on Ways & Means (originally sponsored by Senators Eide, Finkbeiner, Haugen, Kline, Winsley and McAuliffe; by request of Office of Financial Management)

AN ACT Relating to commute trip reduction incentives; adding a new section to chapter 70.94 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.04.4453, 82.04.4454, 82.04.4455, 82.16.048, and 82.16.049; prescribing penalties; providing an effective date; and providing expiration dates.

Referred to Committee on Transportation.

SSCR 8403 by Senate Committee on Judiciary (originally sponsored by Senators T. Sheldon, Swecker, Kline, Regala, Prentice and Costa)

Promoting state and tribal relations.

Referred to Committee on State Government.

SSCR 8404 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Prentice, Winsley, Carlson, Horn, McAuliffe and Franklin)

Adopting the update to the state comprehensive plan for work force training and education.

Referred to Committee on Commerce & Labor.

SSCR 8410 by Senate Committee on Economic Development & Telecommunications (originally sponsored by Senators T. Sheldon, Rossi and B. Sheldon)

Studying wireless communication.

Referred to Committee on Technology, Telecommunications & Energy.

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

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

## **SECOND READING**

### **SUBSTITUTE SENATE BILL NO. 5077 by Senate Committee on State & Local Government**

#### **Modifying the provisional employment of sheriff's employees.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5077 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5077 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp, - 93.

Excused: Representatives Cody, Dunn, Fromhold, McMorris and Ogden - 5.

Substitute Senate Bill No. 5077 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5127 by Senators Prentice, Patterson, McAuliffe and McDonald**

#### **Determining the number of unclassified personnel in the sheriff's office.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

There being no objection, Representative Delvin was excused.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5127.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5127 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Cody, Delvin, Dunn, Fromhold, McMorris and Ogden - 6.

Senate Bill No. 5127, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5223 by Senators Gardner, Oke, Haugen and Horn**

**Funding safety audits of rail fixed guideway systems.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5223.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5223 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Cody, Dunn, Fromhold, McMorris and Ogden - 5.

Senate Bill No. 5223, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5275 by Senators Gardner, McCaslin, Haugen, Costa and Kohl-Welles**

**Clarifying procedures for absentee voting and mail ballots.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Schmidt and McDermott spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5275 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5275 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Cody, Dunn, Fromhold, McMorris and Ogden - 5.

Senate Bill No. 5275 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5319 by Senate Committee on State & Local Government**

#### **Changing provisions relating to the municipal research council.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Mulliken and Dunshee spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5319 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5319 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Cody, Dunn, Fromhold, McMorris and Ogden - 5.

Substitute Senate Bill No. 5319 as amended by the House, having received the necessary constitutional majority, was declared passed.



**SUBSTITUTE SENATE BILL NO. 5502 by Senate Committee on Labor, Commerce & Financial Institutions****Modifying boxing officials' licensing requirements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5502.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5502 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Cody, Dunn, Fromhold, McMorris and Ogden - 5.

Substitute Senate Bill No. 5502, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on Senate Bill No. 5692, and the bill held its place on the Second Reading calendar.

**SUBSTITUTE SENATE BILL NO. 5734 by Senate Committee on Agriculture & International Trade****Modifying requirements to receive state allocations for an agricultural fair.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Delvin and Linville spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5734.

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**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5734 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Cody, Dunn, Fromhold, McMorris and Ogden - 5.

Substitute Senate Bill No. 5734, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on Substitute Senate Bill No. 5862, and the bill held its place on the Second Reading calendar.

**SUBSTITUTE SENATE BILL NO. 5961 by Senate Committee on Natural Resources, Parks & Shorelines**

**Modifying provisions concerning fisheries and wildlife issues.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Rockefeller and Sump spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5961 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5961 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and

Speaker Chopp - 93.

Excused: Representatives Cody, Dunn, Fromhold, McMorris and Ogden - 5.

Substitute Senate Bill No. 5961 as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on Engrossed Senate Joint Memorial No. 8016, and the joint memorial held its place on the Second Reading calendar.

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

MOTION

On motion of Representative DeBolt, the House adjourned until 10:00 a.m., April 9, 2001, the 92<sup>nd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
NINETY SECOND DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 9, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rebecca Blocher and Chris Angeles. Speaker Chopp led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Carolyn Edmonds.

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

**MESSAGES FROM THE SENATE**

April 9, 2001

Mr. Speakers:

The President has signed:

HOUSE BILL NO. 1055,  
SUBSTITUTE HOUSE BILL NO. 1349,  
HOUSE BILL NO. 1623,  
HOUSE JOINT MEMORIAL NO. 4002,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 6, 2001

Mr. Speakers:

The Senate has passed the following bills:

HOUSE BILL NO. 1002,  
HOUSE BILL NO. 1028,  
HOUSE BILL NO. 1084,  
SUBSTITUTE HOUSE BILL NO. 1136,  
HOUSE BILL NO. 1160,  
HOUSE BILL NO. 1173,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1180,  
HOUSE BILL NO. 1205,  
HOUSE BILL NO. 1366,  
SUBSTITUTE HOUSE BILL NO. 1426,  
SECOND SUBSTITUTE HOUSE BILL NO. 1499,  
HOUSE BILL NO. 1542,  
SECOND SUBSTITUTE HOUSE BILL NO. 1590,  
SUBSTITUTE HOUSE BILL NO. 1596,  
HOUSE BILL NO. 1716,  
HOUSE BILL NO. 1727,  
HOUSE BILL NO. 1729,  
HOUSE BILL NO. 1780,

NINETY SECOND DAY, APRIL 9, 2001

1275

SUBSTITUTE HOUSE BILL NO. 1792,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 6, 2001

Mr. Speakers:

The Senate has passed:

SENATE BILL NO. 6036,

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 6, 2001

Mr. Speakers:

The President has signed:

SENATE BILL NO. 5127,  
SUBSTITUTE SENATE BILL NO. 5205,  
SENATE BILL NO. 5223,  
SUBSTITUTE SENATE BILL NO. 5484,  
SUBSTITUTE SENATE BILL NO. 5502,  
SUBSTITUTE SENATE BILL NO. 5734,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 6, 2001

Mr. Speakers:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1019,  
SUBSTITUTE HOUSE BILL NO. 1027,  
SUBSTITUTE HOUSE BILL NO. 1140,  
HOUSE BILL NO. 1280,  
HOUSE BILL NO. 1296,  
HOUSE BILL NO. 1309,  
HOUSE BILL NO. 1313,  
HOUSE BILL NO. 1317,  
SUBSTITUTE HOUSE BILL NO. 1375,  
HOUSE BILL NO. 1546,  
HOUSE BILL NO. 1548,  
HOUSE BILL NO. 1577,  
SUBSTITUTE HOUSE BILL NO. 1632,  
HOUSE BILL NO. 1634,  
SUBSTITUTE HOUSE BILL NO. 1739,  
ENGROSSED HOUSE BILL NO. 1864,  
HOUSE BILL NO. 1983,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 6, 2001

Mr. Speakers:

The President has signed:

SENATE BILL NO. 5206,  
 SUBSTITUTE SENATE BILL NO. 5224,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5238,  
 SENATE BILL NO. 5348,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 6, 2001

Mr. Speakers:

The President has signed:

SENATE BILL NO. 5054,  
 SENATE BILL NO. 5305,  
 SENATE BILL NO. 5377,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5434,  
 SUBSTITUTE SENATE BILL NO. 5472,  
 SUBSTITUTE SENATE BILL NO. 5497,  
 SENATE BILL NO. 5531,  
 SUBSTITUTE SENATE BILL NO. 5572,  
 SUBSTITUTE SENATE BILL NO. 5733,  
 SENATE BILL NO. 5863,  
 SUBSTITUTE SENATE BILL NO. 5925,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,  
 SUBSTITUTE SENATE BILL NO. 6053,  
 SENATE BILL NO. 6107,  
 SENATE JOINT MEMORIAL NO. 8006,  
 SENATE JOINT MEMORIAL NO. 8008,

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

SENATE BILL NO. 5389,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5500,  
 SENATE BILL NO. 5852,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5937,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5970,  
 SUBSTITUTE SENATE BILL NO. 5988,

### RESOLUTION

HOUSE RESOLUTION NO. 2001-4644, by Representatives Casada, Morell, Roach, Talcott, Marine, Pearson, Barlean, Ericksen, Woods, Benson, Bush, Kirby, Boldt, Darneille, Buck, Pflug, Lambert, Lisk, Skinner, Ballasiotes, Cairnes, Alexander, Carrell, Pennington, Jackley, Ahern, Esser, Jarrett, Mielke and Schmidt

WHEREAS, The annual Puyallup Valley Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, The year 2001 marks the sixty-eighth annual Puyallup Valley Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a simple garden party in Sumner, and grew steadily each year

until 1934 when flowers, which previously had been largely discarded in favor of bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival's 2001 events are ongoing, and will culminate in the April 21st Grand Floral Street Parade, winding its way from downtown Tacoma to the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes princesses Kyleen Bennett, Puyallup High School; McKenzie Bennett, Washington High School; Hallie Blakey, Henry Foss High School; Amanda Coate, Sumner High School; Aiyana Cristal, Wilson High School; Maricris Eleno, Lakes High School; Lindy Falk, Clover Park High School; Tara Faw, Orting High School; Jennifer Granlund, Stadium High School; Nancy Jeffery, Curtis High School; Carly Kneeshaw, Eatonville High School; Ashley May, Mt. Tahoma High School; Ambre Meyer, Franklin Pierce High School; Sara Richotte, Chief Leschi High School; Alethea Rupers, Lincoln High School; Amy Smith, Spanaway Lake High School; Tiffany Stracke, Fife High School; Jenny Toft, Bethel High School; and Nicole Uhling, Rogers High School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the many contributions made to our state by the Puyallup Valley Daffodil Festival and its organizers over the past sixty-eight years; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Chief Clerks of the Washington State House of Representatives to the 2001 Puyallup Valley Daffodil Festival Officers and to the Members of the Festival Royalty.

House Resolution No. 4644 was adopted.

HOUSE RESOLUTION NO. 2001-4645, by Representatives Conway, Kirby, Schmidt, Talcott, Lantz, Fisher, Carrell, Campbell, Jackley, Darneille, Hatfield, Reardon, Doumit, Keiser, Dickerson, Simpson, Rockefeller, Murray, Schual-Berke, Dunshee, Edwards, Berkey, McDermott, Kenney, Tokuda, Edmonds, Kagi, Hunt, Ruderman, Ogden, Fromhold, Kessler, Grant, Santos, Gombosky, Eickmeyer and O'Brien

WHEREAS, It is the policy of the Washington state legislature to recognize and honor the contributions of individuals who have embraced and demonstrated the standards of excellence that enhance the well-being and quality of life of citizens of the state of Washington; and

WHEREAS, Helmut "Brownie" Braunsteiner was born in Austria in 1926, forced into the Hitler Youth organization at age thirteen and fled to the United States with his family in 1939; and

WHEREAS, He subsequently volunteered for the United States Army and served during World War II, Korea, the Berlin crisis, and Vietnam for a total of twenty-seven years in the military; and

WHEREAS, Brownie acted as an interpreter and translator at the Nuremberg War Crime Trials in 1945 and personally tutored President John F. Kennedy in 1961 in Berlin, Germany with the famous phrase, "Ich bin ein Berliner"; and

WHEREAS, Feeling a need to repay America for the freedom he received when he immigrated, Brownie became a tireless volunteer upon retiring from a life in the military; and

WHEREAS, His many roles include coordinating the Veterans of Foreign Wars Volunteers at the Veterans Administration Hospital in American Lake, acting as chairman of the Pierce County Veterans Advisory Council, cofounding the Veterans Independent Enterprises of Washington (VIEW) in Fife, and volunteering for the Diabetes Association of Pierce County; and

WHEREAS, Brownie is an appointed member of the Governor's Veterans Affairs Advisory Council, which is charged with advising the Governor on issues and events important to veterans and their families; and

WHEREAS, Brownie was instrumental in his work on the board which established the World War II Memorial on the State Capitol Campus in Olympia; and

WHEREAS, Brownie has personally touched the lives of thousands of veterans in the state of Washington, helping many of our country's heroes find their way to better health and a better life;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Helmut "Brownie" Braunsteiner as a military hero and a hero to the countless veterans he assisted in his relentless efforts to improve the quality of life for veterans in the great state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Brownie Braunsteiner, each member of the Governor's Veterans Affairs Advisory Council, and the director of the Washington State Department of Veterans Affairs.

House Resolution No. 4645 was adopted.

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1067,  
HOUSE BILL NO. 1098,  
HOUSE BILL NO. 1116,  
HOUSE BILL NO. 1131,  
HOUSE BILL NO. 1216,  
SUBSTITUTE HOUSE BILL NO. 1376,  
HOUSE BILL NO. 1419,  
SUBSTITUTE HOUSE BILL NO. 1515,  
HOUSE BILL NO. 1547,  
SUBSTITUTE HOUSE BILL NO. 1763,  
HOUSE BILL NO. 1943,  
SUBSTITUTE HOUSE BILL NO. 2221,  
SENATE BILL NO. 5054,  
SENATE BILL NO. 5127,  
SUBSTITUTE SENATE BILL NO. 5205,  
SENATE BILL NO. 5206,  
SENATE BILL NO. 5223,  
SUBSTITUTE SENATE BILL NO. 5224,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5238,  
SUBSTITUTE SENATE BILL NO. 5484,  
SUBSTITUTE SENATE BILL NO. 5502,  
SUBSTITUTE SENATE BILL NO. 5734,  
SENATE BILL NO. 5206,  
SUBSTITUTE SENATE BILL NO. 5224,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5238,  
SENATE BILL NO. 5348,  
SENATE BILL NO. 5054,  
SENATE BILL NO. 5305,  
SENATE BILL NO. 5377,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5434,  
SUBSTITUTE SENATE BILL NO. 5472,  
SUBSTITUTE SENATE BILL NO. 5497,  
SENATE BILL NO. 5531,  
SUBSTITUTE SENATE BILL NO. 5572,  
SUBSTITUTE SENATE BILL NO. 5733,  
SENATE BILL NO. 5863,  
SUBSTITUTE SENATE BILL NO. 5925,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,  
SUBSTITUTE SENATE BILL NO. 6053,  
SENATE BILL NO. 6107,  
SENATE JOINT MEMORIAL NO. 8006,



**SUBSTITUTE SENATE BILL NO. 5070 by Senate Committee on Judiciary; (originally sponsored by Senators Kline, McCaslin, Franklin, Kastama, Thibaudeau, Fraser, Patterson, Fairley and Winsley)**

**Restricting the length of the term of jury service.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, amendment (148) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Lambert and Lantz spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5070 as amended by the House.

#### MOTIONS

On motion of Representative Buck, Representative Ballasiotes was excused. On motion of Representative Santos, Representative Morris was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5070 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Ballasiotes and Morris - 2.

Substitute Senate Bill No. 5070 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5335 by Senate Committee on Economic Development & Telecommunications**

**Revising the authority of the statewide enhanced 911 program to support the statewide enhanced 911 system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Crouse spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5335.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5335 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Voting nay: Representative Carrell - 1.

Excused: Representatives Ballasiotes and Morris - 2.

Substitute Senate Bill No. 5335, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5491 by Senators Kline and Long**

#### **Revising small claims proceedings.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5491.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5491 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott,

McIntire, McMorris, and Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Morris, and Ballasiotes - 2.

Senate Bill No. 5491, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5703 by Senate Committee on Labor, Commerce & Financial Institutions**

**Describing what is not an alteration of a mobile home. (REVISED FOR ENGROSSED: Directing a study to be conducted of mobile/manufactured home alteration and repair permit problems.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was not adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the House deferred action on Engrossed Substitute Senate Bill No. 5703, and the bill held its place on the Second Reading calendar.

**SUBSTITUTE SENATE BILL NO. 5905 by Senate Committee on Labor, Commerce & Financial Institutions**

**Concerning the negotiation, enforcement, and resolution of disputes regarding tribal/state gaming compacts under the federal Indian gaming regulatory act of 1988.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Clements and Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5905 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5905 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson,

Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Ballasiotes and Morris - 2.

Substitute Senate Bill No. 5905 as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE JOINT MEMORIAL NO. 8016 by Senators Shin, Rasmussen and Sheahan**

**Emphasizing free and fair trade of aquaculture products between the United States and Canada. (REVISED FOR ENGROSSED: Emphasizing free and fair trade of nonanadromous aquaculture products between the United States and Canada.)**

The joint memorial was read the second time.

There being no objection, the committee amendment by the Committee on Trade & Economic Development was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial as amended by the House was placed on final passage.

Representative Eickmeyer spoke in favor of passage of the joint memorial.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Senate Joint Memorial No. 8016 as amended by the House.

There being no objection, Representative Cooper was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Joint Memorial No. 8016 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3,0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Ballasiotes, Cooper and Morris - 3.

Engrossed Senate Joint Memorial No. 8016 as amended by the House having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5389 by Senator Gardner**

**Adjusting small claims jurisdiction.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Lantz spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5389.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5389 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Ballasiotes, Cooper and Morris - 3.

Senate Bill No. 5389, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE JOINT RESOLUTION NO. 8208 by Senators Kline and Constantine****Amending the Constitution regarding the use of judges pro tempore.**

The joint resolution was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was not adopted. (For committee amendment, see Journal, 81st Day, March 29, 2001.)

Representative Carrell moved the adoption of the following amendment (0119):

On page 1, beginning on line 11, after "to do so." strike all material through "tempore." on line 17 and insert "A case in the superior court may be tried by a judge(;) pro tempore(~~(, who must be)~~) either with the agreement of the parties if the judge pro tempore is a member of the bar, is agreed upon in writing by the parties litigant(;) or their attorneys of record, and is approved by the court and sworn to try the case; or without the agreement of the parties if the judge pro tempore is a sitting elected judge and is acting as a judge pro tempore pursuant to supreme court rule. The supreme court rule must require assignments of judges pro tempore based on the judges' experience and must provide for the right, exercisable once during a case, to a change of judge pro tempore. Such right shall be in addition to any other right provided by law."

Representatives Carrell and Lantz spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the joint resolution as amended by the House was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the joint resolution.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Senate Joint Resolution No. 8208 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Joint Resolution No. 8208 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2,0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Voting nay: Representatives Mulliken, Poulsen, Roach, Barlean and Dunn - 5.

Excused: Representatives Morris and Ballasiotes - 2.

Engrossed Senate Joint Resolution No. 8208 as amended by the House, having received the constitutional two-thirds majority, was declared passed.

### **ENGROSSED SENATE BILL NO. 5394 by Senators Kline, Long and Constantine**

#### **Revising provisions concerning the use of judges pro tempore.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Carrell and Lantz spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Senate Bill No. 5394 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5394 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Voting nay: Representatives Barlean, Dunn, Mulliken, Poulsen, and Roach - 5.

Excused: Representatives Ballasiotes and Morris - 2.

Engrossed Senate Bill No. 5394 as amended by the House, having received the necessary constitutional majority, was declared passed.

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

### INTRODUCTIONS AND FIRST READING

HB 2234 by Representatives Ahern, Mastin, Mulliken, Roach, Schindler, Sump, Anderson, Jarrett, Armstrong, McMorris, Benson, Morell, Cox, Mielke, Pearson, Mitchell, Alexander and Casada

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on First Reading.

HB 2235 by Representatives Cooper, Ericksen, Berkey, Barlean, Lovick, Dunshee, Crouse, Poulsen, Fromhold, Jarrett, Rockefeller, Edmonds, Morris, Marine, Murray, Linville and Conway

AN ACT Relating to providing incentives to reduce air pollution from diesel fuels; amending RCW 82.36.010, 82.34.010, and 82.34.020; adding a new section to chapter 82.36 RCW; and providing an expiration date.

Referred to Committee on Transportation.

HB 2236 by Representatives Sehlin and Sommers

AN ACT Relating to modifying the process through which economic assumptions, contribution rates, and valuation methodologies are established for the public pension systems; amending RCW 41.45.010, 41.45.010, 41.45.020, 41.45.030, 41.45.050, 41.45.050, 41.45.061, 41.45.067, 41.45.070, 41.45.080, 41.45.120, and 41.45.100; reenacting and amending RCW 41.45.020, 41.45.060, 41.45.061, and 41.45.070; adding new sections to chapter 41.45 RCW; decodifying RCW 41.45.0602; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2237 by Representatives Sommers, Sehlin and Fromhold

AN ACT Relating to school districts' essential academic learning requirements assessment schedule; and amending RCW 28A.655.060.

Referred to Committee on Appropriations.

HB 2238 by Representative Conway

AN ACT Relating to child hearing screening; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 2239 by Representatives Fisher, Cooper, Rockefeller, Ruderman, Schual-Berke, Eickmeyer, Edmonds, McDermott, Keiser, Santos, Dickerson, Conway, Edwards, Fromhold, Lantz, Sommers and Murray

AN ACT Relating to regional transportation governance; adding a new chapter to Title 81 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 2240 by Representatives Ogden, Schmidt, Jackley and Fromhold

AN ACT Relating to primaries; amending RCW 29.01.090, 29.04.180, 29.24.070, 29.27.020, 29.27.030, 29.30.005, 29.30.095, 29.30.101, 29.42.010, 29.42.050, and 42.17.020; adding new sections to chapter 29.01 RCW; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 29.81A RCW; adding a new chapter to Title 29 RCW; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, and 29.18.200; and declaring an emergency.

Referred to Committee on Select Committee on Elections.

SB 5082 by Senators Haugen, T. Sheldon, Rasmussen and Gardner

AN ACT Relating to defining rural counties for purposes of sales and use tax for public facilities; and amending RCW 82.14.370.

Referred to Committee on Finance.

SB 5102 by Senators Snyder, Rasmussen, T. Sheldon, Gardner, Prentice and McCaslin

AN ACT Relating to sales and use taxation of nonprofit hospitals; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

ESSB 5237 by Senate Committee on Ways & Means

AN ACT Relating to the fair fund; and amending RCW 15.76.115.

Referred to Committee on Appropriations.

E2SSB 5514 by Senate Committee on Ways & Means



AN ACT Relating to public facilities districts; amending RCW 35.57.010, 35.57.020, 36.100.030, and 82.14.390; adding new sections to chapter 35.57 RCW; and adding new sections to chapter 36.100 RCW.

Referred to Committee on Finance.

SB 6036 by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.

Held on First Reading.

SB 6092 by Senators Kohl-Welles, Costa and Oke

AN ACT Relating to the exemption from taxation of housing for very low-income households; amending RCW 84.36.560; and reenacting and amending RCW 84.36.805.

Referred to Committee on Finance.

SCR 8415 by Senators Snyder and West

Amending cutoff dates.

Held on First Reading.

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

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

## SECOND READING

### **HOUSE BILL NO. 1845 by Representatives Sehlin and Sommers**

#### **Increasing the fee for a surface mining reclamation permit.**

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No. 1845.

There being no objection, Representatives Edwards, Mulliken, and Ballard were excused.

JOURNAL OF THE HOUSE  
ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1845 and the bill passed the House by the following vote: Yeas - 87, Nays - 7, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Talcott, Tokuda, Voloria, Wood, Woods, and Speaker Chopp - 87.

Voting nay: Representatives Ahern, Cox, Crouse, Roach, Schindler, Sump, and Van Luven - 7.

Excused: Representatives Ballasiotes, Edwards, Mulliken, and Ballard - 4.

Engrossed House Bill No. 1845, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5703 by Representative Labor, Commerce & Financial Institutions**

Describing what is not an alteration of a mobile home. (REVISED FOR ENGROSSED: Directing a study to be conducted of mobile/manufactured home alteration and repair permit problems.)

Representative Kessler moved the adoption of the following amendment (0156):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.22.335 and 1999 c 22 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.22.340 through 43.22.420.

~~(1) ("Park trailer" means a park trailer as defined in the American National Standards Institute A119.5 standard for park trailers.~~

~~———— (2) "Recreational vehicle" means a vehicular type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth wheel trailers, folding camping trailers, truck campers, and motor homes.~~

~~———— (3)) "Conversion vendor units" means a motor vehicle or recreational vehicle that has been converted or built for the purpose of being used for commercial sales at temporary locations. The units must be less than eight feet six inches wide in the set-up position and the inside working area must be less than forty feet in length.~~

~~((4)) (2) "Manufactured home" means a single-family dwelling required to be built in accordance with regulations adopted under the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.).~~

~~(3) "Medical unit" means a self-propelled unit used to provide medical examinations, treatments, and medical and dental services or procedures, not including emergency response vehicles.~~

~~(4) "Mobile home" means a factory-built dwelling built before June 15, 1976, to standards other than the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.), and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state.~~

~~(5) "Park trailer" means a park trailer as defined in the American national standards institute A119.5 standard for park trailers.~~

~~(6) "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel~~

trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

**Sec. 2.** RCW 43.22.420 and 1999 c 22 s 9 are each amended to read as follows:

There is hereby created a factory assembled structures advisory board consisting of nine members to be appointed by the director of labor and industries. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules pertaining to the manufacture of factory assembled structures, ~~((mobile))~~ manufactured homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers. The advisory board shall periodically review the rules adopted under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department if it deems changes advisable.

The members of the advisory board shall be representative of consumers, the regulated industries, and allied professionals. The term of each member shall be four years. However, the director may appoint the initial members of the advisory board to staggered terms not exceeding four years.

The chief inspector or any person acting as chief inspector for the factory assembled structures, manufactured or mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and park trailer section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries, but at least quarterly. Each member of the board shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries or his or her designee.

**Sec. 3.** RCW 43.22.431 and 1977 ex.s. c 21 s 1 are each amended to read as follows:

The director of the department of labor and industries may enforce ~~((mobile))~~ manufactured home safety and construction standards adopted by the secretary of housing and urban development under the national ((Mobile)) manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government and private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the national ((Mobile)) manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

**Sec. 4.** RCW 43.22.432 and 1977 ex.s. c 21 s 2 are each amended to read as follows:

(1) The department may adopt all standards and regulations adopted by the secretary under the national ((Mobile)) manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for ~~((mobile))~~ manufactured home construction and safety standards. If any deletions or amendments to the federal standards or regulations are thereafter made and notice thereof is given to the department, the standards or regulations shall be considered automatically adopted by the state under this chapter after the expiration of thirty days from publication in the federal register of a final order describing the deletions or amendments unless within that thirty day period the department objects to the deletion or amendment. In case of objection, the department shall proceed under the rule making procedure of chapter 34.05 RCW.

(2) The department shall adopt rules with respect to manufactured homes installed in accordance with the standards adopted under RCW 43.22.440 that:

(a) Specify exemptions from a requirement for a permit to alter a manufactured home;

(b) Authorize the granting of variances from the rules adopted under this section for alterations that use materials, designs, or methods of construction different from those required under the rules adopted under this section; and

(c) Require the seller of a manufactured home to deliver to the buyer prior to the sale a completed property transfer disclosure statement that includes all the criteria specified in RCW 64.06.020 and a copy of a variance, if any, granted under the rules adopted under this section. Nothing in this chapter shall be construed to prohibit the sale of a manufactured home that was altered unless the alteration makes the home unsafe so that its use may constitute a hazard to life, safety, or health.

**Sec. 5.** RCW 43.22.434 and 1999 c 22 s 10 are each amended to read as follows:

(1) The director or the director's authorized representative may conduct such inspections, investigations, and audits as may be necessary to adopt or enforce manufactured and mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, park trailer, factory built housing, and factory built commercial structure rules adopted under the authority of this chapter or to carry out the director's duties under this chapter.

(2) For purposes of enforcement of this chapter, persons duly designated by the director upon presenting appropriate credentials to the owner, operator, or agent in charge may:

(a) At reasonable times and without advance notice enter any factory, warehouse, or establishment in which manufactured and mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, park trailers, factory built housing, and factory built commercial structures are manufactured, stored, or held for sale;

(b) At reasonable times, within reasonable limits, and in a reasonable manner inspect any factory, warehouse, or establishment as required to comply with the standards adopted by the secretary of housing and urban development under the national ((Mobile)) manufactured home construction and safety standards act of 1974. Each inspection shall be commenced and completed with reasonable promptness; and

(c) As requested by an owner of a conversion vending unit or medical unit, inspect an alteration.

(3) The department shall set a schedule of fees by rule which will cover the costs incurred by the department in the administration of RCW 43.22.335 through 43.22.490.

**Sec. 6.** RCW 43.22.440 and 1988 c 239 s 5 are each amended to read as follows:

(1) The legislature finds that inspections of manufactured and mobile home installation are not done on a consistent basis. Manufactured and mobile homes provide housing for many people in the state, and improperly installed manufactured or mobile homes are a serious health and safety risk. Where possible and practical, manufactured and mobile homes should be treated the same as any housing inhabited or to be inhabited by persons in this state, including housing built according to the state building code.

(2) In consultation with the factory assembled structures advisory board for ((mobile)) manufactured homes, the director of labor and industries shall by rule establish uniform standards for the performance and workmanship of installation service and warranty service by persons or entities engaged in performing the services within this state for all manufactured and mobile homes, as defined in RCW 46.04.302. The standards shall conform, where applicable, with statutes, rules, and recommendations established under the ((federal)) national ((mobile)) manufactured home construction and safety standards act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the installation of manufactured and mobile homes shall be enforced and fees charged by the counties and cities in the same manner the state building code is enforced under RCW 19.27.050.

(3) In addition to and in conjunction with the remedies provided in this chapter, failure to remedy any breach of the standards and rules so established, upon adequate notice and within a reasonable time, is a violation of the consumer protection act, chapter 19.86 RCW and subject to the remedies provided in that chapter.

**Sec. 7.** RCW 43.22.442 and 1980 c 153 s 2 are each amended to read as follows:

A manufacturer of ((mobile)) manufactured homes who designates a representative within this state to provide consumers with warranty service for ((mobile)) manufactured homes on behalf of the manufacturer shall make reasonable and timely compensation to the representative for performance of the warranty service.

**Sec. 8.** RCW 43.22.450 and 1973 1st ex.s. c 22 s 1 are each amended to read as follows:

Whenever used in RCW 43.22.450 through 43.22.490:

(1) "Department" means the Washington state department of labor and industries;

(2) "Approved" means approved by the department;

(3) "Factory built housing" means any structure designed primarily for human occupancy other than a manufactured or mobile home the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site;

(4) "Install" means the assembly of factory built housing or factory built commercial structures at a building site;

(5) "Building site" means any tract, parcel or subdivision of land upon which factory built housing or a factory built commercial structure is installed or is to be installed;

(6) "Local enforcement agency" means any agency of the governing body of any city or county which enforces laws or ordinances governing the construction of buildings;

(7) "Commercial structure" means a structure designed or used for human habitation, or human occupancy for industrial, educational, assembly, professional or commercial purposes.

**NEW SECTION. Sec. 9.** (1) A joint legislative task force is created to review chapter 43.22 RCW as it pertains to the regulation of manufactured and mobile homes. The task force membership shall consist of:

(a) One member from each caucus of the senate labor, commerce and financial institutions committee, appointed by the president of the senate;

(b) One member from each caucus of the house commerce and labor committee, appointed by the co-speakers of the house of representatives;

(c) Representatives of the mobile/manufactured homeowners, mobile/manufactured home mortgage lenders, mobile/manufactured home manufacturers and retailers, realtors, business and labor representatives of the electrical and plumbing trades, and other state or local government agencies as appropriate, appointed jointly by the president of the senate and the co-speakers of the house of representatives; and

(d) A representative of the department of labor and industries. The department shall cooperate with the task force and provide such technical expertise as the task force co-chairs may reasonably require.

(2) The task force shall choose its co-chairs from among its membership.

(3) The study shall review at least the following issues:

(a) The fact that many mobile/manufactured homeowners have performed alterations or repairs to their homes without obtaining the required permits with the result that potential buyers may be unable to obtain mortgage financing from the usual sources;

(b) The costs associated with obtaining required permits, particularly on those occasions when an engineering analysis is required;

(c) The possibility of reducing the number and type of repairs and alterations that require a permit, consistent with public health and safety considerations;

(d) The appropriateness of the current legal sanction for not obtaining a permit when required;

(e) The feasibility and desirability of allowing for inspections of mobile/manufactured home alterations by local building officials; and

(f) Any methods, procedures, or changes in the law that can assist mobile/manufactured homeowners in the proper and economical maintenance and improvement of their homes, and the protection of their equity.

(4) The task force shall use legislative facilities and staff from senate committee services and the office of program research. Each nonlegislative member of the task force is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. All expenses of the task force, including travel, shall be paid jointly by the senate and the house of representatives.

(5) The task force shall report its findings and recommendations to the legislature by January 1, 2002.

(6) This section expires April 1, 2002.

**NEW SECTION. Sec. 10.** This act applies to manufactured homes without regard to the date such homes may have been altered."

Correct the title.

Representatives Kessler, Buck, Conway and Clements spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Buck spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5703 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5703 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Ballasiotes, Edwards and Mulliken - 3.

Engrossed Substitute Senate Bill No. 5703 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5494 by Senate Committee on Transportation**

#### **Clarifying noise laws for motor vehicles.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, amendment number (159) was withdrawn.

Representative Kagi moved the adoption of the following amendment (164) to the committee amendment:

On page 2, line 18, after "vehicles", strike "twenty-five or more years old" and insert the following: "thirty or more years old as provided for in RCW 46.16.305 (1)"

Representative Kagi spoke in favor of the adoption of the amendment to the committee amendment.

Representative DeBolt spoke against adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Mitchell and Fisher spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5494 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5494 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Voting nay: Representative Kagi - 1.

Excused: Representatives Ballasiotes, Edwards and Mulliken - 3.

Substitute Senate Bill No. 5494 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5862 by Representative Natural Resources, Parks & Shorelines**

#### **Streamlining the process of selling valuable materials from state lands.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources was before the House for purpose of amendments. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, amendment number (0160) was withdrawn.

Representative Romero moved the adoption of the following amendment (0162) to the committee amendment:

On page 5, after line 26 of the amendment, strike all material through "post" on page 5, line 32 of the amendment and insert "published not less than two times during a four week period prior to the time of sale in at least one newspaper of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold, or the material upon which is to be sold is situated, and by ((~~causing~~) posting)"

Representatives Romero and Sump spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Doumit and Sump spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5862 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5862 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Ballasiotes, Edwards and Mulliken - 3.

Substitute Senate Bill No. 5862 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5852 by Senators Franklin, Kline, Costa and Kohl-Welles**

#### **Reporting on issues pertaining to racial profiling.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Lovick and Sehlin spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5852 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5852 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse,



Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Voting nay: Representatives Armstrong, and Bush - 2.

Excused: Representatives Ballasiotes, Edwards and Mulliken - 3.

Senate Bill No. 5852 as amended by the House, having received the necessary constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., April 10, 2001, the 93<sup>rd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
NINETY THIRD DAY

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MORNING SESSION

---

House Chamber, Olympia, Tuesday, April 10, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tyler Schlauderaff and Heather Warner. Prayer was offered by Representative John Pennington.

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

**MESSAGES FROM THE SENATE**

April 10, 2001

Mr. Speakers:

The Senate has passed the following bills:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5541,

and the same are herewith transmitted.

Tony M. Cook, Secretary

Mr. Speakers:

The Senate has passed the following bills:

SECOND SUBSTITUTE SENATE BILL NO. 5170,  
SUBSTITUTE SENATE BILL NO. 5344,  
SECOND SUBSTITUTE SENATE BILL NO. 5469,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 9, 2001

Mr. Speakers:

The President has signed:

HOUSE BILL NO. 1067,  
HOUSE BILL NO. 1098,  
HOUSE BILL NO. 1116,  
HOUSE BILL NO. 1131,  
HOUSE BILL NO. 1216,  
SUBSTITUTE HOUSE BILL NO. 1376,  
HOUSE BILL NO. 1419,  
SUBSTITUTE HOUSE BILL NO. 1515,  
HOUSE BILL NO. 1547,  
SUBSTITUTE HOUSE BILL NO. 1763,

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HOUSE BILL NO. 1943,  
SUBSTITUTE HOUSE BILL NO. 2221,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 9, 2001

Mr. Speakers:

The Senate has passed the following bills:

HOUSE BILL NO. 1070,  
ENGROSSED HOUSE BILL NO. 1076,  
SUBSTITUTE HOUSE BILL NO. 1093,  
ENGROSSED HOUSE BILL NO. 1099,  
SUBSTITUTE HOUSE BILL NO. 1119,  
HOUSE BILL NO. 1138,  
SUBSTITUTE HOUSE BILL NO. 1163,  
SUBSTITUTE HOUSE BILL NO. 1174,  
HOUSE BILL NO. 1198,  
SUBSTITUTE HOUSE BILL NO. 1339,  
HOUSE BILL NO. 1346,  
ENGROSSED HOUSE BILL NO. 1530,  
SUBSTITUTE HOUSE BILL NO. 1537,  
HOUSE BILL NO. 1582,  
ENGROSSED HOUSE BILL NO. 1606,  
SUBSTITUTE HOUSE BILL NO. 1649,  
SUBSTITUTE HOUSE BILL NO. 1793,  
HOUSE BILL NO. 1859,  
SUBSTITUTE HOUSE BILL NO. 1915,  
HOUSE BILL NO. 2037,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 9, 2001

Mr. Speakers:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5335,  
SENATE BILL NO. 5389,  
SENATE BILL NO. 5491,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1002,  
HOUSE BILL NO. 1028,  
HOUSE BILL NO. 1084,  
SUBSTITUTE HOUSE BILL NO. 1136,  
HOUSE BILL NO. 1160,  
SUBSTITUTE HOUSE BILL NO. 1136,

HOUSE BILL NO. 1173,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1180,  
 HOUSE BILL NO. 1205,  
 HOUSE BILL NO. 1366,  
 SUBSTITUTE HOUSE BILL NO. 1426,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1499,  
 HOUSE BILL NO. 1542,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1590,  
 SUBSTITUTE HOUSE BILL NO. 1596,  
 HOUSE BILL NO. 1716,  
 HOUSE BILL NO. 1727,  
 HOUSE BILL NO. 1729,  
 HOUSE BILL NO. 1780,  
 SUBSTITUTE HOUSE BILL NO. 1792,  
 SUBSTITUTE SENATE BILL NO. 5335,  
 SENATE BILL NO. 5389,  
 SENATE BILL NO. 5491,

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar.

HOUSE BILL NO. 1832,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5017,  
 SUBSTITUTE SENATE BILL NO. 5101,  
 ENGROSSED SENATE BILL NO. 5143,  
 SUBSTITUTE SENATE BILL NO. 5255,  
 SENATE BILL NO. 5359,  
 SUBSTITUTE SENATE BILL NO. 5474,  
 SUBSTITUTE SENATE BILL NO. 5509,  
 SENATE BILL NO. 5518,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5566,  
 SENATE BILL NO. 5903,  
 SUBSTITUTE SENATE BILL NO. 6020,  
 SUBSTITUTE SENATE BILL NO. 6035,

There being no objection, the Committee on Agriculture & Ecology was relieved of SUBSTITUTE SENATE BILL NO. 5910, and the bill was placed on the Second Reading calendar.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2001

Mr. Speakers:

The Senate has passed ENGROSSED HOUSE BILL NO. 1012, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 47.60.326 and 1999 c 94 s 27 are each amended to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each odd-numbered year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for

the ensuing biennium. The commission on or before July 1st of that year shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing biennium commencing July 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, July 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

- (a) The amount of subsidy available to the ferry system for maintenance and operation;
- (b) The time and distance of ferry runs;
- (c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;
- (d) The efficient distribution of traffic between cross-sound routes;
- (e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;
- (f) The effect of proposed fares in increasing walk-on and vehicular passenger use;
- (g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;
- (h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected revenues from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

(5) The provisions of RCW 47.60.330 relating to public participation shall apply to the process of revising ferry tolls under this section.

(6) Under RCW 43.135.055, the transportation commission may increase ferry tolls included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "factor;" strike the remainder of the title and insert "amending RCW 47.60.326; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House insisted on its position regarding the Senate amendments to Engrossed House Bill No. 1012 and asked the Senate to recede therefrom.

## SECOND READING

### **HOUSE BILL NO. 1350 by Representatives G. Chandler and Linville**

#### **Changing water right appeals procedures for rights subject to a general stream adjudication.**

The bill was read the second time.

There being no objection, amendment (0055) was withdrawn.

Representative G. Chandler moved the adoption of the following amendment (0147):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to assure that appeals of department of ecology decisions regarding changes or transfers of water rights that are the subject of an ongoing general adjudication of water rights are governed by an appeals process that is efficient and eliminates unnecessary duplication, while fully preserving the rights of all affected parties.

**Sec. 2.** RCW 43.21B.110 and 1998 c 262 s 18, 1998 c 156 s 8, and 1998 c 36 s 22 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Proceedings conducted by the department ((relating to general adjudications of water rights pursuant to chapter 90.03 or 90.44 RCW)), or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

**Sec. 3.** RCW 34.05.514 and 1995 c 347 s 113 and 1995 c 292 s 9 are each reenacted and amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, proceedings for review under this

chapter shall be instituted by paying the fee required under RCW 36.18.020 and filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

(3) For proceedings involving decisions of the department on applications for changes or transfers of water rights that are the subject of a general adjudication of water rights that is being litigated actively under chapter 90.03 or 90.44 RCW, the petition must be filed with the superior court conducting the adjudication, to be consolidated by the court with the general adjudication.

**Sec. 4.** RCW 43.21B.310 and 1992 c 73 s 3 are each amended to read as follows:

(1) Except as provided in RCW 90.03.210(2), any order issued by the department, the administrator of the office of marine safety, or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, 88.46.070, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after receipt of the order. Except as provided under chapter 70.105D RCW and RCW 90.03.210(2), this is the exclusive means of appeal of such an order.

(2) The department, the administrator, or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(3) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof.

(4) Any appeal must contain the following in accordance with the rules of the hearings board:

- (a) The appellant's name and address;
- (b) The date and docket number of the order, permit, or license appealed;
- (c) A description of the substance of the order, permit, or license that is the subject of the appeal;
- (d) A clear, separate, and concise statement of every error alleged to have been committed;
- (e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and
- (f) A statement setting forth the relief sought.

(5) Upon failure to comply with any final order of the department or the administrator, the attorney general, on request of the department or the administrator, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

(6) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt.

**Sec. 5.** RCW 90.03.210 and 1988 c 202 s 92 are each amended to read as follows:

(1) During the pendency of such adjudication proceedings prior to judgment or upon review by an appellate court, the stream or other water involved shall be regulated or partially regulated according to the schedule of rights specified in the department's report upon an order of the court authorizing such regulation: PROVIDED, Any interested party may file a bond and obtain an order staying the regulation of said stream as to him, in which case the court shall make such order regarding the regulation of the stream or other water as he may deem just. The bond shall be filed within five days following the service of notice of appeal in an amount to be fixed by the court and with sureties satisfactory to the court, conditioned to perform the judgment of the court.

(2) Any appeal of a decision of the department on an application to change or transfer a water right

subject to a general adjudication that is being litigated actively and was commenced before October 13, 1977, shall be conducted as follows:

(a) The appeal shall be filed with the court conducting the adjudication and served under RCW 34.05.542(3). The content of the notice of appeal shall conform to RCW 34.05.546.

(b) If the appeal includes a challenge to the portion of the department's decision that contains tentative determinations of the validity and extent of the water right, review of those tentative determinations shall be conducted by the court consistent with the provisions of RCW 34.05.510 through 34.05.598, except that the review shall be de novo.

(c) If the appeal includes a challenge to any portion of the department's decision other than the tentative determinations of the validity and extent of the right, the court must certify to the pollution control hearings board for review and decision those portions of the department's decision. Review by the pollution control hearings board shall be conducted consistent with chapter 43.21B RCW and the board's implementing regulations, except that:

(i) The requirements for filing, service, and content of the notice of appeal shall be governed by (a) of this subsection; and

(ii) The board shall render a decision on the issues certified by the court within one hundred eighty days after the date the certification is received by the board. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

(d) Any person wishing to appeal the decision of the board made under (c) of this subsection shall seek review of the decision in accordance with chapter 34.05 RCW, except that the petition for review must be filed with the superior court conducting the adjudication.

(3) Nothing in this section shall be construed to affect or modify any treaty or other federal rights of an Indian tribe, or the rights of any federal agency or other person or entity arising under federal law.

NEW SECTION. Sec. 6. Nothing in this act shall be construed to affect or modify any treaty or other federal rights of an Indian tribe, or the rights of any federal agency or other person or entity arising under federal law.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

There being no objection, amendment (0166) to amendment (0147) was withdrawn.

Representatives G. Chandler and Linville spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative G. Chandler spoke in favor of passage of the bill.

#### MOTIONS

On motion of Representative Santos, Representatives Dunshee, Edwards and Hurst were excused. On motion of Representative Schoesler, Representative Alexander was excused.



Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 1350.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1350 and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Doumit, Dunn, Edmonds, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jackley, Jarrett, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Voting nay: Representatives Dickerson, Fisher, Kagi, McIntire, and Romero - 5.

Excused: Representatives Alexander, Dunshee, Edwards and Hurst - 4.

Engrossed House Bill No. 1350, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 5317 by Senators Prentice and Winsley

#### Clarifying hours and wages for educational employee compensation claims.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5317.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5317 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Alexander, Dunshee, Edwards and Hurst - 4.

Senate Bill No. 5317, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5621 by Senate Committee on Agriculture & International Trade****Authorizing animal massage.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Ecology was before the House for purpose of amendments. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

Representative Mulliken moved the adoption of the following amendment (0155) to the committee amendment:

On page 1, line 17 of the amendment, after "section" insert "upon consultation with the Washington state veterinary board of governors and licensed massage practitioners with training in animal massage"

Representatives Mulliken and Linville spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Haigh and G. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5621 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5621 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Alexander, Edwards and Hurst - 3.

Substitute Senate Bill No. 5621 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5014 by Representative Human Services & Corrections**

**Harmonizing the definitions of sex and kidnapping offenders under the criminal and registration statutes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5014.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5014 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Alexander, Edwards and Hurst - 3.

Substitute Senate Bill No. 5014, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5970 by Senate Committee on Judiciary**

**Revising provisions for probation orders.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5970.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5970 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Alexander, Edwards and Hurst - 3.

Engrossed Substitute Senate Bill No. 5970, having received the necessary constitutional majority, was declared passed.

Speaker Ballard called upon Representative Pennington to preside.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5017 by Senate Committee on Judiciary**

**Restricting the sale of ephedrine, pseudoephedrine, or phenylpropanolamine.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes, O'Brien, Conway and Morell spoke in favor of passage of the bill.

There being no objection, Representatives G. Chandler, DeBolt, Dunshee, Linville, Ogden, Schmidt and Speaker Ballard were excused.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5017.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5017 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 91.

Excused: Representatives G. Chandler, DeBolt, Dunshee, Linville, Ogden, Schmidt, and Ballard - 7.

Engrossed Substitute Senate Bill No. 5017, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5101 by Senate Committee on Labor, Commerce & Financial Institutions**

**Protecting consumers in contractor transactions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was before the House for purposes of amendments. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the House deferred action on Substitute Senate Bill No. 5101, and the bill held its place on the Second Reading calendar.

**ENGROSSED SENATE BILL NO. 5143 by Senators Long, Honeyford, Carlson, Franklin, Winsley, Fraser and Haugen**

**Modifying the Washington state patrol retirement system retirement and survivor benefits.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 81<sup>st</sup> Day, March 29, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Sehlin and Doumit spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5143 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5143 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 91.

Excused: Representatives G. Chandler, DeBolt, Dunshee, Linville, Ogden, Schmidt, and Ballard - 7.

Engrossed Senate Bill No. 5143 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5255 by Senate Committee on Judiciary**

**Exempting certain information on criminal acts from public disclosure.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schindler and Romero spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5255.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5255 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 93.

Excused: Representatives DeBolt, Dunshee, Ogden, Schmidt, and Ballard - 5.

Substitute Senate Bill No. 5255, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5359 by Senators Thibaudeau, Winsley, Parlette and Franklin****Modifying the health professions' appointment of pro tem members.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Senate Bill No. 5359.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5359 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody,

Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 93.

Excused: Representatives DeBolt, Dunshee, Ogden, Schmidt, and Ballard - 5.

Senate Bill No. 5359, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5474 by Senate Committee on Ways & Means**

**Modifying provisions concerning the general administration services account.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Sehlin and Sommers spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5474 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5474 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Chopp - 94.

Excused: Representatives DeBolt, Dunshee, Ogden, Speaker Ballard - 4.

Substitute Senate Bill No. 5474 as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House returned to Substitute Senate Bill No. 5101 on the Second Reading calendar.

Representative Ogden moved the adoption of the following amendment (0171) to the committee amendment:

On page 7, line 14, after "required" insert "of a general contractor"

On page 7, line 16, after "amount." insert "The total amount paid from a bond or deposit required of a specialty contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount or \$4,000, whichever is greater."

Representative Ogden spoke in favor of adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Ogden, Clements and Conway spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5101 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5101 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 95.

Excused: Representatives DeBolt, Dunshee, and Speaker Ballard - 3.

Substitute Senate Bill No. 5101 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5509 by Senate Committee on Higher Education**

**Requiring institutions of higher education to use personal identifiers that are not social security numbers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Kenney spoke in favor of passage of the bill.



There being no objection, Representative Mielke was excused.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5509.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5509 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 94.

Excused: Representatives DeBolt, Dunshee, Mielke, and Ballard - 4.

Substitute Senate Bill No. 5509, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5518 by Senators Horn, T. Sheldon and Roach**

#### **Waiving the motorcycle exam for trained operators.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell and Lovick spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Senate Bill No. 5518.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5518 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 94.

Excused: Representatives DeBolt, Dunshee, Mielke, and Speaker Ballard - 4.

Senate Bill No. 5518, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5566 by Senate Committee on Health & Long-Term Care**

**Requiring uniform prescription drug information cards.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Campbell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5566.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5566 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 94.

Excused: Representatives DeBolt, Dunshee, Mielke, and Speaker Ballard - 4.

Engrossed Substitute Senate Bill No. 5566, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5903 by Senators Winsley, Franklin, Costa and Thibaudeau**

**Changing physician license fees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Campbell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Senate Bill No. 5903.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5903 and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 92.

Voting nay: Representatives Lambert, and Mulliken - 2.

Excused: Representatives DeBolt, Dunshee, Mielke, and Speaker Ballard - 4.

Senate Bill No. 5903, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on Substitute Senate Bill No. 5910, and the bill held its place on the Second Reading calendar.

**SUBSTITUTE SENATE BILL NO. 6020 by Senate Committee on Health & Long-Term Care**

**Establishing a school sealant endorsement program for dental hygienists.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6020

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6020 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 94.

Excused: Representatives DeBolt, Dunshee, Mielke, and Speaker Ballard - 4.

Substitute Senate Bill No. 6020, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6035 by Senate Committee on Higher Education****Creating a college board job bank.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6035.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6035 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 95.

Excused: Representatives DeBolt, Dunshee, and Speaker Ballard - 3.

Substitute Senate Bill No. 6035, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Education was relieved of ENGROSSED SENATE BILL NO. 5686, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Agriculture & Ecology was relieved of the following bills which were referred to the Rules Committee:

SUBSTITUTE SENATE BILL NO. 5100,  
SUBSTITUTE SENATE BILL NO. 5361,  
SUBSTITUTE SENATE BILL NO. 5586,  
SUBSTITUTE SENATE BILL NO. 5914,

There being no objection, the following bills were referred to the Rules Committee from the Second Reading calendar:

SUBSTITUTE SENATE BILL NO. 5183,  
SENATE BILL NO. 5454,  
SENATE BILL NO. 5457,  
SUBSTITUTE SENATE BILL NO. 5114,  
SUBSTITUTE SENATE BILL NO. 5793,

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

MOTION

On motion of Representative B. Chandler, the House adjourned until 10:00 a.m., April 11, 2001, the 94<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
NINETY FOURTH DAY

---

MORNING SESSION

---

House Chamber, Olympia, Wednesday, April 11, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Raphael O'Hara Madison II and Kimberly McLean. Prayer was offered by Archbishop Burnett, Diocese of Seattle.

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

**MESSAGES FROM THE SENATE**

April 10, 2001

Mr. Speakers:

The Senate has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1000,  
 SUBSTITUTE HOUSE BILL NO. 1004,  
     HOUSE BILL NO. 1018,  
     HOUSE BILL NO. 1040,  
     HOUSE BILL NO. 1048,  
 SUBSTITUTE HOUSE BILL NO. 1117,  
 SUBSTITUTE HOUSE BILL NO. 1133,  
 SUBSTITUTE HOUSE BILL NO. 1203,  
     HOUSE BILL NO. 1213,  
 SUBSTITUTE HOUSE BILL NO. 1214,  
 SUBSTITUTE HOUSE BILL NO. 1234,  
     HOUSE BILL NO. 1243,  
     HOUSE BILL NO. 1255,  
     HOUSE BILL NO. 1257,  
 SUBSTITUTE HOUSE BILL NO. 1282,  
     HOUSE BILL NO. 1385,  
     HOUSE BILL NO. 1611,  
 SUBSTITUTE HOUSE BILL NO. 1643,  
 SUBSTITUTE HOUSE BILL NO. 1644,  
 SUBSTITUTE HOUSE BILL NO. 1661,  
     HOUSE BILL NO. 1706,  
 ENGROSSED HOUSE BILL NO. 1745,  
 SUBSTITUTE HOUSE BILL NO. 1781,  
     HOUSE BILL NO. 1851,  
     HOUSE BILL NO. 1855,  
 SUBSTITUTE HOUSE BILL NO. 1920,  
     HOUSE BILL NO. 2095,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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Mr. Speakers:

The President has signed:

HOUSE BILL NO. 1002,  
HOUSE BILL NO. 1028,  
HOUSE BILL NO. 1084,  
SUBSTITUTE HOUSE BILL NO. 1136,  
HOUSE BILL NO. 1160,  
HOUSE BILL NO. 1173,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1180,  
HOUSE BILL NO. 1205,  
HOUSE BILL NO. 1366,  
SUBSTITUTE HOUSE BILL NO. 1426,  
SECOND SUBSTITUTE HOUSE BILL NO. 1499,  
HOUSE BILL NO. 1542,  
SECOND SUBSTITUTE HOUSE BILL NO. 1590,  
SUBSTITUTE HOUSE BILL NO. 1596,  
HOUSE BILL NO. 1716,  
HOUSE BILL NO. 1727,  
HOUSE BILL NO. 1729,  
HOUSE BILL NO. 1780,  
SUBSTITUTE HOUSE BILL NO. 1792,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 10, 2001

Mr. Speakers:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5014,  
SENATE BILL NO. 5317,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5970,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### **INTRODUCTIONS AND FIRST READING**

HB 2234 by Representatives Ahern, Mastin, Mulliken, Roach, Schindler, Sump, Anderson, Jarrett, Armstrong, McMorris, Benson, Morell, Cox, Mielke, Pearson and Mitchell

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on First Reading.

E2SSB 5094 by Senate Committee on Ways & Means

AN ACT Relating to sales and use tax exemptions for call centers in distressed areas; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Finance.

2SSB 5170by Senate Committee on Ways & Means

AN ACT Relating to commute trip reduction; amending RCW 70.94.521; adding new sections to chapter 70.94 RCW; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 5541by Senate Committee on Environment, Energy & Water

AN ACT Relating to responding to energy supply shortages; amending RCW 82.08.02567, 82.12.02567, 44.39.010, and 44.39.015; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

SB 6036by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.

Held on First Reading.

SCR 8415by Senators Snyder and West

Amending cutoff dates.

Held on First Reading.

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

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1070,  
 SUBSTITUTE HOUSE BILL NO. 1093,  
 SUBSTITUTE HOUSE BILL NO. 1119,  
 HOUSE BILL NO. 1138,  
 SUBSTITUTE HOUSE BILL NO. 1163,  
 SUBSTITUTE HOUSE BILL NO. 1174,  
 SUBSTITUTE HOUSE BILL NO. 1339,  
 ENGROSSED HOUSE BILL NO. 1530,  
 SUBSTITUTE HOUSE BILL NO. 1537,  
 HOUSE BILL NO. 1582,  
 ENGROSSED HOUSE BILL NO. 1606,  
 SUBSTITUTE HOUSE BILL NO. 1649,  
 SUBSTITUTE HOUSE BILL NO. 1793,  
 HOUSE BILL NO. 1859,



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SUBSTITUTE HOUSE BILL NO. 1915,  
HOUSE BILL NO. 2037,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,

There being no objection, the Rules Committee was relieved of the following bills, which were placed on the Second Reading calendar:

HOUSE CONCURRENT RESOLUTION NO. 4408,  
HOUSE CONCURRENT RESOLUTION NO. 4409,  
HOUSE CONCURRENT RESOLUTION NO. 4411,  
HOUSE CONCURRENT RESOLUTION NO. 4412,  
SENATE BILL NO. 5108,  
SUBSTITUTE SENATE BILL NO. 5433,  
SUBSTITUTE SENATE BILL NO. 5986,

There being no objection, the Committee on Appropriations was relieved of the following bills, which were referred to the Rules Committee:

SUBSTITUTE SENATE BILL NO. 5533,  
SENATE BILL NO. 5147,

## SECOND READING

### **HOUSE BILL NO. 1832 by Representatives Linville and G. Chandler**

#### **Modifying provisions concerning water management.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1832 was substituted for House Bill No. 1832 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1832 was read the second time.

Representative G. Chandler moved the adoption of the following amendment (173):

On page 8, line 28, after "applications," insert "including but not limited to the authority to process applications under WAC 173-152-050 as it existed on January 1, 2001."

Representatives G. Chandler and Linville spoke in favor of adoption of the amendment.

The amendment was adopted.

Representative Linville moved the adoption of the following amendment (175):

On page 9, after line 6, insert the following:

"(7) In revising the provisions of this section and adding provisions to this section by this act, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of this section not expressly added or revised."

On page 16, line 4, after "(2)" insert "Upon receipt of a board's record of decision, the department shall promptly post notice of the availability of the record of decision on the department's internet site."

On page 16, line 16, after "days" insert "of the department's receipt"

On page 16, line 19, after "board and" insert "shall"

On page 16, at the beginning of line 25, strike all material through "~~((-- Upon~~" and insert "~~((final--  
Upon~~"

On page 16, line 27, after "~~valid))~~" strike "and"

On page 16, line 27, after "department" insert "and is appealable as provided by RCW 90.80.090"

On page 16, line 29, after "modify," strike all material through "final" and insert "or reverse is appealable as provided by RCW 90.80.090, and the director's decision to remand is appealable as provided by RCW 90.80.120(2)(b)"

On page 25, after line 35, insert the following:

"(3) In adding provisions to this section by this act, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of this section not expressly added or revised."

On page 34, after line 12, strike all of section 33

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Linville moved the adoption of the following amendment (174) to amendment (175):

On page 1, line 13 of the amendment, after "post" strike all material through "decision" on line 14 and insert "the text of the record of decision transmittal form"

Representatives Linville and G. Chandler spoke in favor of adoption of the amendment to amendment (175).

The amendment to amendment (175) was adopted.

Representatives Linville and G. Chandler spoke in favor of adoption of the following amendment (175) as amended. The amendment as amended was adopted.

The bill was ordered engrossed.

#### MOTION

On motion of Representative Santos, Representative Woods was excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, G. Chandler, Delvin, G. Chandler (again), Linville (again), Grant, Eickmeyer and Clements spoke in favor of passage of the bill.

Representatives Dunshee and Romero spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1832.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1832 and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Speaker Ballard, and Speaker Chopp - 83.

Voting nay: Representatives Dickerson, Dunshee, Edmonds, Fisher, Kagi, Keiser, McDermott, McIntire, Miloscia, Poulsen, Romero, Schual-Berke, Simpson, and Veloria - 14.

Excused: Representative Woods - 1.

Engrossed Substitute House Bill No. 1832, having received the necessary constitutional majority, was declared passed.

### ENGROSSED SENATE BILL NO. 5289 by Senators T. Sheldon and Gardner

**Expanding the definition of "public facilities" for purposes of the use of certain revenues in rural counties.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Trade & Economic Development was before the House for purpose of amendments. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, amendments (0129) and (0145) were withdrawn.

Representative Morris moved the adoption of the following amendment (0172) to the committee amendment:

On page 2, line 12 of the amendment, after "Washington." strike ""Public facilities" do not include electric generation or distribution facilities."

On page 2, after line 27 of the amendment, insert the following:

"(5) Notwithstanding the provisions of this section, moneys collected under this section may not be used for financing (i) electrical distribution or transmission facilities on property or premises that currently takes electric service from an electric utility as defined in RCW 19.29A.010; (ii) electric distribution or transmission facilities beyond the legal boundary of an undeveloped site; or (iii) electric generation facilities that provide electricity for use beyond the legal boundary of a development site.

(6) No moneys collected under this section may be provided to an electric utility as defined in RCW 19.29A.010."

Representatives Morris and Mulliken spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Eickmeyer, Van Luven, Mulliken, Veloria, Alexander and DeBolt spoke in favor of passage of the bill.

Representatives Ruderman, Cooper and Morris spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Senate Bill No. 5289 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5289 as amended by the House and the bill passed the House by the following vote: Yeas - 74, Nays - 23, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Cox, Crouse, Darneille, DeBolt, Delvin, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hurst, Jackley, Jarrett, Kenney, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Roach, Santos, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Speaker Ballard, and Speaker Chopp - 74.

Voting nay: Representatives Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Fisher, Hatfield, Hunt, Kagi, Keiser, Linville, McDermott, Morris, Murray, Poulsen, Quall, Reardon, Rockefeller, Romero, Ruderman, Schual-Berke, and Simpson - 23.

Excused: Representative Woods - 1.

Engrossed Senate Bill No. 5289 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SUBSTITUTE SENATE BILL NO. 5449 by Senate Committee Labor, Commerce & Financial Institutions**

#### **Prohibiting identity theft.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, amendment (0131) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives McIntire and Bush spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5449 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5449 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Woods - 1.

Engrossed Substitute Senate Bill No. 5449 as amended by the House, having received the necessary constitutional majority, was declared passed.

### ENGROSSED SUBSTITUTE SENATE BILL NO. 5937 by Senate Committee on Ways & Means

**Changing the limits on postretirement employment for teachers' retirement system plan 1 and public employees' retirement system plan 1 retirees. (REVISED FOR ENGROSSED: Changing postretirement employment restrictions for teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendments. (For committee amendment, see Journal, 85th Day, April 2, 2001.)

Representative Talcott moved the adoption of the following amendment (0166) to the committee amendment:

On page 4, line 16 of the amendment, after "the" insert "following month's"

On page 4, line 16 of the amendment, after "be" strike "suspended" and insert "reduced five percent for every seven hours worked"

On page 4, line 18 of the amendment, after "benefit" insert ", after which time the member's benefit shall be suspended"

On page 5, line 14 of the amendment, after "the" insert "following month's"

On page 5, line 14 of the amendment, after "be" strike "suspended" and insert "reduced five percent for every eight hours worked"

On page 5, line 16, after "benefit" insert ", after which time the member's benefit shall be suspended"

Representative Talcott spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Fromhold, Alexander and Cox spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5937 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5937 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Speaker Ballard, and Speaker Chopp - 97.

Excused: Representative Woods - 1.

Engrossed Substitute Senate Bill No. 5937 as amended by the House, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 10, 2001

Mr. Speakers:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5017,  
 SUBSTITUTE SENATE BILL NO. 5255,  
 SENATE BILL NO. 5359,  
 SUBSTITUTE SENATE BILL NO. 5509,  
 SENATE BILL NO. 5518,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5566,  
 SENATE BILL NO. 5903,  
 SUBSTITUTE SENATE BILL NO. 6020,  
 SUBSTITUTE SENATE BILL NO. 6035,

And the same is herewith transmitted.

Tony M. Cook, Secretary

### SENATE AMENDMENTS TO HOUSE BILL

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1314, with the following amendment S2532.1.

Strike everything after the enacting clause and insert the following:

**"PART I  
GENERAL GOVERNMENT**

**Sec. 101.** 1999 c 309 s 106 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2000) .....	\$	5,847,000
General Fund--State Appropriation (FY 2001) .....	\$	5,847,000
..... TOTAL APPROPRIATION	\$	11,694,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be transferred to the legislative systems revolving fund. Transfer authority shall not be granted for the 2001-03 fiscal biennium.

**Sec. 102.** 1999 c 309 s 111 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund--State Appropriation (FY 2000) .....	\$	904,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((852,000))</del>
..... TOTAL APPROPRIATION	\$	<u>944,000</u>
..... TOTAL APPROPRIATION	\$	<u>1,848,000</u>

**Sec. 103.** 2000 2nd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2000) .....	\$	13,144,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((14,569,000))</del>
.....		<u>14,204,000</u>
Public Safety and Education Account--State Appropriation.....	\$	<del>((25,085,000))</del>
.....		<u>25,135,000</u>
Judicial Information Systems Account--State Appropriation .....	\$	19,016,000
..... TOTAL APPROPRIATION	\$	<u>71,499,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions.

(3) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(4) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(5) \$278,000 of the general fund--state appropriation for fiscal year 2000, \$285,000 of the general fund--state appropriation for fiscal year 2001, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$200,000 of the public safety and education account appropriation is provided solely for a unified family court pilot program. Of this amount, \$150,000 is provided for the costs of establishing the program and \$50,000 is provided for costs associated with evaluating the efficacy of the program. The pilot program grant is limited to the 1999-01 biennium. After this time, it is assumed that funding for continuation of the unified family court or expansion to other counties would be provided by local jurisdictions based on the results of the evaluation of the program.

(7) \$130,000 of the general fund--state appropriation for fiscal year 2000 and \$130,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the new judicial positions authorized by Engrossed Senate Bill No. 5036 (superior court judges).

(8) \$132,000 of the general fund--state appropriation for fiscal year 2000 and \$136,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state's portion of increased costs in the superior court mandatory arbitration program.

(9) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to increase the number of children served by court-appointed special advocates in dependency matters. The office of the administrator for the courts, after consulting with the Washington association of juvenile court administrators and the Washington association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(10) \$30,000 of the public safety and education account--state appropriation is provided solely for the office of the administrator for the courts to convene a task force to review whether there are revisions to existing statutes and court rules which, if implemented, would decrease the likelihood of an inappropriate imposition of the death penalty.

**Sec. 104.** 2000 2nd sp.s. c 1 s 108 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2001) .....	\$	500,000
Public Safety and Education Account--State Appropriation.....	\$	((12,490,000))
		<u>12,080,000</u>
..... TOTAL APPROPRIATION	\$	<u>12,580,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) \$558,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1599 (court funding). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.



(4) The entire general fund--state appropriation is provided solely for a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(iii) Use of investigative and expert services in appropriate cases; and

(iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(b) The pilot program shall be established in one eastern and one western Washington juvenile court.

(c) The director shall contract for an independent evaluation of the pilot program benefits and costs. An interim evaluation shall be submitted to the governor and fiscal committees of the legislature no later than January 1, 2001. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than ninety days following the close of the 1999-01 fiscal biennium.

(5) \$50,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2491 (DNA testing of offenders). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

**Sec. 105.** 2000 2nd sp.s. c 1 s 109 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2000).....	\$	5,762,000
General Fund--State Appropriation (FY 2001).....	\$	5,720,000
General Fund--Federal Appropriation.....	\$	209,000
Water Quality Account--State Appropriation .....	\$	700,000
.....	TOTAL APPROPRIATION	\$
		<u>12,391,600</u>

((42

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,612,000 of the general fund--state appropriation for fiscal year 2000, \$1,588,000 of the general fund--state appropriation for fiscal year 2001, \$700,000 of the water quality account appropriation, and \$209,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the salmon recovery office to support the efforts of the independent science panel.

(3) \$62,000 of the fiscal year 2000 general fund--state appropriation and \$63,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing the salmon recovery funding board in the office of the governor. If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(4) \$3,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Senate Bill No. 5408 (state medal of valor).

**Sec. 106.** 2000 2nd sp.s. c 1 s 111 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2000).....	\$	1,751,000
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General Fund--State Appropriation (FY 2001) .....	\$	<del>((2,170,000))</del>
		<u>2,307,000</u>
..... TOTAL APPROPRIATION	\$	<u>4,058,000</u>

((3,9

The appropriations in this section are subject to the following conditions and limitations: \$328,000 of the general fund--state appropriation for fiscal year 2000 and \$760,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5931 (electronic filing and public access). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

**Sec. 107.** 2000 2nd sp.s. c 1 s 112 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2000) .....	\$	14,043,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((8,399,000))</del>
		<u>9,770,000</u>
General Fund--Private/Local Appropriation .....	\$	120,000
Archives and Records Management Account--State Appropriation .....	\$	<del>((5,489,000))</del>
		<u>5,876,000</u>
Archives and Records Management Account--Private/Local Appropriation .....	\$	<del>((4,123,000))</del>
		<u>4,132,000</u>
Department of Personnel Service Account--State Appropriation .....	\$	681,000
..... TOTAL APPROPRIATION	\$	<u>34,622,000</u>

((32

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,355,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$3,780,000 of the general fund--state appropriation for fiscal year 2000 ~~((is))~~ and \$1,621,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to reimburse counties for the state's share of presidential preference primary election costs. For expenses payable in fiscal year 2001, counties shall be reimbursed only for those actual presidential preference primary election costs that the secretary of state validates as eligible for reimbursement.

(3) \$2,106,000 of the general fund--state appropriation for fiscal year 2000 and ~~(((\$2,663,000))~~ \$2,413,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2000 and \$125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for legal advertising of state measures under RCW 29.27.072.

(5)(a) \$1,870,350 of the general fund--state appropriation for fiscal year 2000 and \$1,907,757 of the general fund--state appropriation for fiscal year 2001 are provided solely for continuing the contract with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance during the 1999-2001 biennium.

(b) The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement,

and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(6) ~~(\$867,000)~~ \$1,252,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

(7) \$120,000 of the general fund--private/local appropriation is provided solely for the Washington quality awards council.

(8) \$20,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the operations of the task force on archaeology and historic preservation. The task force shall develop a single recommendation for consideration by the legislature and the governor on the issue of the location of the office of archaeology and historic preservation within state government. The recommended location shall maximize the office of archaeology and historic preservation's stature, visibility, accessibility, and delivery of service state-wide in the context of its critical role as an important link among downtown and neighborhood revitalization efforts, the cultural tourism movement, rural economic development initiatives, and the preservation of the structures and sites that still remain as the legacy of Washington's rich and diverse heritage. The task force shall consider and include in its recommendation how best both to realize the potential of the office of archaeology and historic preservation to generate revenue from services it could provide in international, national, state, local, and private venues and also how best to achieve adequate funding from all funding sources to assure that the office of archaeology and historic preservation can provide the best possible service to the citizens of the state. There shall be eleven members of the task force as follows: One member shall be the state historic preservation officer or his or her designee; two members shall be representatives of state agencies; two members shall be representatives of local governments; there shall be one representative each from the Washington state historical society, the eastern Washington state historical society, the Washington trust for historic preservation, and Indian tribes; and two members shall be representatives of the private sector who have experience in preservation of historic buildings or archaeological sites or who have particular interest in the issue of preservation of historic buildings and archaeological sites. The state historic preservation officer shall be the chair of the task force. The task force shall report to appropriate committees of the legislature and the governor by January 1, 2001.

(9) \$8,000 of the fiscal year 2001 general fund--state appropriation is provided solely to implement Senate Bill No. 5408 (state medal of valor).

**Sec. 108.** 1999 c 309 s 119 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2000) .....	\$ 215,000
General Fund--State Appropriation (FY 2001) .....	<del>(\$215,000)</del>
	<u>221,000</u>
..... TOTAL APPROPRIATION	\$ <u>436,000</u>

((43

**Sec. 109.** 2000 2nd sp.s. c 1 s 114 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund--State Appropriation (FY 2000) .....	\$ 67,000
General Fund--State Appropriation (FY 2001) .....	<del>(\$128,000)</del>

	<u>133,000</u>	
..... TOTAL APPROPRIATION	\$	((49
	<u>200,000</u>	

The appropriations in this section are subject to the following conditions and limitations and are sufficient for the commission to: (1) Carry out statutorily required public hearings; (2) enter into an agreement with the department of personnel to provide data sharing, research support, and training for commission members and staff; (3) employ part-time staff in fiscal year 2000 to respond to requests for information; and (4) begin full-time staffing in September 2000 to allow for orientation and training for commission members prior to the next salary setting cycle. \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$10,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for office rent for the remainder of the biennium, increased AFRS and consolidated mail costs, general administration consulting services, and unexpected commission meeting costs related to litigation. Future funding for lease costs beyond the current biennium shall be contingent upon the agency's colocation with another agency.

**Sec. 110.** 2000 2nd sp.s. c 1 s 115 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2000) .....	\$ 4,079,000	
General Fund--State Appropriation (FY 2001) .....	\$ ((4,557,000))	
	<u>4,527,000</u>	
General Fund--Federal Appropriation.....	\$ 2,526,000	
Public Safety and Education Account--State Appropriation.....	\$ 1,338,000	
New Motor Vehicle Arbitration Account--State Appropriation .....	\$ 1,109,000	
Legal Services Revolving Account--State Appropriation.....	\$ 118,390,000	
..... TOTAL APPROPRIATION	\$	((13
	<u>131,969,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.
- (2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.
- (3) \$154,000 of the fiscal year 2000 general fund--state appropriation and \$308,000 of the fiscal year 2001 general fund--state appropriation are provided solely for the costs associated with the legal defense and implementation of initiative measures ~~((No. 695))~~ approved by the voters in fiscal years 2000 and 2001.
- (4) \$486,000 of the legal services revolving account appropriation is provided solely to support activities related to vulnerable adults. Such activities include providing technical assistance for guardianships, financial exploitation cases, protection orders, and providing assistance to police and prosecutors addressing vulnerable adults.
- (5) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for costs associated with enforcing state authority on taxation of liquor with respect to Resolution T-022-00, or any other tax or regulatory ordinances regarding liquor, adopted by the Confederated Tribes and Bands of the Yakama Nation.

Sec. 111. 2000 2nd sp.s. c 1 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2000) .....	\$	12,600,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((13,208,000))</del>	
		<u>13,350,000</u>	
General Fund--Federal Appropriation .....	\$	<del>((23,340,000))</del>	
		<u>23,628,000</u>	
General Fund--Private/Local Appropriation .....	\$	500,000	
..... TOTAL APPROPRIATION	\$		((49
		<u>50,078,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$50,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to evaluate and promote the use by state and local agencies of the training facilities at the Hanford reservation.
- (2) Funding in this section provides for a feasibility study to collect Washington enrollment data on distance learning programs sponsored by in-state and out-of-state private institutions in cooperation with the higher education coordinating board and the state board for community and technical colleges. Findings shall be submitted to the appropriate committees of the legislature by January 2000.
- (3) \$75,000 of the fiscal year 2000 general fund--state appropriation and \$75,000 of the fiscal year 2001 general fund--state appropriation are provided solely to track and administer state and federal funding for salmon recovery allocated by the salmon recovery funding board established under Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079.
- (4) The office of financial management, in collaboration with the institutions of higher education, the higher education coordinating board, and the state board for community and technical colleges, shall modify state information systems in order to provide consistent data on students engaged in distance learning. Higher education institutions shall provide enrollment information in support of this effort. Reporting on the numbers and categories of students enrolled in distance learning by class level and institutions shall begin by fall term, 2000. Washington independent institutions of higher education are encouraged to participate in this process and to provide distance learner enrollment data.
- (5) \$1,000,000 of the general fund--state appropriation and \$500,000 of the general fund--private/local appropriation are provided solely for the commission on early learning. One-half of the amount provided from the general fund--state shall not be expended unless matched by an equal amount from private sources.
- (6) \$329,000 of the general fund--state appropriation for fiscal 2001 is provided solely to develop a centralized database of social service contract information as recommended by the task force on agency contracting services.
- (7) \$689,000 of the general fund--state appropriation is provided solely for information systems improvements at the department of fish and wildlife, including a network upgrade, purchase of personal computers, and support for agency information systems.
- (8) \$795,000 of the general fund--state appropriation is provided solely for improvements in the basic business practices at the department of fish and wildlife, including budget monitoring, cost accounting, time accounting and payroll systems, and license revenue forecasting.
- (9) \$75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the task force on health care reinsurance established by Second Substitute Senate Bill No. 6067 (health insurance coverage). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.
- (10) \$285,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the office of financial management to adopt and publish uniform guidelines for the effective and efficient management of personal service contracts and client service contracts by all state agencies, conduct training on these guidelines for agency personnel, and conduct risk-based audits of personal service and client service contracts, as generally described in Second Substitute House Bill No. 2738 (state agency personal service contract practices).

(a) The guidelines shall, at a minimum, include: (i) Accounting methods, systems, measures, and

principles to be used by agencies and contractors; (ii) precontract procedures for selecting potential contractors based on their qualifications and ability to perform; (iii) incorporation of performance measures and measurable benchmarks in contracts, and the use of performance audits; (iv) uniform contract terms to ensure contract performance and compliance with state and federal standards; (v) proper payment and reimbursement methods to ensure that the state receives full value for taxpayer moneys, including cost settlements and cost allowance; (vi) post-contract procedures, including methods for recovering improperly spent or overspent moneys for disallowance and adjustment; (vii) adequate contract remedies and sanctions to ensure compliance; (viii) monitoring, fund tracking, risk assessment, and auditing procedures and requirements; (ix) financial reporting, record retention, and record access procedures and requirements; (x) procedures and criteria for terminating contracts for cause or otherwise; and (xi) other subjects related to effective and efficient contract management.

(b) The office of financial management shall provide a training course for agency personnel responsible for executing and managing personal service contracts and client service contracts. The course must contain training on effective and efficient contract management under the guidelines established under this subsection.

(c) The office of financial management shall conduct risk-based audits of the contracting practices associated with individual personal service and client service contracts from multiple state agencies to ensure compliance with the guidelines established in this subsection. The office of financial management shall forward the results of the audits conducted under this subsection to the governor, the appropriate standing committees of the legislature, and the joint legislative audit and review committee.

(11) \$30,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a review of K-12 regional cost differences. The office of financial management shall conduct research, including a review of existing methods of determining regional cost differences. Regional cost differences shall include, but not be limited to, the cost of renting, leasing, or purchasing housing. The office of financial management shall report findings on cost differences on a regional basis and make recommendations on options for mitigating these differences to the appropriate committees of the house of representatives and senate by December 15, 2000.

(12) \$243,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for an audit of the state ferry capital program. The audit of ferry capital operations shall determine the following: Whether the ferry system is acquiring, protecting, and using its resources economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the ferry system has complied with laws and regulations governing economy and efficiency. This audit shall build on audits performed by, or under the direction of, the joint legislative audit and review committee on ferry capital operations. In establishing the scope of this audit, the director of financial management shall solicit public comments from interested parties and benchmark the state ferry capital operations to other public and private ferry capital operations. To address the intent of this subsection, the director may contract for specialized expertise. The audit report shall be delivered on or before January 1, 2001, to the governor and to the fiscal committees of the state legislature.

**Sec. 112.** 1999 c 309 s 130 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State Appropriation .....	\$	((20,749,000))
		<u>20,880,000</u>

**Sec. 113.** 2000 2nd sp.s. c 1 s 118 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF PERSONNEL**

Department of Personnel Service Account--State Appropriation .....	\$	16,999,000
Higher Education Personnel Services Account--State Appropriation .....	\$	1,640,000
..... TOTAL APPROPRIATION	\$	18,639,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.
- (3) \$515,000 of the department of personnel service account appropriation is provided solely for the

development and implementation of a new employment application processing system to: Provide for electronic applications via the internet, provide continuous application acceptance, provide increased public access to job openings, allow for single applications for multiple jobs, and provide for scanning of larger applicant databases as job openings arise.

(4) \$190,000 of the department of personnel service account appropriation is provided solely for the expansion of the executive fellowship program.

(5) \$108,000 of the department of personnel service account appropriation is provided solely for increased funding of the administrative expenses of the combined fund drive.

(6) \$52,000 of the department of personnel service account appropriation is provided solely to implement House Bill No. 5432 (retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(7) The department of personnel has the authority to charge agencies for expenses associated with converting its payroll/personnel computer system to accommodate the year 2000 date change and to implement plan 3 of the public employees' retirement system. Funding to cover these expenses shall be realized from the agency FICA savings associated with the pretax benefits contributions plan.

**Sec. 114.** 1999 c 309 s 133 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund--State Appropriation (FY 2000) .....	\$	216,000	
General Fund--State Appropriation (FY 2001) .....	\$	((225,000))	
		<u>234,000</u>	
..... TOTAL APPROPRIATION	\$		((44
		<u>450,000</u>	

**Sec. 115.** 1999 c 309 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2000) .....	\$	190,000	
General Fund--State Appropriation (FY 2001) .....	\$	((188,000))	
		<u>197,000</u>	
..... TOTAL APPROPRIATION	\$		((37
		<u>387,000</u>	

**Sec. 116.** 2000 2nd sp.s. c 1 s 119 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Dependent Care Administrative Account--State Appropriation .....	\$	361,000	
Department of Retirement Systems Expense Account--State Appropriation .....	\$	((44,608,000))	
		<u>44,662,000</u>	
..... TOTAL APPROPRIATION	\$		((44
		<u>45,023,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$92,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 5030 (Washington state patrol surviving spouse retirement). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(2) \$259,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1024 (retirement system option). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 6012 (investment board fund values). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$22,000 of the department of retirement systems expense account appropriation is provided solely to

implement Senate Bill No. 5432 (PERS retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$50,000 of the department of retirement systems expense account appropriation is provided solely for the department to prepare and distribute to state employees information about options under the federal tax code for tax-advantaged retirement savings.

(6) \$3,731,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the electronic document image management system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(7) The department shall adjust the retirement systems administrative rate during the 1999-2001 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding for a study of LEOFF plan 1 medical liabilities by the office of the state actuary.

(8) \$293,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 2604 (survivor options). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) \$2,879,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(10) \$480,000 of the department of retirement systems expense account appropriation is provided solely for increased charges for services provided by the department of information systems. The two departments shall submit a report on the causes of the increased charges to the office of financial management no later than September 1, 2000.

**Sec. 117.** 1999 c 309 s 138 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2000) .....	\$	69,998,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((68,171,000))</del>
		<u>67,156,000</u>
Timber Tax Distribution Account--State Appropriation.....	\$	4,893,000
Waste Education/Recycling/Litter Control--State Appropriation.....	\$	101,000
State Toxics Control Account--State Appropriation.....	\$	67,000
Oil Spill Administration Account--State Appropriation .....	\$	14,000
..... TOTAL APPROPRIATION	\$	<u>142,229,000</u>

((14

The appropriations in this section are subject to the following conditions and limitations: The department of revenue shall conduct a study and prepare a report of current state and local taxation of the electricity industry and options for changes to avoid revenue loss, promote competitive neutrality, and encourage economic development within the electricity industry. The study shall include an analysis of the following: (1) Current state and local taxation of the wholesale and retail electricity industry, including tax incidence, rate, base, collection, and allocation of taxes; (2) trends in the wholesale and retail electricity markets affecting current and future revenue streams, including power imports and exports by in-state and out-of-state suppliers; (3) The extent to which existing state and local tax laws may be insufficient to protect revenue streams in light of identifiable wholesale and retail market changes; and (4) whether the tax code is adequate to fairly tax new participants in the market such as brokers, marketers, aggregators, and traders. The department shall conduct the study with support from the utilities and transportation commission, the energy division of the department of community, trade, and economic development, and the state auditor. The department shall consult with energy utilities, retail electric customers, local governments, independent power producers, brokers, marketers, traders, other interested parties, and the chairs and ranking minority members of the committees of the senate and the house of representatives with jurisdiction over electricity issues periodically throughout the course of the study, and shall submit its report to the legislature and the governor by December 1, 1999.



**Sec. 118.** 2000 2nd sp.s. c 1 s 124 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2000) .....	\$	1,293,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((1,284,000))</del>	
		<u>1,526,000</u>	
Liquor Control Board Construction and Maintenance Account--State Appropriation .....	\$	<del>((9,998,000))</del>	
		<u>12,883,000</u>	
Liquor Revolving Account--State Appropriation.....	\$	<del>((129,422,000))</del>	
		<u>130,664,000</u>	
..... TOTAL APPROPRIATION	\$		<del>((14</del>
		<u>146,366,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,804,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$105,000 of the liquor revolving account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5712 (motel liquor licenses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$300,000 of the liquor revolving account appropriation is provided solely for the board to develop a business plan. The board shall provide copies of the plan to the office of financial management and the fiscal committees of the legislature by September 30, 1999.

(4) \$1,985,000 of the liquor control board construction and maintenance account appropriation is provided solely for the operation of the temporary distribution center.

(5) \$53,000 of the liquor revolving account appropriation is provided solely to train new enforcement agents. In cooperation with the board, the criminal justice training commission shall establish a training curriculum that is appropriate for liquor enforcement officers. Nothing in this subsection makes liquor officers eligible for membership in the law enforcement and fire fighters' pension systems.

(6) \$2,885,000 of the liquor control board construction and maintenance account appropriation is provided solely for mandatory redemption of certificates of participation used to finance the distribution center and material handling system.

(7) \$242,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for legal services related to the cigarette tobacco tax enforcement program.

(8) \$925,000 of the liquor revolving account appropriation is provided solely for unanticipated expenditures in contract agency vendor commissions caused by increased sales volume.

**Sec. 119.** 2000 2nd sp.s. c 1 s 126 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2000) .....	\$	10,889,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((8,344,000))</del>
		<u>11,648,000</u>
General Fund--Federal Appropriation.....	\$	<del>((22,148,000))</del>
		<u>22,192,000</u>
General Fund--Private/Local Appropriation .....	\$	238,000
Enhanced 911 Account--State Appropriation .....	\$	<del>((19,507,000))</del>
		<u>16,607,000</u>
Disaster Response Account--State Appropriation.....	\$	<del>((10,157,000))</del>
		<u>12,226,000</u>
Disaster Response Account--Federal Appropriation.....	\$	<del>((46,699,000))</del>
		<u>42,566,000</u>
Worker and Community Right to Know Fund--State Appropriation.....	\$	285,000

..... TOTAL APPROPRIATION \$  
116,651,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,470,000 of the general fund--state appropriation for fiscal year 2000 ~~((is))~~ and \$3,227,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for deposit in the disaster response account to cover costs pursuant to section 402(9) of this act and subsection (2) of this section.

(2) ~~(\$9,855,000)~~ \$8,787,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster 1079 (November/December 1995 storms), FEMA disaster 1100 (February 1996 floods), FEMA disaster 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), FEMA disaster 1172 (March 1997 floods), FEMA disaster 1252 (1998 northeast counties floods), and FEMA disaster 1255 (Kelso landslide). The military department may, upon approval of the director of the office of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2001. The military department is to submit a report quarterly to the office of financial management and the fiscal committees of the house of representatives and senate detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information is to be displayed by individual disaster by fund, and by type of assistance.

(3) \$100,000 of the general fund--state fiscal year 2000 appropriation and \$100,000 of the general fund--state fiscal year 2001 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$35,000 of the general fund--state fiscal year 2000 appropriation and \$35,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the north county emergency medical service.

(5) \$302,000 of the disaster response account--state appropriation is provided solely for the costs of activating the national guard during the world trade organization conference in Seattle.

(6) \$4,003,000 of the disaster response account--state appropriation is provided solely for fire mobilization costs.

## PART II HUMAN SERVICES

**Sec. 201.** 2000 2nd sp.s. c 1 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2000, unless specifically prohibited by

this act, the department may transfer general fund--state appropriations for fiscal year 2000 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) After May 1, 2001, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer moneys among programs, including federal moneys that are provided solely for a specified purpose. However, the department shall not transfer state moneys that are provided for a specified purpose except as expressly provided in subsection (3)(d) of this section.

(c) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2000 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, voluntary placement, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

~~((e))~~ (d) To the extent that transfers under subsection (3)(b) of this section are insufficient to fund actual expenditures in excess of fiscal year 2001 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(e) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

Sec. 202. 2000 2nd sp.s. c 1 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$ 196,694,000
General Fund--State Appropriation (FY 2001) .....	\$ <del>((214,000,000))</del>
	<u>210,463,000</u>
General Fund--Federal Appropriation.....	\$ <del>((355,146,000))</del>
	<u>354,027,000</u>
General Fund--Private/Local Appropriation .....	\$ 400,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$ 4,194,000
Public Safety and Education Account--State Appropriation.....	\$ 457,000
..... TOTAL APPROPRIATION	\$
	<u>766,235,000</u>

((77

The appropriations in this section are subject to the following conditions and limitations:

(1) \$594,000 of the general fund--state appropriation for fiscal year 2000, \$1,964,000 of the general fund--state appropriation for fiscal year 2001, and \$195,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 5557 (the HOPE act) or sections 10 through 29 of Engrossed Second Substitute House Bill No. 1493. If neither bill is enacted by June 30, 1999, the funds shall be provided for:

(a) The department to contract for 10 temporary residential placements, for up to 30 days, for street youth by June 30, 2000, and for 29 temporary residential placements for street youth by June 30, 2001. These street youth ~~((shall be sixteen to eighteen years old who are dependents of the state, and))~~ are persons under the age of eighteen who live outdoors or in other unsafe locations not intended for occupancy by a minor~~((, and whose permanency plan of care does not include return to home or family reunification. The department shall contact the missing children's clearinghouse regarding these youth. The department may approve placements for fourteen and fifteen year olds who also meet these criteria. Youth who receive these placements may receive one or more of the following services: Educational services, vocational training, job readiness assistance, job search assistance, chemical dependency treatment, and counseling))~~ and who are not residing with a parent or at their legally authorized residence; and

(b) For the department to contract for 10 residential placements for dependent youth by June 30, 2000,

and for 29 residential placements for youth by June 30, 2001. These youth shall be aged sixteen through eighteen who live outdoors or in unsafe locations not intended for occupancy by a minor, and whose permanency plan does not include return to home or family reunification. These placements may be available to youth up to eighteen years of age. Youth who receive these placements shall receive training related to one or more of the following: Basic education, employment, money management and other skills that will assist the youth in developing independent living skills.

(2) \$2,191,000 of the fiscal year 2000 general fund--state appropriation, \$2,191,000 of the fiscal year 2001 general fund--state appropriation, and \$1,540,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services." The reduction in funds assumed in this section is intended to realign the appropriation with actual service levels and expenditures and is not intended to reduce the current level of intensive family preservation services across the state.

(3) \$670,925 of the general fund--state fiscal year 2000 appropriation and \$670,925 of the general fund--state fiscal year 2001 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(4) \$513,000 of the general fund--state fiscal year 2000 appropriation and \$513,000 of the general fund--state fiscal year 2001 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(5) \$140,000 of the fiscal year 2001 state general fund appropriation is provided solely for the department to establish and maintain a toll-free telephone number and an electronic on-line system for communication of information regarding child day-care centers and family day-care providers. This number shall be available during standard business hours, and during nonbusiness hours callers shall be able to leave messages. The number shall be published in reasonably available printed and electronic media. The number shall be easily identifiable as a method that callers may use to determine whether a day-care provider is licensed, determine whether a day-care provider is in good standing regarding licensing requirements, determine the general nature of enforcement actions against the provider, obtain information on how to report suspected or observed noncompliance with licensing requirements, obtain information on how to report health, safety, and welfare concerns, receive follow-up assistance including information on the office of the family and children's ombudsman, and receive referral information on other agencies or entities that may be of further assistance to the caller. Upon request, the department shall disclose the receipt, general nature, current status and resolution of all complaints on record with the department after the effective date of this section against a child day-care center or family day-care provider that result in an enforcement action. The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers consistent with chapter 42.17 RCW. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(6) \$2,311,000 of the fiscal year 2000 general fund--state appropriation, \$2,370,000 of the fiscal year 2001 general fund--state appropriation, and \$4,182,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks.

(7) \$90,000 of the general fund--state appropriation for fiscal year 2000, \$91,000 of the general fund--state appropriation for fiscal year 2001, and \$64,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1619 (foster parent reimbursements). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(8) \$121,000 of the general fund--state appropriation for fiscal year 2000, \$101,000 of the general

fund--state appropriation for fiscal year 2001, and \$80,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1668 (foster parent training). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(9) \$213,000 of the general fund--state appropriation for fiscal year 2000, \$93,000 of the general fund--state appropriation for fiscal year 2001, and \$78,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$348,000 of the general fund--federal appropriation is provided solely for the department to determine the character of persons who have unsupervised access to children in care, including exempt child care providers defined in RCW 74.15.020, through a conviction record and pending charges check at the Washington state patrol, in order to authorize payment for care. If a check through the Washington state patrol or the federal bureau of investigation has been completed within the preceding year of the department's request, the department may rely upon the previous check for persons who confirm no offenses have been committed within the last year. Further, the appropriation is provided to the department to implement a waiver process and administrative hearing review process for exempt child care providers whose background check may otherwise disqualify them. This subsection does not establish any obligation, duty, or cause of action.

(11) \$457,000 of the public safety and education account is provided to train service providers in serving and advocating for domestic violence victims with disabilities, monitor batterer treatment programs for compliance with certification standards, fund domestic violence services to underserved populations, and support the fatality review process.

(12) \$2,214,000 of the general fund--state appropriation for fiscal year 2001 and \$686,000 of the general fund--federal appropriation are provided solely for an increase in the combined adoption support and foster care caseloads. Of the amounts provided in this subsection, \$1,107,000 shall not be expended if the total expenditures for these programs or per capita expenditures for fiscal year 2000 or for the first quarter of fiscal year 2001 for any portion of these caseloads exceed the November 1999 expenditure forecast and the department does not provide a detailed report comparing the forecasted and actual expenditures per case by rate payment category and the reasons for each overexpenditure by December 1, 2000, to the appropriate policy and fiscal committees of the legislature.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for allocation, without deduction for administrative costs by the department, to the educational institute for rural families to ensure continued seasonal child care in region two of the department. These funds are not intended to supplant the contracted rate of reimbursement or the total reimbursement for the provision of seasonal child care by this provider.

(14) \$174,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a foster parent retention pilot program. This program will be directed at foster parents caring for children who act out sexually, as described in House Bill No. 2709 (foster parent retention program).

(15) The amounts provided in this section are sufficient to implement Engrossed Second Substitute Senate Bill No. 6400 (domestic violence).

**Sec. 203.** 2000 2nd sp.s. c 1 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	35,379,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((38,283,000))</del>
		<u>35,408,000</u>
General Fund--Federal Appropriation.....	\$	<del>((9,732,000))</del>
		<u>9,884,000</u>
General Fund--Private/Local Appropriation .....	\$	380,000
Juvenile Accountability Incentive Account--Federal Appropriation .....	\$	6,548,000

Public Safety and Education Account--State Appropriation.....	\$	10,700,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	((20,977,000))
		<u>19,871,000</u>
..... TOTAL APPROPRIATION	\$	<u>118,170,000</u>

((42

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$666,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$5,742,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(c) \$1,161,000 of the general fund--state appropriation for fiscal year 2000, \$1,162,000 of the general fund--state appropriation for fiscal year 2001, \$5,000,000 of the violence reduction and drug enforcement account appropriation, and \$177,000 of the juvenile accountability incentive account--federal appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(d) \$2,419,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(e) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(f) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(g) \$75,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a contract for expanded services of the teamchild project.

(h) \$75,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the Skagit county delinquency prevention project.

(i) \$350,000 of the general fund--state appropriation for fiscal year 2000, \$735,000 of the general fund--state appropriation for fiscal year 2001, \$229,000 of the general fund--federal appropriation, and \$673,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(j) No later than January 1, 2001, the Washington state institute for public policy shall report to the legislature on the outcomes of low and moderate risk juvenile rehabilitation administration offenders who were released without supervision compared to those who were released with supervision. The study shall compare both the recidivism rates as well as the nature of any new criminal offenses each group commits. The legislature

shall consider the results of this study in making any decision to continue or revise parole services for this group of offenders.

(k) \$16,000 of the general fund--state appropriation for fiscal year 2000 and \$16,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5214 (firearms on school property). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse. The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of Substitute Senate Bill No. 5214 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(l) \$3,440,000 of the general fund--state appropriation for fiscal year 2000 and \$3,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(m) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. To the extent that distributions made under (l) and (m) of this subsection and pursuant to section 801 of this act exceed actual costs of processing truancy, children in need of services, and at-risk youth petitions, the department, in consultation with the respective juvenile court administrator and the county, may approve expenditure of funds provided in this subsection on other costs of the civil or criminal justice system. When this occurs, the department shall notify the office of financial management and the legislative fiscal committees. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per petition processing costs nor shall it penalize counties with lower than average per petition processing costs.

(n) \$4,700,000 of the public safety and education account appropriation is provided solely for distribution to counties pursuant to stipulation and agreed-to order of dismissal in Thurston county superior court case number 98-2-02458. The department shall not retain any portion of these funds to cover administrative or any other departmental costs.

(o) The distributions made under (l), (m), and (n) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(p) Each quarter during the 1999-01 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(q) \$31,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to section 204 of this 2000 act.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	46,815,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((48,061,000))</del>
		<u>44,022,000</u>
General Fund--Private/Local Appropriation .....	\$	740,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	<del>((15,282,000))</del>

	14,645,000
..... TOTAL APPROPRIATION	\$
	106,222,000

((44

The appropriations in this subsection are subject to the following conditions and limitations: \$37,000 of the general fund--state appropriation for fiscal year 2000 and \$74,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) .....	\$ 1,419,000
General Fund--State Appropriation (FY 2001) .....	\$ 1,421,000
General Fund--Federal Appropriation .....	\$ 317,000
Juvenile Accountability Incentive Account--Federal Appropriation .....	\$ 1,100,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$ 421,000
..... TOTAL APPROPRIATION	\$

4,67

**Sec. 204.** 2000 2nd sp.s. c 1 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2000) .....	\$ 165,723,000
General Fund--State Appropriation (FY 2001) .....	\$ ((179,190,000))
	184,775,000
General Fund--Federal Appropriation .....	\$ ((305,644,000))
	311,421,000
General Fund--Local Appropriation .....	\$ 1,827,000
Health Services Account Appropriation .....	\$ 1,225,000
..... TOTAL APPROPRIATION	\$
	664,971,000

((65

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$711,000 of the general fund--state appropriation for fiscal year 2000 and \$757,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to directly reimburse eligible providers for the medicaid share of mental health services provided to persons eligible for both medicaid and medicare.

(d) \$64,000 of the general fund--state appropriation for fiscal year 2000 and \$150,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for regional support networks to participate in prerelease treatment planning and to conduct involuntary commitment evaluations, as required by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(e) \$5,000 of the general fund--state appropriation for fiscal year 2000 and \$466,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for case management and other community support services, as authorized by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not



enacted by June 30, 1999, these amounts shall lapse.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a pilot project demonstrating new and collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of WAC 275-57. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; (ii) protocols, guidelines, and handbooks suitable for use by other school districts and regional support networks seeking to replicate the pilot project's approach; and (iii) intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) \$47,000 of the general fund--state appropriation for fiscal year 2000 and \$47,000 of the general fund--state appropriation for fiscal year 2001 are provided for implementation of Substitute Senate Bill No. 5214 (firearms on school premises). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

(h) The general fund--state appropriation for fiscal year 2001 includes \$1,891,000 to replace federal funding for outpatient services which is no longer available due to the reduction in the federal medical assistance percentage. The department shall distribute these additional state funds among the regional support networks according to each regional support network's capitation rate by eligibility category.

(i) The appropriations in this subsection include an increase in funding for medicaid outpatient services as a result of the forecasted increase in the number of persons eligible for medicaid over the number previously budgeted. The department shall distribute these additional appropriations among the regional support networks according to each regional support network's capitation rate by eligibility category.

(j) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated, disproportionate uncompensated care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i)(A) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity; (B) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; (C) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended; and (D) used to support strategies which can be sustained during the 2001-03 biennium at a state cost no more than 100 percent greater than the amount provided in this subsection. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed(~~(= (ii)(A))~~) that, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against the state for the rate of state reimbursement for inpatient psychiatric care(~~(; and (B) that the provider will maintain or enhance its inpatient psychiatric treatment capacity throughout the period ending June 30, 2001, or for the duration of the funding, whichever is later)~~). The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(k) \$1,000,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2663 (atypical antipsychotic medications). If Substitute House Bill No. 2663 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse. Prior to implementing the projects established in the bill, the department shall report to the appropriate policy and fiscal committees of the legislature on proposed medication delivery and monitoring systems and arrangements for obtaining manufacturer discounts or rebates. No more than \$175,000 of the funds provided in this subsection

may be used for state and contractor start-up, evaluation, and administration of the projects, and no more than \$100,000 of that amount may be for ongoing costs which continue beyond fiscal year 2001. The department may transfer and allot the state component of such administrative costs to its mental health program support subprogram. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) .....	\$ 69,797,000	
General Fund--State Appropriation (FY 2001) .....	<del>\$(72,279,000)</del>	
	<u>71,919,000</u>	
General Fund--Federal Appropriation.....	<del>\$(141,129,000)</del>	
	<u>140,780,000</u>	
General Fund--Private/Local Appropriation .....	\$ 29,809,000	
..... TOTAL APPROPRIATION	\$	((31
	<u>312,305,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall use general fund--local appropriations in this subsection to establish a third-party revenue incentive pool, which shall be used for staff-initiated projects which will increase the quality of care at the state hospitals. For fiscal year 2000, the incentive pool shall be (i) the first \$200,000 by which revenues from third-party payers exceed \$28,000,000; and (ii) fifty percent of any amounts beyond \$28,200,000, up to a maximum of \$500,000. For fiscal year 2001, the incentive pool shall be (iii) the first \$350,000 by which third-party revenues exceed \$28,480,000; and (iv) fifty percent of any amounts beyond \$28,830,000, up to a maximum of \$700,000. For purposes of this subsection, "third-party revenues" does not include disproportionate share hospital payments or the federal share of salaries and benefit allocations. The department may establish separate incentive pools for each hospital. The department may also divide the annual revenue target into quarterly goals, and make funds available from the incentive pool on a quarterly basis.

(d) \$444,000 of the general fund--state appropriation for fiscal year 2000, \$1,866,000 of the general fund--state appropriation for fiscal year 2001, \$196,000 of the general fund--private/local appropriation, and \$157,000 of the general fund--federal appropriation are provided for improved, more specialized care for persons with developmental disabilities during their treatment for a psychiatric illness at the state hospitals.

(e) By March 1, 2001, the department shall modify the treatment approach on at least two state hospital wards to more cost-effective models of care. The models shall place greater emphasis upon community transition, or upon long-term support, than upon intensive psychiatric rehabilitation for residents for whom such an alternative model of care is determined appropriate by their treatment team. The alternative treatment approaches may include closure of a ward and use of hospital staff to provide transitional community services, in coordination with the regional support networks.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2000) .....	\$ 10,895,000	
General Fund--State Appropriation (FY 2001) .....	<del>\$(11,940,000)</del>	
	<u>13,275,000</u>	
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$ 14,000,000	
..... TOTAL APPROPRIATION	\$	((36
	<u>38,170,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the fiscal committees of the legislature by October 1, 1999, on plans for increasing the efficiency of staffing patterns at the civil commitment center sufficiently to operate within authorized staffing and expenditure levels.

(b) The violence reduction and drug enforcement account appropriation is provided solely for deposit into the state building and construction account for design and construction of a new special commitment center facility (capital project 00-2-001). These funds shall not be transferred for other purposes as otherwise provided in section 201(3)(b) of this act. The amount provided in this subsection is subject to the review and allotment procedures under sections 902 and 903 of chapter 379, Laws of 1999. In accordance with section 909 of chapter 379, Laws of 1999, the department of corrections is responsible for project management.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2000) .....	\$	444,000	
General Fund--State Appropriation (FY 2001) .....	\$	443,000	
General Fund--Federal Appropriation .....	\$	3,282,000	
..... TOTAL APPROPRIATION		\$	4,169,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) .....	\$	2,612,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((2,706,000))</del>	
		<u>2,688,000</u>	
General Fund--Federal Appropriation .....	\$	<del>((3,227,000))</del>	
		<u>3,220,000</u>	
..... TOTAL APPROPRIATION		\$	<del>((8,520,000))</del>
		<u>8,520,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) By December 1, 1999, the department shall provide the fiscal committees of the legislature with an independent assessment of options for increasing the efficiency and effectiveness of current systems and organizational structures for billing third-party payers for hospital services.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$120,000 of the general fund federal appropriation are provided solely for the institute for public policy to evaluate the impacts of Substitute Senate Bill No. 5011 (mentally ill offenders), and of chapter 297, Laws of 1998 (commitment of mentally ill persons). If Substitute Senate Bill No. 5011 is not enacted by June 30, 1999, one-half of each of these amounts shall lapse.

Sec. 205. 2000 2nd sp.s. c 1 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	185,473,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((205,593,000))</del>	
		<u>212,352,000</u>	
General Fund--Federal Appropriation .....	\$	<del>((325,535,000))</del>	
		<u>326,295,000</u>	
Health Services Account--State Appropriation .....	\$	262,000	
..... TOTAL APPROPRIATION		\$	<del>((74,970,000))</del>
		<u>724,382,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$127,000 of the general fund--federal appropriation are

provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$3,100,000 of the general fund--state appropriation for fiscal year 2000, \$4,650,000 of the general fund--state appropriation for fiscal year 2001, and \$8,250,000 of the general fund--federal appropriation are provided solely to increase services and supports for people with developmental disabilities. These funds shall be expended in accordance with priorities established by the stakeholder advisory group established in accordance with chapter 216, Laws of 1998 (developmental disabilities), except that (i) at least 50 percent of these amounts must be used to increase the number of people receiving residential, employment, family support, or other direct services; (ii) the services and supports must be designed and implemented such that the cost of continuing them in the 2001-03 biennium does not exceed \$19.2 million, of which no more than \$9.3 million is from state funds; and (iii) strong consideration shall be given to the need for increased wages for direct care workers in contracted residential programs.

(c) \$413,000 of the general fund--state appropriation for fiscal year 2000, \$1,172,000 of the general fund--state appropriation for fiscal year 2001, and \$694,000 of the general fund--federal appropriation are provided solely for employment, or other day activities and training programs, for young people who complete their high school curriculum in 1999 or 2000.

(d) \$1,919,000 of the general fund--state appropriation for fiscal year 2000, \$6,673,000 of the general fund--state appropriation for fiscal year 2001, and \$7,361,000 of the general fund--federal appropriation are provided solely to improve services for persons with developmental disabilities who would otherwise be at risk of needing involuntary commitment to or prolonged treatment at state psychiatric hospitals. The department shall use these funds to enhance the community crisis response system managed by regional support networks, improve crisis prevention and stabilization services through the developmental disabilities community services system, and expand community residential capacity for persons with developmental disabilities who are ready for discharge from state psychiatric hospitals. Funding for community residential capacity is sufficient to move a biennium total of 48 patients out of the state hospitals at a reasonable pace by June 30, 2001. The department shall manage the intensity of services provided so that the average cost per day does not exceed \$300 per person placed in this expanded community residential capacity. The department shall report to the appropriate committees of the legislature progress towards implementing this subsection after each calendar quarter. The legislature finds that, in addition to the appropriations in this subsection for improvements in services to persons with developmental disabilities who are committed to the custody of the secretary under chapter 71.05 RCW, it is necessary to study long-term treatment alternatives and their legal, fiscal, and policy implications. Therefore, the department shall provide a report to the ways and means committee of the senate and the appropriations committee of the house of representatives by December 1, 2000, containing options and recommendations for secure treatment programs. The report shall identify various treatment models that could be implemented and various types and locations of secure facilities, both state-owned and leased, in which programs could be sited, together with the department's recommendations. The report shall evaluate the potential for siting such programs on the grounds of existing state residential habilitation centers. The report shall also include analysis of advantages and disadvantages associated with contracting for some or all of the new program options identified. The report shall evaluate the options based on short-term and long-term costs, client and community security, efficiency of coordination with other service delivery systems, and how they address specific legal issues. In developing this report, the department shall invite participation by representatives of the Washington protection and advocacy system (WPAS), and shall include in the report WPAS' position on options and recommendations submitted by the department and any additional recommendations made by WPAS. The legislature recognizes a need to improve long-term services provided to individuals with developmental disabilities who are undergoing involuntary treatment under chapter 71.05 RCW. The legislature is committed to providing resources necessary to address issues in the U.S. District Court case of *Allen v. Western State Hospital*.

(e) \$513,000 of the general fund--state appropriation for fiscal year 2000, \$1,421,000 of the general

fund--state appropriation for fiscal year 2001, and \$2,033,000 of the general fund--federal appropriation are provided to develop and operate secure residential and day program placements for persons who seem likely to pose a significant risk to the public safety if their current residential arrangement were to continue.

(f) \$209,000 of the general fund--state appropriation for fiscal year 2000, \$664,000 of the general fund--state appropriation for fiscal year 2001, and \$939,000 of the general fund--federal appropriation are provided to increase wages as required by Initiative No. 688 (state minimum wage) for contracted adult family homes, adult residential care facilities, hourly and daily family support providers, and hourly attendant care providers.

(g) \$1,978,000 of the general fund--state appropriation for fiscal year 2000, \$4,475,000 of the general fund--state appropriation for fiscal year 2001, and \$6,989,000 of the general fund--federal appropriation are provided solely to increase compensation for individual and agency home care workers. Payments to individual providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to be increased to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(h) Within amounts appropriated in this subsection, the developmental disabilities program shall contract for a pilot program to test an alternative service delivery model for persons with autism. The department must use a competitive process to determine the site of the pilot. The pilot program must be time-limited and subject to an evaluation of client outcomes to determine the effectiveness and efficiency of the pilot program compared to the standard service model for persons with autism.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2001 and \$160,000 of the general fund--federal appropriation are provided solely for increased family support services and related case management support.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	66,076,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((67,478,000))</del>	
		<u>66,904,000</u>	
General Fund--Federal Appropriation .....	\$	<del>((146,482,000))</del>	
		<u>145,834,000</u>	
General Fund--Private/Local Appropriation .....	\$	10,227,000	
..... TOTAL APPROPRIATION	\$		((29
		<u>289,041,000</u>	

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) .....	\$	2,431,000	
General Fund--State Appropriation (FY 2001) .....	\$	2,435,000	
General Fund--Federal Appropriation .....	\$	2,080,000	
..... TOTAL APPROPRIATION	\$		6,94

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation .....	\$	12,007,000	
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Sec. 206. 2000 2nd sp.s. c 1 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$	446,025,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((475,043,000))</del>	

	<u>477,355,000</u>	
General Fund--Federal Appropriation.....	\$ ((979,301,000))	
	<u>977,522,000</u>	
General Fund--Private/Local Appropriation .....	\$ 3,910,000	
Health Services Account--State Appropriation.....	\$ ((2,104,000))	
	<u>3,167,000</u>	
..... TOTAL APPROPRIATION	\$	((4,9
	<u>1,907,979,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, ((~~\$2,118,000~~)) \$4,756,000 of the general fund--federal appropriation, \$923,000 of the general fund--state appropriation for fiscal year 2000, and ((~~\$958,000~~)) \$1,019,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,640,000 of the general fund--state appropriation for fiscal year 2000 and \$1,640,000 of the general fund--state appropriation for fiscal year 2001, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing Engrossed Second Substitute House Bill No. 1484 (nursing home payment rates), the weighted average nursing facility payment rate for fiscal year 2000 shall be no more than \$10.85 for the capital portion of the rate and no more than \$108.20 for the noncapital portion of the rate. For fiscal year 2001, the weighted average nursing facility payment rate shall be no more than \$11.44 for the capital portion of the rate and no more than ((~~\$111.21~~)) \$111.84 for the noncapital portion of the rate. These rates include vendor rate increases, but exclude nurse's aide training.

(4) In addition to the rates set forth in subsection (3), \$286,000 of the general fund--state appropriation for fiscal year 2000 and \$310,000 of the general fund--federal appropriation are provided solely for supplemental rate adjustments for certain nursing facilities. In accordance with RCW 74.46.431, the department shall use these funds to apply an additional economic trends and conditions adjustment factor to the rate of any facility whose total rate allocation would otherwise be less than its April 1, 1999, total rate, adjusted for case-mix changes. This supplemental adjustment factor shall be the percentage by which the facility's April 1, 1999, rate would otherwise exceed the rate calculated in accordance with chapter 74.46 RCW and subsection (3) of this section, except that (a) no adjustment shall be provided for any amounts by which a facility's rate is lower due to a reduction in its facility-average medicaid case-mix score; and (b) the adjustment factor shall be reduced proportionately for all facilities by the percentage by which total supplemental payments would otherwise exceed the funds provided for such payments in this subsection. This subsection applies only to rates paid for services provided between July 1, 1999, and March 31, 2000.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(6) Funds are appropriated in this section to increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to increase to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds

needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$280,000 of the general fund--federal appropriation are provided solely for enhancement and integration of existing management information systems to (a) provide data at the local office level on service utilization, costs, and recipient characteristics; and (b) reduce the staff time devoted to data entry.

(8) The department of social and health services shall provide access and choice to consumers of adult day health services for the purposes of nursing services, physical therapy, occupational therapy, and psychosocial therapy. Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(9) \$1,452,000 of the general fund--state appropriation for fiscal year 2000, \$1,528,000 of the general fund--state appropriation for fiscal year 2001, and \$2,980,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1546 (in-home care services). If Second Substitute House Bill No. 1546 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$610,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2454 (caregiver support). If Substitute House Bill No. 2454 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(11) \$8,000 of the general fund--state appropriation for fiscal year 2000, \$131,000 of the general fund--state appropriation for fiscal year 2001, and \$139,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 2637 (background checks). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

**Sec. 207.** 2000 2nd sp.s. c 1 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$ 427,742,000
General Fund--State Appropriation (FY 2001) .....	<del>\$(410,913,000))</del>
	<u>421,371,000</u>
General Fund--Federal Appropriation.....	<del>\$(1,229,774,000))</del>
	<u>1,226,044,000</u>
General Fund--Private/Local Appropriation .....	\$ 30,807,000
..... TOTAL APPROPRIATION	\$ <u>2,105,964,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$284,083,000 of the general fund--state appropriation for fiscal year 2000, \$268,114,000 of the general fund--state appropriation for fiscal year 2001, \$1,140,342,000 of the general fund--federal appropriation, and \$28,371,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the

percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipts of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offering them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) Provide \$500,000 from the general fund--state appropriation for fiscal year 2000 and \$500,000 from the general fund--state appropriation for fiscal year 2001 for continuation of the WorkFirst evaluation conducted by the joint legislative audit and review committee.

(d) Report to the appropriate committees of the legislature by December 1, 2000, how the new federal child support incentive system can be used to maximize federal incentive payments and to support the greatest achievement of WorkFirst program goals. In the event that the department earns federal child support incentive payments in excess of amounts budgeted, the department shall use one-half of those additional funds to offset general fund--state allotments and one-half of those additional funds to improve child support services. The department shall also work with the Washington state association of county clerks to identify ways to protect the confidentiality of social security numbers on court documents needed by the child support enforcement system while ensuring the reliability of this information without significantly increasing the cost to administer the child support system. The department shall report its recommendations for protecting the confidentiality of social security numbers to appropriate committees of the legislature by December 1, 2000.

(e) Provide up to \$500,000 of the general fund--federal appropriation to the office of financial management for a study of rate setting methods and policy for subsidized child care, the best method for coordinating and consolidating child care and early education programs currently funded by state government, and for a review of the various state programs for low-income families with children. The child care rate study shall analyze the effects of rate setting policy on the affordability and quality of the overall child care market. The child care and early education program study shall evaluate how current programs may be coordinated and consolidated to provide the most efficient level of administration, grant funding, and increased accessibility by families who are served by these programs. The study of state programs for low-income families shall compare and contrast eligibility and access to these programs and identify ways to coordinate or consolidate these programs to reduce administrative costs and improve access. The office shall submit a report to the department of social and health services and the appropriate committees of the legislature by December 1, 2000.

(f) Convene a working group that includes stakeholders and recipients of public assistance to establish basic customer service performance measures and goals. The customer service measures and goals will seek to make support for working families a priority. Customer service measures and goals may include, but are not limited to: Hours of operation that allow working families to get services without missing work, reduced wait times, systems for answering and returning phone calls in a timely manner, access to benefits that support work, access to job training and education, and, access to services for families with limited literacy or English skills,



and families with special needs. The department shall report to the legislature by January 2001 the establishment of customer service measures and goals, and the departmental actions to assure the goals are being met.

(g) Use existing flexibility in federal and state welfare laws and regulations to support, on a limited basis, longer education and training plans that have a strong likelihood to lead to long-term economic independence for recipient.

(h) Provide up to \$1,400,000 of the general fund--federal appropriation for after-school care for middle school youth through programs such as those described in House Bill No. 2530 (after-school care).

(i) Provide up to \$2,710,000 of the general fund--federal appropriation for training and technical assistance for child care providers seeking training to enable them to competently serve children with special needs as described in House Bill No. 2869 (child care provider training).

(j) Provide \$230,000, or as much thereof as may be necessary, to the department of health to expand the vasectomy project to temporary assistance for needy families clients and their partners until such time as a federal family planning waiver is granted that will cover these services.

(k) Ensure that funds provided in this subsection to implement policies that disregard or exempt a portion of recipients' income are designed to achieve stated WorkFirst program goals and outcomes. Income disregards are effective incentives to help WorkFirst families move towards economic independence. Income disregard policy shall not discriminate based on who the specific employer is.

(2) ~~\$43,408,000~~ of the general fund--state appropriation for fiscal year 2000 and ~~((~~\$43,386,000~~))~~ \$46,420,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed funds provided. The department shall by July 1, 2000, begin using federal funds provided in subsection (1) of this section, as allowed by federal rules, for the costs of providing income assistance to children with court-appointed guardians or court-appointed custodians.

(3) \$5,444,000 of the general fund--state appropriation for fiscal year 2000 and \$5,632,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) RCW 74.08A.280 permits the department to develop contracts for state-wide welfare-to-work services. Within amounts available in this section, the department shall provide progress reports on the use of such contracting to the fiscal committees of the legislature by January 1, 2001. Each of these reports shall describe the number of current contracts for temporary assistance for needy families (TANF) or WorkFirst services that the department has with community social service providers and a description of the services being provided through each of those contracts.

(5) The legislature finds that, since the passage of the federal personal responsibility and work opportunity act in 1997, Washington's public assistance population has declined dramatically, and that the currently appropriated level for the temporary assistance for needy families program is sufficient for the 1999-01 biennium. The legislature further finds that federal funding for the temporary assistance for needy families program may decrease after the current five-year block grant has expired. The legislature declares that at least \$60,000,000 of the year-end balance in the federal TANF grant shall be held in reserve by the office of financial management at the close of the 1999-01 biennium.

**Sec. 208.** 2000 2nd sp.s. c 1 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$	21,338,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((22,101,000))</del>
		<u>22,066,000</u>
General Fund--Federal Appropriation .....	\$	<del>((90,373,000))</del>

	<u>90,364,000</u>	
General Fund--Private/Local Appropriation .....	\$ 1,204,000	
Public Safety and Education Account--State Appropriation.....	\$ 7,102,000	
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$ 77,150,000	
..... TOTAL APPROPRIATION	\$	((21
	<u>219,224,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,960,000 of the general fund--state appropriation for fiscal year 2000 and \$1,960,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for expansion of 50 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$88,000 of the general fund--state appropriation for fiscal year 2001, and \$116,000 of the general fund--federal appropriation are provided solely for activities related to chemical dependency services under subsection 202(1) of this act. If that subsection is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(3) \$1,444,000 of the general fund--state appropriation for fiscal year 2000, \$1,484,000 of the general fund--state appropriation for fiscal year 2001, and \$330,000 of the general fund--federal appropriation are provided for implementation of Engrossed Substitute Senate Bill No. 5480 (drug-affected infants) or sections 1 through 17 of Second Substitute House Bill No. 1574. If legislation expanding services to prevent drug-affected infants is not enacted by June 30, 1999, the amounts provided in this subsection shall be provided solely for the development and implementation of comprehensive programs for alcohol and drug abusing mothers and their young children. The pilot programs shall be implemented in several locations, including at least one rural location. The pilot programs shall also be supported with TANF funds provided in section 208 of this act as a way to reduce prolonged dependency on public assistance for program participants.

(4) \$442,000 of the public safety and education account--state appropriation is provided solely for drug courts that have a net loss of federal grant funding from fiscal year 2000 to fiscal year 2001. The legislature finds that drug courts reduce criminal justice costs for both state and local governments. This appropriation is intended to cover approximately one-half of the lost federal funding. It is the intent of the legislature to provide state assistance to counties to cover a part of lost federal funding for drug courts for a maximum of three years.

**Sec. 209.** 2000 2nd sp.s. c 1 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$ 744,327,000	
General Fund--State Appropriation (FY 2001) .....	\$ ((834,864,000))	
	<u>976,059,000</u>	
General Fund--Federal Appropriation.....	\$ ((2,542,652,000))	
	<u>2,701,092,000</u>	
General Fund--Private/Local Appropriation .....	\$ ((258,616,000))	
	<u>256,704,000</u>	
Emergency Medical Services and Trauma Care Systems Trust Account-- State Appropriation.....	\$ 9,200,000	
Health Services Account--State Appropriation.....	\$ ((487,040,000))	
	<u>527,852,000</u>	
..... TOTAL APPROPRIATION	\$	((4,9
	<u>5,215,234,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.
- (2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.
- (3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.
- (4) \$1,647,000 of the general fund--state appropriation for fiscal year 2000 and \$1,672,000 of the general fund--state appropriation for fiscal year 2001 are provided for treatment of low-income kidney dialysis patients.
- (5) \$80,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.
- (6) The department shall report to the fiscal committees of the legislature by September 15, 1999, and again by December 15, 1999, on (a) actions it has taken and proposes to take to increase the share of medicare part B premium payments upon which it is collecting medicaid matching funds; (b) the percentage of such premium payments for each month of service subsequent to June 1998 which have been paid with unmatched, state-only funds; and (c) why matching funds could not be collected on those payments.
- (7) The department shall report to the fiscal committees of the legislature by December 1, 1999, and again by October 1, 2000, on the amount which has been recovered from third-party payers as a result of its efforts to improve coordination of benefits on behalf of "basic health plan-plus" enrollees.
- (8) The department shall report to the health care and fiscal committees of the legislature by December 1, 1999, on options for controlling the growth in medicaid prescription drug expenditures through strategies such as but not limited to volume purchasing, selective contracting, supplemental drug discounts, and improved care coordination for high utilizers.
- (9) \$3,992,000 of the health services account appropriation and \$7,651,000 of the general fund--federal appropriation are provided solely for health insurance coverage for children with family incomes between 200 percent and 250 percent of the federal poverty level, as provided in Substitute Senate Bill No. 5416 (children's health insurance program). If the bill is not enacted by June 30, 1999, these amounts shall lapse.
- (10) Upon approval from the federal health care financing administration, the department shall implement the section 1115 family planning waiver to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level.
- (11) In accordance with Substitute Senate Bill No. 5968, \$70,821,000 of the health services account appropriation for fiscal year 2000, (~~(\$42,041,000)~~) \$67,331,000 of the health services account appropriation for fiscal year 2001, and (~~(\$120,278,000)~~) \$146,579,000 of the general fund--federal appropriation, or so much thereof as may be expended without exceeding the medicare upper payment limit, are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. Such payments shall be distributed among the participating rural public hospital districts proportional to the number of days of medicaid-funded nursing home care provided by each district during the preceding calendar year, relative to the total number of such days of care provided by all participating rural public hospital districts. Prior to making any supplemental payments, the department shall first obtain federal approval for such payments under the medicaid state plan. The payments shall further be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least (~~(87)~~) 89 percent of the total supplemental payment amounts received during the 1999-01 fiscal biennium; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$30,000,000 for the 1999-01 biennium.
- (12) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW

48.104.030.

(13) \$1,529,000 of the general fund--state appropriation for fiscal year 2000, \$4,077,000 of the general fund--state appropriation for fiscal year 2001, and \$5,394,000 of the general fund--federal appropriation are provided solely for implementation of the settlement negotiated by the department and the attorney general in the case of *Allenmore et al. vs. DSHS*.

(14) From funds provided in this section, the department shall develop disease state management and therapeutic substitution programs which will substantially maintain or enhance the quality of the drug benefit for medical assistance recipients, while controlling overall health care costs. In designing the disease state management programs, the department shall research programs which have proven effective with similar populations in other states, and shall then work with concerned provider and consumer groups to adapt those strategies to Washington's service delivery system. The department shall work with its drug utilization and education council to develop a therapeutic substitution program for at least two classes of drugs. Under the therapeutic substitution program, the council shall analyze pharmacoeconomic research on the costs and benefits of all drugs within the class, and identify the most cost-effective drug or drugs within the class for placement on the formulary. Other drugs within the class shall be preauthorized when clinically indicated under criteria established by the council. The department shall report to appropriate committees of the legislature by December 1, 2000, prior to implementing its proposed strategies.

(15) (~~(\$14,848,000)~~) \$27,100,000 of the health services account appropriation for fiscal year 2001 and (~~(\$15,269,000)~~) \$27,800,000 of the general fund--federal appropriation are provided solely for additional disproportionate share hospital payments to public hospital districts. Such additional payments shall not be made prior to federal approval of a revision in the medicaid payment methodology for state teaching hospitals, and shall not exceed the increase in medicaid payments which results from that change. The payments shall further be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least (~~(77)~~) 85 percent of the additional disproportionate share payment. The participating districts shall retain no more than (~~(\$7,000,000)~~) \$7,800,000 of the additional disproportionate share payment. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state teaching hospitals.

(16)(a) \$49,000 of the general fund--state appropriation for fiscal year 2001 and \$49,000 of the general fund--federal appropriation for fiscal year 2001 are provided solely for the medical assistance administration and the health care authority to jointly conduct a state-wide study to:

(i) Determine payment sources and rates paid for primary health care providers performing outpatient primary care services and primary care in hospital emergency rooms for the state's medical assistance programs, including healthy options, and the basic health plan. To determine payment sources and rates paid, the agencies may seek information in relation to such factors as:

(A) The rates paid to primary care providers for their medical assistance programs, including healthy options, and basic health plan contracts; and

(B) How these rates compare with nonpublic pay clients for the same services.

The agencies are authorized to attain this information from health plans or providers. The agencies shall maintain the confidentiality of data collected for the purpose of the study;

(ii) Determine which primary care providers serve a relatively high number of low-income clients, and how that affects their medical practice. For purposes of the study, "primary care providers" includes pediatricians, family practitioners, general practitioners, internists, physician assistants, and advanced registered nurse practitioners; and

(iii) Develop proposals to support these providers' medical practices. The agencies must determine what constitutes a relatively high percentage of low-income clients for individual primary care providers who contract for medical assistance administration programs, including healthy options, and the basic health plan, and recommend whether and at what point this disproportionately high percentage should result in additional compensation to the primary care provider. The agencies shall recommend a method to calculate a payment adjustment designed to help support medical practices, according to the study's findings.

(b) In conducting the study, the agencies shall determine which regions of the state to include in the study, based on factors the agencies determine will provide the most representative data state-wide. The

agencies shall also consult with interested parties, including any organization or agency affected by this subsection, throughout the course of the study.

(c) The agencies shall report to the legislature by December 1, 2000, with the results of the primary health care provider study. The report shall include recommendations on: (i) What constitutes a disproportionately high percentage of low-income clients; (ii) possible payment adjustments for these providers; (iii) methods to implement such a rate adjustment; and (iv) what such a payment adjusted program will cost.

(17) From funds appropriated in this section, the medical assistance program shall assist the Washington state institute for public policy with the assessment of options for expanding medicaid eligibility required in section 607 of this 2000 act. Such assistance shall include analysis of medicaid enrollment and expenditure data needed for enrollment and cost projections; information and advice on state and federal medicaid requirements; and liaison with state and federal officials in other states undertaking similar expansions.

(18) \$290,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of the asset exemption provisions of House Bill No. 2686. If these provisions are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 210. 2000 2nd sp.s. c 1 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$	8,770,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((8,635,000))</del>	
		<u>8,600,000</u>	
General Fund--Federal Appropriation.....	\$	<del>((81,906,000))</del>	
		<u>81,797,000</u>	
General Fund--Private/Local Appropriation .....	\$	1,865,000	
..... TOTAL APPROPRIATION	\$		
		<u>101,032,000</u>	

((40

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities served by those organizations.

(2) \$190,000 of the general fund--state appropriation for fiscal year 2000, \$240,000 of the general fund--state appropriation for fiscal year 2001, and \$1,590,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals enrolled for services with the developmental disabilities program who complete their high school curriculum in 1999 or 2000.

Sec. 211. 2000 2nd sp.s. c 1 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$	26,004,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((20,119,000))</del>	
		<u>26,135,000</u>	
General Fund--Federal Appropriation.....	\$	<del>((43,227,000))</del>	
		<u>47,157,000</u>	
General Fund--Private/Local Appropriation .....	\$	720,000	
..... TOTAL APPROPRIATION	\$		
		<u>100,016,000</u>	

((90

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided for the incremental cost of lease renewals and for the temporary increased costs for relocating staff out of state office building no. 2 (OB2) during the renovation of that building. Of this

increase, \$2,400,000 is provided for relocating staff. This amount is recognized as one-time-only funding for the 1999-01 biennium. As part of the 2001-2003 budget request, the department shall update the estimate of increased cost for relocating staff, including specifying what portion of that increase is due to providing more square footage per FTE in the new leased space compared to the space occupied previously.

(2) The department may transfer up to \$528,000 of the general fund--state appropriation for fiscal year 2000, \$1,057,000 of the general fund--state appropriation for fiscal year 2001, and \$812,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs to implement administrative reductions.

(3) The department may transfer and allot up to \$5,560,000 of the general fund--state appropriation for fiscal year 2001 and \$3,518,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs in the department to achieve fiscal reductions assumed in this section. In selecting reductions in the various other programs, the department shall place a higher priority on reductions in administrative support functions as opposed to direct client services. Reductions in positions providing direct client services shall be implemented only if those reductions can be justified by reduced workload or through reorganization or other efficiencies that do not result in a risk of failing to meet federal or state certification or licensing standards. In achieving the level of savings assumed in this subsection, the department shall not eliminate or reduce funding and/or staff that would shift or transfer filing or appeal workload to superior courts. By September 1, 2000, the department shall report its plan to implement the savings in this section to the fiscal committees of the legislature.

(4) \$187,000 of the general fund--state appropriation for fiscal year 2000, \$746,000 of the general fund--state appropriation for fiscal year 2001, and ~~(\$2,251,000)~~ \$2,500,000 of the general fund--federal appropriation are provided to implement a new fraud and abuse detection system. By December 1, 2000, the department shall provide a report to the fiscal committees of the legislature that will include: The actual cost recovery in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost avoidance in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost recovery and actual cost avoidance achieved to date after implementation in fiscal year 2000 and 2001, compared to the savings included in sections 202, 205, 206, and 209 of this 2000 act; and the criteria and methodology used for determining cost recovery and cost avoidance.

**Sec. 212.** 2000 2nd sp.s. c 1 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2000).....	\$	31,190,000	
General Fund--State Appropriation (FY 2001).....	\$	31,225,000	
General Fund--Federal Appropriation.....	\$	<del>((21,932,000))</del>	
		<u>21,984,000</u>	
..... TOTAL APPROPRIATION	\$		<del>((84</del>
		<u>84,399,000</u>	

**Sec. 213.** 2000 2nd sp.s. c 1 s 216 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund--Federal Appropriation.....	\$	100,000	
Death Investigations Account--State Appropriation .....	\$	148,000	
Public Safety and Education Account--State Appropriation.....	\$	<del>((17,632,000))</del>	
		<u>16,492,000</u>	
<u>Municipal Criminal Justice Assistance Account--Local Appropriation .....</u>	<u>\$</u>	<u>412,000</u>	
..... TOTAL APPROPRIATION	\$		<del>((17</del>
		<u>17,152,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$125,000 of the public safety and education account appropriation is provided solely for information

technology upgrades and improvements for the criminal justice training commission.

(2) \$481,000 of the public safety and education account appropriation is provided solely for the implementation of provisions of chapter 351, Laws of 1997 (criminal justice training) dealing with supervisory and management training of law enforcement personnel. Within the funds provided in this subsection, the criminal justice training commission shall provide the required training in the least disruptive manner to local law enforcement agencies and may include, but is not limited to, regional on-site training, interactive training, and credit for training given by the home department.

(3) \$1,990,000 of the public safety and education account appropriation is provided solely for expanding the basic law enforcement academy (BLEA) from 469 hours to 720 hours. The funds provided in this subsection are assumed sufficient for the criminal justice training commission to provide expanded BLEA training to 330 attendees in fiscal year 2000 and 660 attendees in fiscal year 2001.

(4) \$180,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (sexually violent offender records). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$276,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) \$50,000 of the public safety and education account appropriation is provided solely for additional domestic violence training courses for 911 operators.

(7) \$215,000 of the public safety and education account appropriation is provided solely for the Washington association of sheriffs and police chiefs to conduct a study of law enforcement services and expenditures for both counties and cities within the county for counties with populations over one hundred fifty thousand. The study shall begin no later than July 1, 2000, and shall be completed by ~~((June 30))~~ October 31, 2001. The final report shall be distributed by the Washington association of sheriffs and police chiefs to the appropriate standing committees of the legislature. The study shall:

(a) Make recommendations to improve the efficiency of delivering law enforcement services. The recommendations may be made to law enforcement jurisdictions, Washington association of sheriffs and police chiefs, units of local government, and the legislature;

(b) Research, compile, and analyze data sufficient to provide a comprehensive analysis of the costs and total expenditures for law enforcement. These costs include but are not limited to special services, defined as but not limited to: SWAT teams, bomb disposal units, air support, marine units, hostage negotiation teams, homicide investigation units, drug units, canine units, arson investigation teams, computer fraud and forensics units, domestic violence and special assault units, and gang and youth violence units. The study shall identify duplications and inefficiencies in current service delivery;

(c) Obtain data from all local governments on the types of costs identified in (b) of this subsection. This data will be compiled and analyzed by the agency or organization that conducts the study for each county; and

(d) Obtain data from those counties and law enforcement agencies where master interlocal agreements, joint specialty service units, and other cooperative arrangements have been developed between law enforcement agencies to improve the effectiveness, efficiency, and ensured quality of specialty law enforcement services.

**Sec. 214.** 2000 2nd sp.s. c 1 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2000) .....	\$	7,268,000
General Fund--State Appropriation (FY 2001) .....	\$	7,240,000
Public Safety and Education Account--State Appropriation.....	\$	<del>((18,756,000))</del>
		<u>20,156,000</u>
Public Safety and Education Account--Federal Appropriation.....	\$	5,950,000
Public Safety and Education Account--Private/Local Appropriation .....	\$	3,057,000
Electrical License Account--State Appropriation .....	\$	24,402,000
Farm Labor Revolving Account--Private/Local Appropriation .....	\$	28,000

Worker and Community Right-to-Know Account--State Appropriation.....	\$	2,211,000	
Public Works Administration Account--State Appropriation.....	\$	2,996,000	
Accident Account--State Appropriation.....	\$	167,092,000	
Accident Account--Federal Appropriation.....	\$	9,112,000	
Medical Aid Account--State Appropriation.....	\$	169,172,000	
Medical Aid Account--Federal Appropriation.....	\$	1,592,000	
Plumbing Certificate Account--State Appropriation.....	\$	971,000	
Pressure Systems Safety Account--State Appropriation.....	\$	2,167,000	
..... TOTAL APPROPRIATION	\$		((42
		<u>423,414,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods.

(2) \$2,665,000 of the public safety and education account--state appropriation is provided solely for additional costs for client benefits in the crime victims compensation program, provided that no more than \$5,095,000 of the appropriations provided in subsection (1) of this section is expended for department administration of the crime victims compensation program.

(3) From within funds provided, the department shall improve customer service and satisfaction for injured workers by speeding up the process for reporting injuries, and shall enhance vocational rehabilitation services for injured workers.

**Sec. 215.** 2000 2nd sp.s. c 1 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2000).....	\$	1,640,000	
General Fund--State Appropriation (FY 2001).....	\$	1,628,000	
General Fund--Federal Appropriation.....	\$	134,000	
General Fund--Private/Local Appropriation.....	\$	78,000	
Industrial Insurance Premium Refund Account--State Appropriation.....	\$	78,000	
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation.....	\$	2,000	
..... TOTAL APPROPRIATION	\$		3,56

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$39,000 of the general fund--state appropriation is provided solely as an additional state contribution toward the cost of constructing a memorial on the state capitol grounds to the men and women who served in the nation's armed forces during the second world war.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for disbursement to the national World War II memorial fund for construction and maintenance of the national monument honoring the men and women from Washington and the other states who served in the nation's armed forces during the second world war.

(c) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to conduct a predesign study for replacement of aging skilled nursing facilities. The predesign study shall comply with the requirements of sections 902 and 903, chapter 379, Laws of 1999.



(2) FIELD SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	2,466,000	
General Fund--State Appropriation (FY 2001) .....	\$	2,494,000	
General Fund--Federal Appropriation.....	\$	<del>((26,000))</del>	
		<u>78,000</u>	
General Fund--Private/Local Appropriation .....	\$	1,495,000	
..... TOTAL APPROPRIATION	\$		((6,4
		<u>6,533,000</u>	

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	5,346,000	
General Fund--State Appropriation (FY 2001) .....	\$	4,790,000	
General Fund--Federal Appropriation.....	\$	23,002,000	
General Fund--Private/Local Appropriation .....	\$	16,527,000	
..... TOTAL APPROPRIATION	\$		49,6

**Sec. 216.** 2000 2nd sp.s. c 1 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2000) .....	\$	62,840,000	
General Fund--State Appropriation (FY 2001) .....	\$	64,284,000	
General Fund--Federal Appropriation.....	\$	<del>((268,032,000))</del>	
		<u>268,081,000</u>	
General Fund--Private/Local Appropriation .....	\$	<del>((68,648,000))</del>	
		<u>74,989,000</u>	
Hospital Commission Account--State Appropriation .....	\$	2,378,000	
Health Professions Account--State Appropriation .....	\$	37,529,000	
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.....	\$	14,856,000	
State Drinking Water Account--State Appropriation.....	\$	2,531,000	
Drinking Water Assistance Account--Federal Appropriation.....	\$	5,456,000	
Waterworks Operator Certification--State Appropriation .....	\$	593,000	
Water Quality Account--State Appropriation .....	\$	3,124,000	
Accident Account--State Appropriation.....	\$	258,000	
Medical Aid Account--State Appropriation .....	\$	45,000	
State Toxics Control Account--State Appropriation.....	\$	2,614,000	
Health Services Account Appropriation .....	\$	12,992,000	
Medical Test Site Licensure Account--State Appropriation.....	\$	1,651,000	
Youth Tobacco Prevention Account--State Appropriation.....	\$	1,804,000	
Tobacco Prevention and Control Account--State Appropriation.....	\$	15,620,000	
..... TOTAL APPROPRIATION	\$		((56
		<u>571,645,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,434,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.
- (2) The department or any successor agency is authorized to raise existing fees charged to the nursing assistants, podiatrists, and osteopaths; for certificate of need; for temporary worker housing; for state institution inspection; for residential care facilities and for transient accommodations, in excess of the fiscal growth factor

established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(3) \$339,000 of the general fund--state appropriation for fiscal year 2000, \$339,000 of the general fund--state appropriation for fiscal year 2001, and \$678,000 of the general fund--federal appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse. \$339,000 of the general fund--federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) \$1,685,000 of the general fund--state fiscal year 2000 appropriation and \$1,686,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(5) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act.

If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6) \$620,000 of the tobacco prevention and control account appropriation and \$209,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5516 or, if the bill is not enacted, for the development of a sustainable, long-term, comprehensive tobacco control program. The plan shall identify a specific set of outcome measures that shall be used to track long range progress in reducing the use of tobacco. Nationally accepted measures that can be used to compare progress with other states shall be included. The plan shall emphasize programs that have demonstrated effectiveness in achieving progress towards the specified outcome measures. Components of the plan that do not have a record of success may be included, provided that the plan also includes the means of evaluating those components. The plan shall also include an inventory of existing publically funded programs that seek to prevent the use of tobacco, alcohol, or other drugs by children and youth and recommendations to coordinate and consolidate these programs in order to achieve greatest positive outcomes within total available resources. A preliminary plan shall be submitted to the appropriate committees of the legislature by December 1, 1999.

(7) \$2,075,000 of fiscal year 2000 general fund--state appropriation and \$2,075,000 of fiscal year 2001 general fund--state appropriation are provided for the Washington poison center. The department shall require the center to develop a long range financing plan that identifies options for diversifying funding for center operations, including, but not limited to, federal grants, private sector grants and sponsorships, and multistate or regional operating agreements. The plan shall be submitted to the appropriate committees of the legislature by December 1, 2000.

(8) \$50,000 of fiscal year 2000 general fund--state appropriation and \$50,000 of fiscal year 2001 general fund--state appropriation are provided solely for fund raising and other activities for the development of early hearing loss clinics. The development plan for these clinics shall not assume ongoing general fund--state appropriations.

(9) \$15,000,000 of the tobacco prevention and control account appropriation is provided solely for the implementation of a sustainable, long-term tobacco control program. The integrated components of the program may include: Community-based programs, cessation, public awareness and education, youth access, and assessment and evaluation. A final plan will define the sustainable implementation of the long-term program given the remaining available balance in the tobacco prevention and control account. This plan shall be submitted to the appropriate committees of the legislature by September 1, 2000.

(10) \$24,000 of the fiscal year 2000 general fund--state appropriation and \$117,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 6199

(patient bill of rights). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

Sec. 217. 2000 2nd sp.s. c 1 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in chapter 309, Laws of 1999, as amended, shall be expended for the programs and in the amounts specified therein. However, after April 1, ((2000)) 2001, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ((2000)) 2001 between the correctional operations and community supervision programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	26,064,000	
General Fund--State Appropriation (FY 2001) .....	\$	28,022,000	
Public Safety and Education Account--State Appropriation.....	\$	2,962,000	
Violence Reduction and Drug Enforcement Account Appropriation .....	\$	2,000,000	
Cost of Supervision Fund Appropriation .....	\$	2,254,000	
..... TOTAL APPROPRIATION			\$

61,3

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$72,000 of the general fund--state appropriation for fiscal year 2000, \$212,000 of the general fund--state appropriation for fiscal year 2001, \$2,962,000 of the public safety and education account appropriation, \$2,000,000 of the violence reduction drug enforcement account appropriation, and \$2,254,000 of the cost of supervision fund appropriation are provided solely for replacement of the department's offender-based tracking system. These amounts are subject to section 902 of this act.

(b) \$462,000 of the general fund--state appropriation for fiscal year 2000 and \$538,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2000) .....	\$	360,685,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((364,386,000))</del>	
		<u>371,428,000</u>	
General Fund--Federal Appropriation.....	\$	<del>((35,577,000))</del>	
		<u>25,830,000</u>	
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	<del>((1,614,000))</del>	
		<u>2,684,000</u>	
Public Health Services Account Appropriation .....	\$	<del>((1,884,000))</del>	
		<u>1,117,000</u>	
Institutional Welfare Betterment Account Appropriation.....	\$	2,570,000	
..... TOTAL APPROPRIATION			\$
			<u>764,314,000</u>

((76

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Not more than \$3,000,000 may be expended to provide financial assistance to counties for monitoring and treatment services provided to felony offenders involved in drug court programs pursuant to sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). The secretary may

negotiate terms, conditions, and amounts of assistance with counties or groups of counties operating drug courts, and may review charging and other documents to verify eligibility for payment. The secretary may contract with the division of alcohol and substance abuse, department of social and health services, for monitoring and treatment services provided pursuant to this subsection.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) \$583,000 of the general fund--state appropriation for fiscal year 2000 and \$1,178,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(f) \$151,000 of the general fund--state appropriation for fiscal year 2000 and \$57,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(g) \$18,000 of the general fund--state appropriation for fiscal year 2000 and \$334,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Senate Bill No. 5538 (sentencing) or section 3 of House Bill No. 1544 (sentencing corrections). If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(h) \$171,000 of the general fund--state appropriation for fiscal year 2000 and \$1,094,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(i) The department of corrections shall submit to the appropriate policy and fiscal committees of the senate and house of representatives by December 15, 1999, a report on how the department plans to manage hepatitis C in the inmate population. In developing the plan, the department shall work with recognized experts in the field and shall take notice of the current national institutes of health hepatitis C guidelines and hepatitis C protocols observed in other correctional settings. Included in the plan shall be offender education about the disease, how and when offenders would be tested, how the disease would be managed if an inmate is determined to have hepatitis C, and an estimate of the number of inmates in the Washington prison system with hepatitis C. The proposed plan must also include recommendations to the legislature on ways to improve hepatitis C disease management and what level of funding would be necessary to appropriately test for and treat the disease.

(j) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following:

(A) Enter into a long-term ground lease or a long-term lease with purchase option for development of a Tacoma prerelease facility for approximately \$360,000 per year. Prior to entering into any lease, the department of corrections shall obtain written confirmation from the city of Tacoma and Pierce county that the prerelease facility planned for the site meets all land use, environmental protection, and community notification requirements.

(B) Enter into a financing contract in the amount of \$21,350,000 to acquire, construct, or remodel a 400-bed, expandable to 600-bed, Tacoma prerelease facility.

(C) Lease-develop with the option to purchase or lease-purchase approximately 100 work release beds in facilities throughout the state for \$7,000,000.

(k) (~~(\$1,884,000)~~) \$1,117,000 of the public health services account appropriation is provided solely for costs associated with the testing, treatment, and other activities related to managing hepatitis C in the inmate population.

(l) \$117,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Second Substitute Senate Bill No. 6255 (anhydrous ammonia). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(m) \$2,570,000 of the institutional welfare betterment account appropriation is provided solely for deposit in the public health services account.

(n) During the 1999-01 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account as of January 1, 2000.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2000) .....	\$	48,451,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((53,787,000))</del>	
		<u>53,311,000</u>	
Public Safety and Education Account--State Appropriation.....	\$	9,861,000	
..... TOTAL APPROPRIATION	\$	<u>111,623,000</u>	((44

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) Amounts provided in this subsection are sufficient for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability).

(c) \$109,000 of the general fund--state appropriation for fiscal year 2000 and \$126,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5011 (dangerous mentally ill offenders). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(d) \$219,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in Engrossed Second Substitute Senate Bill No. 5421 (offender accountability act) and sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing).

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2000) .....	\$	817,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((3,523,000))</del>	
		<u>150,000</u>	
Institutional Welfare Betterment Account Appropriation.....	\$	3,509,000	
..... TOTAL APPROPRIATION	\$	<u>4,476,000</u>	((7,

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for transfer to the jail industries board. The

board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(b) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2000) .....	\$	12,898,000	
General Fund--State Appropriation (FY 2001) .....	\$	((11,983,000))	
		<u>12,255,000</u>	
..... TOTAL APPROPRIATION	\$		((24
		<u>25,153,000</u>	

**Sec. 218.** 1999 c 309 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2000) .....	\$	1,481,000	
General Fund--State Appropriation (FY 2001) .....	\$	1,513,000	
General Fund--Federal Appropriation .....	\$	((11,062,000))	
		<u>11,612,000</u>	
General Fund--Private/Local Appropriation .....	\$	80,000	
..... TOTAL APPROPRIATION	\$		((14
		<u>14,686,000</u>	

**Sec. 219.** 2000 2nd sp.s. c 1 s 222 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 2000) .....	\$	1,263,000	
General Fund--State Appropriation (FY 2001) .....	\$	1,259,000	
General Fund--Federal Appropriation .....	\$	209,498,000	
General Fund--Private/Local Appropriation .....	\$	29,135,000	
Unemployment Compensation Administration Account--Federal Appropriation .....	\$	((169,985,000))	
		<u>177,799,000</u>	
Administrative Contingency Account--State Appropriation .....	\$	9,443,000	
Employment Service Administrative Account--State Appropriation .....	\$	19,457,000	
..... TOTAL APPROPRIATION	\$		((44
		<u>447,854,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems project to improve the agency's labor exchange system are conditioned upon compliance with section 902 of this act.

(2) \$327,000 of the unemployment compensation administration account--federal appropriation is provided consistent with section 903(c)(2) of the federal social security act to address deficiencies in the tax and wage information system (TAXIS) and to improve the quality and timeliness of employer tax information and employee wage records.

(3) \$2,567,000 of the employment service administrative account--state appropriation is provided solely for implementation of Substitute House Bill No. 3077 (unemployment insurance). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

**PART III  
NATURAL RESOURCES**

Sec. 301. 2000 2nd sp.s. c 1 s 301 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2000) .....	\$	36,462,000
General Fund--State Appropriation (FY 2001) .....	\$	42,225,000
General Fund--Federal Appropriation.....	\$	55,141,000
General Fund--Private/Local Appropriation .....	\$	4,234,000
Special Grass Seed Burning Research Account--State Appropriation.....	\$	14,000
Reclamation Revolving Account--State Appropriation .....	\$	1,735,000
Flood Control Assistance Account--State Appropriation .....	\$	((3,989,000))
		<u>3,957,000</u>
Public Safety and Education Account--State Appropriation.....	\$	749,000
State Emergency Water Projects Revolving Account--State Appropriation.....	\$	317,000
Waste Reduction/Recycling/Litter Control Account--State Appropriation.....	\$	13,193,000
State Drought Preparedness Account--State Appropriation.....	\$	((675,000))
		<u>350,000</u>
Salmon Recovery Account--State Appropriation.....	\$	1,120,000
State and Local Improvements Revolving Account		
(Water Supply Facilities)--State Appropriation .....	\$	557,000
Water Quality Account--State Appropriation .....	\$	3,881,000
Wood Stove Education and Enforcement Account--State Appropriation.....	\$	551,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$	3,155,000
State Toxics Control Account--State Appropriation .....	\$	((48,369,000))
		<u>48,608,000</u>
State Toxics Control Account--Private/Local Appropriation .....	\$	377,000
Local Toxics Control Account--State Appropriation.....	\$	4,587,000
Water Quality Permit Account--State Appropriation.....	\$	21,763,000
Underground Storage Tank Account--State Appropriation .....	\$	2,475,000
Environmental Excellence Account--State Appropriation.....	\$	20,000
Biosolids Permit Account--State Appropriation .....	\$	572,000
Hazardous Waste Assistance Account--State Appropriation.....	\$	3,943,000
Air Pollution Control Account--State Appropriation.....	\$	4,576,000
Oil Spill Administration Account--State Appropriation .....	\$	9,172,000
Air Operating Permit Account--State Appropriation .....	\$	3,549,000
Freshwater Aquatic Weeds Account--State Appropriation.....	\$	1,430,000
Oil Spill Response Account--State Appropriation .....	\$	7,078,000
Metals Mining Account--State Appropriation .....	\$	43,000
Water Pollution Control Revolving Account--State Appropriation.....	\$	439,000
Water Pollution Control Revolving Account--Federal Appropriation.....	\$	2,200,000
..... TOTAL APPROPRIATION	\$	
		<u>278,473,000</u>

((27

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,432,000 of the general fund--state appropriation for fiscal year 2000, \$3,438,000 of the general fund--state appropriation for fiscal year 2001, \$394,000 of the general fund--federal appropriation, \$2,070,000 of the oil spill administration account--state appropriation, \$819,000 of the state toxics control account--state appropriation, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels,

ferries, cruise ships, ports, and marinas.

(3) \$374,000 of the general fund--state appropriation for fiscal year 2000 and \$283,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to digitize water rights documents and to provide this information to watershed planning groups.

(4) \$1,566,000 of the general fund--federal appropriation, \$1,033,000 of the general fund--private/local appropriation, and \$919,000 of the water quality account appropriation are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for study of the impacts of gravel removal on the hydrology of Maury Island. The study shall consider impacts to the nearshore environment and aquifer recharge, and assess the potential for groundwater or marine sediment contamination. The department shall contract for the study, which shall be completed by June 30, 2000.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for a study of the impacts of gravel deposit on the Highline aquifer. The study shall consider impacts to instream flow and sedimentation of Des Moines, Miller, and Walker creeks. The department shall contract for the study, which shall be completed by June 30, 2000.

(7) The entire freshwater aquatic weeds account appropriation shall be distributed according to the provisions of RCW 43.21A.660. Funding may be provided for chemical control of Eurasian watermilfoil.

(8) \$15,000 of the general fund--state appropriation for fiscal year 2000 and \$15,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to monitor and address, in coordination with the marine operations division of the department of transportation, odor problems in Fauntleroy Cove.

(9) \$144,000 of the general fund--state appropriation for fiscal year 2000 and \$133,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for water quality activities related to forest practices.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the department to form an advisory committee for the purpose of updating the department's storm water management plan and the Puget Sound storm water management manual. The advisory committee shall be appointed no later than September 1, 1999, and it shall provide its recommendations on storm water management to the legislature by December 31, 2000.

(11) \$383,000 of the general fund--state appropriation for fiscal year 2000 and \$384,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for an agency permit assistance center, including four regional permit assistance offices.

(12) \$438,000 of the general fund--state appropriation for fiscal year 2000, \$1,025,000 of the general fund--state appropriation for fiscal year 2001, and \$1,870,000 of the general fund--federal appropriation are provided solely for the establishment of total maximum daily loads for water bodies across the state, and for pilot projects to evaluate the ability of existing voluntary and regulatory programs to improve water quality in water quality limited segments listed pursuant to section 303(d) of the federal clean water act. In areas with a ground water management area, total maximum daily loads that include a ground water element will be done in cooperation with the ground water management area process. Pilot projects shall include the following allocations from the general fund--state amounts provided in this subsection: \$100,000 shall be provided to a conservation district in the Palouse region; \$100,000 shall be provided to the Lake Whatcom management committee through the city of Bellingham; and \$250,000 shall be provided to the Roza-Sunnyside irrigation district joint board of control. Each pilot project sponsor shall provide a report to the legislature by January 1, 2001, describing the water quality goals of the project, how the goals relate to meeting state water quality standards, the strategies to accomplish those goals, and the method of evaluating project effectiveness. The pilot project sponsors shall also submit final reports to the legislature at project completion.

(13) \$591,000 of the general fund--state appropriation for fiscal year 2000 and \$1,131,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to process water rights applications.

(14) \$414,000 of the general fund--state appropriation for fiscal year 2000 and \$383,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for technical assistance and project review for water conservation and reuse projects.



(15) The entire salmon recovery account appropriation is provided to increase compliance with existing water quality and water resources laws.

(16) \$4,250,000 of the general fund--state appropriation for fiscal year 2000 and \$4,750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to local governments to conduct watershed planning. Of the general fund--state amounts provided in this subsection: (a) \$500,000 is provided solely for a grant to the Methow river planning unit to develop baseline hydrological data for the Methow river; and (b) \$85,000 is provided for the lower Yakima/Naches/upper Yakima planning unit contingent upon recommendations of the governor's fact finder that a dual watershed assessment process is necessary. If such a recommendation is not provided, this amount is available for the purposes of this subsection.

(17) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$82,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department, in cooperation with the department of fish and wildlife, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities.

(18) \$276,000 of the general fund--state appropriation for fiscal year 2000 and \$207,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5424 (aquatic plant management). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(19) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the continuation of the southwest Washington coastal erosion study.

(20) \$638,000 of the oil spill administration account appropriation is provided solely to implement Substitute House Bill No. 2247 (oil spill response tax). Of this amount: (a) \$120,000 is provided solely for spill response equipment; (b) \$307,000 is provided solely to develop an oil spill risk management plan; and (c) \$211,000 is provided solely for spills information management improvements. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(21) \$145,000 of the general fund--state fiscal year 2000 appropriation and \$145,000 of the general fund--state fiscal year 2001 appropriation are provided solely for training and technical assistance to support the activities of county water conservancy boards.

(22) \$3,154,000 of the general fund--state appropriation for fiscal year 2000 and \$6,649,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain the state's air quality program. Within the funds provided in this subsection, the department shall maintain funding for local air pollution control authorities at no less than ninety percent of the level of grants provided prior to January 1, 2000.

(23) \$749,000 of the public safety and education account appropriation for fiscal year 2001 is provided solely for methamphetamine lab clean up activities.

(24) \$300,000 of the state drought preparedness account--state appropriation for fiscal year 2001 is provided solely for a preconstruction and feasibility analysis of the Roza irrigation district off-stream storage project at Washout canyon. Moneys may be expended from the amount provided in this subsection only to the extent that matching funds in cash and in-kind contributions are provided by the Roza irrigation district. If this match is not provided by the district, the amount provided in this subsection shall lapse.

(25) \$1,500,000 of the state toxics control account appropriation is provided solely for cleanup actions related to the Everett smelter site in the city of Everett. The department shall seek recovery of the funds expended for this purpose from the liable parties by way of a settlement agreement or court action under the authority of chapter 70.105D RCW, the model toxics control act. Moneys collected as a result of a cost recovery action at the Everett smelter site shall be used first to reimburse the local toxics control account for the total amount of this appropriation. This appropriation is the result of a one-time loan from the local toxics control account and does not imply that the legislature will use this loan source or the state toxics control account for future cleanup of the Everett smelter site.

(26) (~~(\$375,000)~~) \$50,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(27) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for creating

the task force on water storage. The purpose of the task force is to examine the role of increased water storage in providing water supplies to meet the needs of fish, population growth, and economic development, and to enhance the protection of people's lives and their property and the protection of aquatic habitat through flood control facilities. For this purpose, increased storage may be in the form of surface storage including off-stream storage, underground storage, or the enlargement or enhancement of existing structures. The task force shall also examine means of providing funding for increased water storage.

The department of ecology shall provide staff support for the task force and the director of the department of ecology shall convene the first meeting of the task force not less than thirty days after the effective date of this section.

No member of the task force shall receive compensation, per diem, or reimbursement of expenses from the task force or the department of ecology for his or her activities as a member of the task force. However, each may receive such compensation, per diem, and/or reimbursement as is authorized by the entity he or she is employed by, is appointed from, or represents on the task force.

Following its examination, the task force shall report its recommendations to the appropriate committees of the legislature by December 31, 2000.

(28) Within the funds appropriated in this section, the department shall develop for review by the legislature a proposed long-term strategy to address persistent, bio-accumulative and toxic chemicals in the environment. The department shall submit its proposal to the appropriate legislative committees by December 30, 2000.

(29) \$1,650,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to the oil spill administration account to be used for a rescue tug. By December 1, 2000, the department shall report to the appropriate fiscal committees of the legislature on the activities of the dedicated rescue tug. The report shall include information on rescues, assists, or responses performed by the tug. The report shall also indicate the class of vessels involved and the nature of the rescue, assist, or response.

**Sec. 302.** 2000 2nd sp.s. c 1 s 302 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2000) .....	\$ 27,522,000
General Fund--State Appropriation (FY 2001) .....	\$ ((28,227,000))
	<u>28,259,000</u>
General Fund--Federal Appropriation.....	\$ 2,113,000
General Fund--Private/Local Appropriation .....	\$ ((59,000))
	<u>167,000</u>
Winter Recreation Program Account--State Appropriation.....	\$ 763,000
Off Road Vehicle Account--State Appropriation.....	\$ 264,000
Snowmobile Account--State Appropriation .....	\$ 3,653,000
Aquatic Lands Enhancement Account--State Appropriation.....	\$ 325,000
Public Safety and Education Account--State Appropriation.....	\$ 48,000
Water Trail Program Account--State Appropriation.....	\$ 14,000
Parks Renewal and Stewardship Account--State Appropriation.....	\$ 25,907,000
..... TOTAL APPROPRIATION	\$
	<u>89,035,000</u>

((88

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03.
- (2) \$65,000 of the general fund--state appropriation for fiscal year 2000 and \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state parks and recreation commission to meet its responsibilities under the Native American graves protection and repatriation act (P.L. 101-601).
- (3) \$2,000,000 of the parks renewal and stewardship account appropriation is dependent upon the parks and recreation commission generating revenue to the account in excess of \$26,000,000 for the biennium. These

funds shall be used for deferred maintenance and visitor and ranger safety activities.

(4) \$772,000 of the general fund--state appropriation for fiscal year 2000 and \$849,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) Fees approved by the state parks and recreation commission in 1998 for camping, group camping, extra vehicles, and the sno-park daily permit are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$79,000 of the general fund--state appropriation for fiscal year 2000 and \$79,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a grant for the operation of the Northwest avalanche center.

(7) The state parks and recreation commission may increase fees adopted prior to January 1, 2000, for implementation on or after July 1, 2000, in excess of the fiscal growth factor under RCW 43.135.055.

(8) \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a study on existing and future recreational needs and opportunities on the west slope of the Cascade foothills. The study shall include an inventory of existing land and facilities, an assessment of projected demand, and recommendations for regional coordination among public and private outdoor recreation providers to promote expanded recreation opportunities within the Cascade foothills. The study shall be submitted to the governor and the appropriate committees of the legislature by June 30, 2001.

**Sec. 303.** 2000 2nd sp.s. c 1 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2000) .....	\$ 42,616,000
General Fund--State Appropriation (FY 2001) .....	\$ ((44,567,000))
	<u>45,212,000</u>
General Fund--Federal Appropriation.....	\$ ((37,380,000))
	<u>55,005,000</u>
General Fund--Private/Local Appropriation .....	\$ ((16,800,000))
	<u>23,850,000</u>
Off Road Vehicle Account--State Appropriation.....	\$ 490,000
Aquatic Lands Enhancement Account--State Appropriation .....	\$ 5,992,000
Public Safety and Education Account--State Appropriation.....	\$ 586,000
Recreational Fisheries Enhancement Account--State Appropriation.....	\$ 3,596,000
Salmon Recovery Account--State Appropriation.....	\$ 10,105,000
Warm Water Game Fish Account--State Appropriation .....	\$ ((2,499,000))
	<u>2,899,000</u>
Eastern Washington Pheasant Enhancement Account--State Appropriation.....	\$ 851,000
Wildlife Account--State Appropriation.....	\$ ((41,133,000))
	<u>42,223,000</u>
Wildlife Account--Federal Appropriation.....	\$ 38,040,000
Wildlife Account--Private/Local Appropriation .....	\$ 15,072,000
Game Special Wildlife Account--State Appropriation .....	\$ 1,939,000
Game Special Wildlife Account--Federal Appropriation .....	\$ 9,603,000
Game Special Wildlife Account--Private/Local Appropriation.....	\$ 350,000
Environmental Excellence Account--State Appropriation.....	\$ 15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation.....	\$ 1,750,000
Oil Spill Administration Account--State Appropriation .....	\$ 969,000
..... TOTAL APPROPRIATION	\$
	<u>301,163,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,252,000 of the general fund--state appropriation for fiscal year 2000 and \$1,244,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-02, DFW-03, DFW-04, and DFW-05.

(2) \$776,000 of the salmon recovery account appropriation is provided solely for the department's review of forest practices applications and related hydraulic permit applications.

(3) \$1,500,000 of the salmon recovery account appropriation is provided solely for the department to update the salmon and steelhead stock inventory and, in cooperation with the department of ecology, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities.

(4) \$232,000 of the general fund--state appropriation for fiscal year 2000 and \$232,000 of the general fund--state appropriation for fiscal year 2001 are provided for the control of European green crab (*Carcinus maenas*). The department shall submit a report to the governor and the appropriate legislative committees by September 1, 2000, evaluating the effectiveness of various control strategies and providing recommendations on long-term control strategies. \$248,000 of this amount is for implementation of Puget Sound work plan and agency action item DFW-23.

(5) \$191,000 of the general fund--state appropriation for fiscal year 2000 and \$191,000 of the general fund--state appropriation for fiscal year 2001 are provided for noxious weed control and survey activities on department lands. Of this amount, \$48,000 is provided for the biological control of yellowstar thistle.

(6) All salmon habitat restoration and protection projects proposed for funding by regional fisheries enhancement groups shall be submitted by January 1st or July 1st of each year for review to the salmon recovery funding board.

(7) \$2,340,000 of the salmon recovery account appropriation and \$7,000,000 of the general fund--federal appropriation are provided solely to implement a license buy-back program for commercial fishing licenses.

(8) \$511,000 of the general fund--state appropriation for fiscal year 2000 and \$488,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(9) Any indirect cost reimbursement received by the department from federal grants must be spent on agency administrative activities and cannot be redirected to direct program activities.

(10) \$43,000 of the general fund--state appropriation for fiscal year 2000 and \$42,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) \$32,000 of the general fund--state appropriation for fiscal year 2000 and \$33,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Senate Bill No. 5508 (crab catch record cards). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) \$6,440,000 of the general fund--state appropriation for fiscal year 2000, \$5,796,000 of the general fund--state appropriation for fiscal year 2001, \$12,260,000 of the wildlife account--state appropriation, \$710,000 of the aquatic lands enhancement account appropriation, and \$500,000 of the public safety and education account appropriation are provided solely for operation of the enforcement division. Within these funds, the department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within these funds, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(14) \$500,000 of the salmon recovery account, \$624,000 of the general fund--state appropriation for fiscal year 2000, and \$624,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to implement a hatchery endangered species act response. The strategy shall include emergency hatchery responses and retrofitting of hatcheries for salmon recovery.

(15) \$45,000 of the general fund--state appropriation for fiscal year 2000 and \$46,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for operation of the Rod Meseberg (ringold) warm water fish hatchery to implement House Bill No. 1716 (warm water fish culture). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(16) \$2,500,000 of the salmon recovery account appropriation is provided solely for grants to lead entities established in accordance with RCW 75.46.060.

(17) \$200,000 of the salmon recovery account appropriation is provided solely for salmon and steelhead predation control and bycatch monitoring strategies.

(18) \$50,000 of the general fund--state appropriation for fiscal year 2000, \$50,000 of the general fund--state appropriation for fiscal year 2001, and \$200,000 of the wildlife account--state appropriation are provided solely for field surveys and harvest management for Washington elk herds.

(19) \$155,000 of the general fund--state appropriation for fiscal year 2000 and \$345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to purchase and implement the automated recreational license data base system.

(20) \$1,400,000 of the general fund--state appropriation for fiscal year 2000 and \$1,400,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fish passage barrier and screening technical assistance, engineering services, and construction assistance for local governments, state agencies, volunteer groups, and regional fisheries enhancement groups.

(21) \$1,500,000 of the salmon recovery account appropriation is provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources.

(22) \$400,000 of the wildlife account appropriation is provided solely to implement House Bill No. 1681 (trout purchase by state). The fish and wildlife commission may authorize expenditure of these funds only if the costs of the program will be recovered by the increase in license sales directly attributable to the planting of privately grown trout. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(23) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(24) \$245,000 of the state wildlife account appropriation is provided solely for winter feeding of deer and winter range rehabilitation on the Chiliwist wildlife area.

(25) Within the appropriation from the wildlife account the department shall, at a minimum, operate Reiter Pond at fiscal year 2000 production levels.

(26) Within the appropriations in this section the department shall, at a minimum, operate the Colville hatchery at fiscal year 2000 production levels.

(27) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(28) \$400,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of the Puget Sound work plan agency action items DFW-10 and DFW-18, implementing a comprehensive Puget Sound ground fish and forage fish recovery plan.

(29) \$203,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for data collection and analysis related to Lake Washington sockeye.

(30) \$800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for additional enforcement staff to respond and take appropriate action in response to public complaints regarding bear and cougar.

(31) \$500,000 of the general fund--state appropriation for fiscal year 2001 and \$200,000 of the wildlife account--state appropriation are provided solely to implement an endangered species act strategy for state hatchery operations, including fish passage improvements, screen compliance, rearing strategies, and restoration

of production.

(32) \$789,000 of the salmon recovery account appropriation is provided solely for screening of irrigation diversions and projects to improve instream flows in the Methow river basin.

(33) \$645,000 of the general fund--state appropriation is provided solely for fire suppression costs during the 2000 fire season and to feed elk and deer.

**Sec. 304.** 2000 2nd sp.s. c 1 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2000) .....	\$ 25,784,000
General Fund--State Appropriation (FY 2001) .....	\$ ((28,576,000))
	<u>33,674,000</u>
General Fund--Federal Appropriation.....	\$ ((2,865,000))
	<u>6,511,000</u>
General Fund--Private/Local Appropriation .....	\$ 1,604,000
Forest Development Account--State Appropriation.....	\$ ((48,086,000))
	<u>48,056,000</u>
Off Road Vehicle Account--State Appropriation.....	\$ 3,668,000
Surveys and Maps Account--State Appropriation.....	\$ 2,221,000
Aquatic Lands Enhancement Account--State Appropriation .....	\$ 2,656,000
Resources Management Cost Account--State Appropriation .....	\$ ((79,097,000))
	<u>79,032,000</u>
Surface Mining Reclamation Account--State Appropriation .....	\$ 1,435,000
Disaster Response Account--State Appropriation.....	\$ 2,651,000
Salmon Recovery Account--State Appropriation.....	\$ 3,483,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation .....	\$ 1,014,000
Natural Resource Conservation Areas Stewardship Account Appropriation .....	\$ 1,100,000
Air Pollution Control Account--State Appropriation.....	\$ 687,000
Metals Mining Account--State Appropriation .....	\$ 63,000
Agricultural College Trust Management Account Appropriation .....	\$ ((1,736,000))
	<u>1,913,000</u>
..... TOTAL APPROPRIATION	\$
	<u>215,552,000</u>

((20

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$18,000 of the general fund--state appropriation for fiscal year 2001, and \$1,058,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$7,304,000 of the general fund--state appropriation for fiscal year 2000, \$7,304,000 of the general fund--state appropriation for fiscal year 2001, and \$2,651,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression.

(3) \$331,000 of the general fund--state appropriation for fiscal year 2000 and \$339,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for geologic studies to evaluate ground stability in high growth areas and to provide geologic expertise to small communities.

(4) \$663,000 of the general fund--state appropriation for fiscal year 2000 and \$689,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) \$3,483,000 of the salmon recovery account appropriation and \$3,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of chapter 4, Laws of 1999 sp. sess.

(a) Of the salmon recovery account appropriation in this subsection:

(i) \$2,580,000 is provided solely for costs associated with adopting and implementing new forest rules for protection of riparian habitat and water quality; road maintenance and abandonment planning; fish and water quality compliance staff; geographic information systems improvements for forest roads and hydrography; and updating the forest practices permit application system; and

(ii) \$903,000 is provided solely to implement sections 501 through 505 of chapter 4, Laws of 1999 sp. sess., including:

- (A) The establishment of a small landowner office;
- (B) Administration of the forestry riparian easement program;
- (C) Contracting with private consultants to perform timber cruises;
- (D) Development of small landowner options through alternate management plans;
- (E) Evaluation of cumulative impacts of alternate plans;
- (F) Establishment of a small landowners advisory committee;
- (G) Development of criteria for determining compensation for qualifying timber; and
- (H) Collection and reporting of the statistical information on small landowners as directed in section 503 of chapter 4, Laws of 1999 sp. sess.

(b) Of the general fund--state appropriation in this subsection:

(i) \$2,128,000 is provided solely for cooperative monitoring, evaluation, and research projects; hazard zonation; adopting and implementing new forest rules to protect riparian habitat and water quality; and geographic information systems improvements for forest roads and hydrography; and

(ii) \$872,000 is provided solely for the department to implement sections 501 through 505 of chapter 4, laws of 1999 sp. sess., including providing technical assistance for small forest landowners for the following:

- (A) Determining streamside buffers;
- (B) Preparation of road management plans;
- (C) Participation in watershed analysis and adaptive management;
- (D) Determining culvert replacement needs; and
- (E) Developing alternative plans to comply with forest and fish rules.

(6) \$44,000 of the resource management cost account appropriation is provided solely for maintenance and safety improvements at the Gull Harbor marine station. The department shall develop a plan for use or disposal of the marine station by December 1, 1999.

(7) \$582,000 of the resource management cost account appropriation is provided solely to expand geoduck resource management activities.

(8) \$172,000 of the resource management cost account appropriation is provided solely to convert aquatic land maps and records to an electronic format.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control. Within these amounts, the department shall continue support for a field study of biological control methods.

(10) \$2,000,000 of the general fund--state appropriation for fiscal year 2000 and \$2,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fire protection activities.

(11) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(12) \$1,100,000 of the natural resources conservation areas stewardship account is provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

(13) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

~~((14))~~ (14) \$2,000,000 of the forest development account appropriation is provided solely for immediate road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

~~((15))~~ (15) The department shall submit a report of the uses of the access road revolving fund to the legislature and the office of financial management no later than December 1, 2000. The report shall include the

following:

- (a) Distribution of funds from fiscal year 1996 through fiscal year 2000;
- (b) Types of activities funded;
- (c) Method for prioritizing road projects, state-wide and by region; and
- (d) Proposed plan for road maintenance and repair in the 2001-2003 biennium.

(16) \$5,143,000 of the general fund--state appropriation and \$3,646,000 of the general fund--federal appropriation are provided solely for the costs of fighting wildfires on state and federal lands during the 2000 fire season.

**PART IV  
TRANSPORTATION**

**Sec. 401.** 2000 2nd sp.s. c 1 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2000) .....	\$ 5,630,000
General Fund--State Appropriation (FY 2001) .....	\$ ((4,871,000))
	<u>5,023,000</u>
Architects' License Account--State Appropriation .....	\$ ((678,000))
	<u>668,000</u>
Cemetery Account--State Appropriation.....	\$ 205,000
Profession Engineers' Account--State Appropriation .....	\$ 2,703,000
Real Estate Commission--State Appropriation .....	\$ ((6,824,000))
	<u>6,784,000</u>
Master License Account--State Appropriation .....	\$ 7,317,000
Uniform Commercial Code Account--State Appropriation .....	\$ 3,448,000
Real Estate Education Account--State Appropriation.....	\$ 630,000
Funeral Directors and Embalmers Account--State Appropriation .....	\$ 472,000
Washington Real Estate Research Account Appropriation .....	\$ 313,000
..... TOTAL APPROPRIATION	\$
	<u>33,193,000</u>

((33

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2000, \$25,000 of the general fund--state appropriation for fiscal year 2001, and \$100,000 of the professional engineers' account appropriation are provided solely for Second Substitute Senate Bill No. 5821 (on-site wastewater treatment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) \$313,000 of the Washington real estate research account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5720 (real estate research). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

**Sec. 402.** 2000 2nd sp.s. c 1 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2000) .....	\$ 21,496,000
General Fund--State Appropriation (FY 2001) .....	\$ ((20,826,000))
	<u>20,939,000</u>
General Fund--Federal Appropriation.....	\$ 3,999,000
General Fund--Private/Local Appropriation .....	\$ 344,000
Death Investigations Account--State Appropriation .....	\$ 3,689,000
Public Safety and Education Account--State Appropriation.....	\$ 9,611,000
County Criminal Justice Assistance Account--State Appropriation .....	\$ 2,887,000
Municipal Criminal Justice Assistance Account--State Appropriation .....	\$ 1,118,000



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Fire Service Trust Account--State Appropriation .....	\$	125,000
Disaster Response Account--State Appropriation.....	\$	1,386,000
Fire Service Training Account--State Appropriation.....	\$	6,730,000
State Toxics Control Account--State Appropriation.....	\$	442,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	260,000
Fingerprint Identification Account--State Appropriation .....	\$	2,958,000
..... TOTAL APPROPRIATION	\$	<u>75,984,000</u>

((75

The appropriations in this section are subject to the following conditions and limitations:

(1) \$255,000 of the general fund--state appropriation for fiscal year 2000 and \$95,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for replacement of fire training equipment at the fire service training academy.

(2) \$604,000 of the public safety and education account appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5108 (missing/exploited children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$2,816,000 of the death investigation account appropriation is provided solely for the implementation of Substitute House Bill No. 1560 (forensic lab services). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$2,900,000 of the fire service training account appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5102 (fire fighter training). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse. In providing the fire fighter one training program required by the bill, the state patrol shall, to the extent possible, utilize existing public and private fire fighting training facilities in southeastern Washington.

(5) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(6) \$66,000 of the general fund--state appropriation for fiscal year 2000 and \$58,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities of the missing children's clearinghouse as related to services performed under subsection 202(1) of this act. If that subsection is not enacted, the amount provided in this subsection shall lapse.

(7) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(8) \$300,000 of the death investigations account--state appropriation is provided solely for the operation of the state toxicology laboratory. If House Bill No. 2330 (liquor disbursements) is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) \$1,386,000 of the disaster response account--state appropriation is provided solely for costs associated with the state patrol's participation in support of the world trade organization conference.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 2420 (oil/gas pipeline safety). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

**PART V  
EDUCATION**

**Sec. 501.** 2000 2nd sp.s. c 1 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund--State Appropriation (FY 2000) .....	\$	34,844,000
General Fund--State Appropriation (FY 2001) .....	\$	42,315,000

General Fund--Federal Appropriation.....	\$ ((83,099,000))
	<u>93,143,000</u>
..... TOTAL APPROPRIATION	\$
	<u>170,302,000</u>

((16

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$404,000 of the general fund--state appropriation for fiscal year 2000 and \$403,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$348,000 of the general fund--state appropriation is provided for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(c) \$128,000 of the general fund--state appropriation is provided solely for increased costs of providing a norm-referenced test to all third grade students and retests of certain third grade students and other costs in accordance with chapter 319, Laws of 1998 (student achievement).

(d) \$145,000 of the general fund--state appropriation is provided for an institutional education program director.

(2) STATE-WIDE PROGRAMS

(a) \$2,524,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center. Of this amount, \$350,000 is provided to add a math van.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,754,000 of the general fund--state appropriation is provided for educational centers, including state support activities. \$100,000 of this amount is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$100,000 a biennium.

(d) \$100,000 of the general fund--state appropriation is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(e) \$5,923,000 of the general fund--state appropriation is provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(f) \$5,649,000 of the general fund--state appropriation for FY 2001 is provided for school safety allocations to school districts. The amount provided in this subsection (2)(f) is subject to the following conditions and limitations:

(i) School districts may use funds allocated under this subsection (2)(f) for school safety purposes for the 2000-01 school year, including but not limited to the following: Planning; training; equipment; before, during, and after-school safety; and minor building renovations.

(ii) Allocations to school districts shall be made beginning on July 1, 2000, at a maximum rate of \$10.00 multiplied by the full-time equivalent enrollment of the district. A district's allocation shall be reduced by any amount awarded to that district for security and safety grants under section 501 (2)(e) of this act and under sections 1 (2) and 2 of chapter 12, Laws of 1999 sp. sess. For purposes of this subsection "full-time equivalent enrollment" means the average K-12 full-time equivalent enrollment from September 1, 1999, to May 31, 2000, or 150 full-time equivalent students, whichever is greater.

(g) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$200,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(h) \$1,500,000 of the general fund--state appropriation for fiscal year 2000 and \$1,500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(i) A maximum of \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(j) \$5,702,000 of the general fund--state appropriation is provided solely for shared infrastructure costs, data equipment maintenance, and depreciation costs for operation of the K-20 telecommunications network.

(k) \$4,000,000 of the general fund--state appropriation is provided solely for a K-20 telecommunications network technical support system in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 may be expended for state-level administration and staff training on the K-20 network.

(l) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for allocation to the primary coordinators of the state geographic alliance to improve the teaching of geography in schools.

(m) \$2,000,000 of the general fund--state appropriation is provided for start-up grants for alternative programs and services that improve instruction and learning for at-risk students. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including:

- (i) Students who are disruptive or have been suspended, expelled, or subject to other disciplinary actions;
- (ii) Students with unexcused absences who need intervention;
- (iii) Students who have left school; and
- (iv) Students involved with the court system.

(n) \$1,600,000 of the general fund--state appropriation is provided for grants for magnet schools.

(o) \$4,300,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to amounts shown in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(p) \$431,000 of the general fund--state appropriation is provided solely to implement Engrossed House Bill No. 2760 (educator quality). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(q) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to schools and school districts to establish school safety plans.

(r) \$5,242,000 of the general fund--state is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(s) \$50,000 of the general fund--state appropriation is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices.

(t) \$750,000 of the general fund--state appropriation is provided solely for computer system programming and upgrades to benefit the office of the superintendent of public instruction, schools, and school districts.

(u) \$21,000 of the general fund--state appropriation for fiscal year 2000 appropriation and \$21,000 of the

general fund--state appropriation for fiscal year 2001 appropriation are provided solely for the increased costs resulting from Engrossed Second Substitute House Bill No. 1477 (school district organization). If the bill is not enacted by June 30, 1999, the amounts in this subsection shall lapse.

(v) \$1,500,000 of the general fund--state appropriation is provided solely for the excellence in mathematics training program as specified in Substitute House Bill No. 1569 (excellence in mathematics). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(w) \$2,000,000 of the general fund--state appropriation is provided solely for teacher institutes during the summer of 2000, programs, and administration costs, as provided for in Engrossed Second Substitute House Bill No. 2085 (disruptive students). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(x) \$200,000 of the general fund--state appropriation is provided solely for support for vocational student leadership organizations.

(y) \$1,100,000 of the general fund--state appropriation is provided for an equal matching grant to the Northeast vocational area cooperative to establish high-technology learning centers to provide college-level technology curriculum for high school students leading to an information technology certificate or degree. Only the following sources may be used as matching for the state funds: Private sector contributions; operating levy revenues; capital levy revenues; technology levy revenues; or other local funds not from federal or state sources.

(z) \$75,000 of the general fund--state appropriation is provided for speech pathology grants to charitable organizations as qualified under the internal revenue code and incorporated under the laws of the state of Washington. These grants shall be used for the purpose of providing childhood speech pathology by nationally certified speech pathologists to children who have demonstrated a lack of verbal communication skills and who would benefit from such a program. Speech pathology services shall be provided at no cost to the child receiving the benefits or to the parents or guardians of the child.

(aa) \$500,000 of the general fund--state appropriation is provided solely for competitive grants to school districts to obtain curriculum or programs that allow high school students to have access to internet-based curriculum that leads directly to higher education credits or provides preparation for tests that lead to higher education credit in subjects including but not limited to mathematics, languages, and science.

(bb) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for grants to school districts for programs to prepare high school students to achieve information technology industry skills certifications. The funds may be expended to provide or improve internet access; purchase and install networking or computer equipment; train faculty; or acquire curriculum materials. A match of cash or in-kind contributions from nonstate sources equal to at least half of the cash amount of the grant is required. To assure continuity of the curriculum with higher education institutions, the grant program will be designed and implemented by an interagency team comprised of representatives from the office of the superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management. School districts may apply for grants in cooperation with other school districts or community or technical colleges and must demonstrate in the grant application a cooperative relationship with a community or technical college in information technology programs. Preference for grants shall be made to districts with sound technology plans, which offer student access to computers outside of school hours, which demonstrate involvement of the private sector in information technology programs, and which serve the needs of low-income communities.

(cc) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington civil liberties education program pursuant to Engrossed Second Substitute House Bill No. 1572 (civil liberties education). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(dd) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the World War II oral history project pursuant to Substitute House Bill No. 2418 (WWII oral history project). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(ee) \$431,000 of the general fund--state appropriation is provided solely for the purchase of filtering servers necessary for districts to implement a computer technology filtering system for schools. Priority shall be given to districts that do not have any filtering systems in place. Funding shall be provided only at the request of

that district's school board.

(ff) \$297,000 of the general fund--state appropriation is provided solely for training in oral medications administration. If Substitute Senate Bill No. 6328 (oral medications training) is enacted, the funds are provided to implement the provisions of the bill. If the bill is not enacted by June 30, 2000, the superintendent shall provide training in administration of oral medications using the model program developed by the office of the superintendent of public instruction.

**Sec. 502.** 2000 2nd sp.s. c 1 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2000)	\$ 3,507,296,000
General Fund--State Appropriation (FY 2001)	<del>\$(3,480,701,000)</del>
	<u>3,489,806,000</u>
..... TOTAL APPROPRIATION	\$ <u>6,997,102,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 1999-00 and 2000-01 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

- (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
- (ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;
- (iii) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2

certificated instructional staff units for grade 4. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of

classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students for the 1999-00 school year and the 2000-01 school year. Districts documenting staffing ratios of less than 1 certificated staff per 19.5 students shall be allocated the greater of the total ratio in subsections (2)(a)(i) and (iv) of this section or the actual documented ratio; and

(B) Skills center programs meeting the standards for skill center funding recommended by the superintendent of public instruction, January 1999, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Indirect cost charges, as defined by the superintendent of public instruction, to vocational-secondary programs shall not exceed 10 percent; and

(iii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1999-00 and 2000-01 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 16.49 percent in the 1999-00 school year and 15.62 percent in the 2000-01 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 15.56 percent in the 1999-00 school year and 15.82 percent in the 2000-01 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,117 per certificated staff unit in the 1999-00 school year and a maximum of \$8,239 per certificated staff unit in the 2000-01 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$19,933 per certificated staff unit in the 1999-00 school year and a maximum of \$20,232 per certificated staff unit in the 2000-01 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$15,467 per certificated staff unit in the 1999-00 school year and a maximum of \$15,699 per certificated staff unit in the 2000-01 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$365.28 for the 1999-00 school year and \$479.94 for the 2000-01 school year per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1998-99 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of (~~(\$10,598,000)~~) \$10,423,000 outside the basic education formula during fiscal years 2000 and 2001 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$457,000 may be expended in fiscal year 2000 and a maximum of \$464,000 may be expended in fiscal year 2001;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended each fiscal year;

(c) A maximum of \$585,000 may be expended for school district emergencies provided that up to \$260,000 shall be for the Toutle Lake school district emergency;

(d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) A maximum of \$3,117,000 of the general fund--state appropriation for fiscal year 2000 and (~~(\$779,000)~~) \$604,000 of the general fund--state appropriation for fiscal year 2001 are provided for the 1999-00 school year for districts which experience an enrollment decline in the 1999-00 school year from the 1998-99 school year of more than 4.5 percent in full-time equivalent enrollment or more than 300 full-time equivalent students. The superintendent shall allocate funds to eligible school districts for up to one-half of the enrollment loss at the basic education unenhanced rate for the district. School districts receiving small school factor bonus funds shall not be eligible for enrollment decline funds to the extent that the district has no state apportionment loss as a result of the enrollment decline.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under chapter 309, Laws of 1999, including appropriations for salary and benefits increases, is 4.0 percent from the 1998-99 school to the 1999-00 school year, and 3.0 percent from the 1999-00 school year to the 2000-01 school year. This subsection supersedes section 1, chapter 10, Laws of 1999 sp. sess.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**Sec. 503.** 2000 2nd sp.s. c 1 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE  
COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2000) .....	\$	186,314,000
General Fund--State Appropriation (FY 2001) .....	\$	( <del>344,013,000</del> )
		<u>345,596,000</u>
..... TOTAL APPROPRIATION	\$	<u>531,910,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$406,511,000)~~) \$407,693,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1999, and another 3.0 percent effective September 1, 2000, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 15.85 percent for school year 1999-00 and 14.98 percent for school year 2000-01 for certificated staff and 12.06 percent for school year 1999-00 and 12.32 percent for school year 2000-01 for classified staff. The appropriation also includes 1.67



percent effective September 1, 1999, for three learning improvement days pursuant to section 503(7) of this act and the salary allocation schedule adjustments for beginning and senior certificated instructional staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living, learning improvement days for certificated instructional staff, and incremental fringe benefit allocations based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.60 per weighted pupil-mile for the 1999-00 school year and \$1.23 per weighted pupil-mile for the 2000-01 school year;

(ii) For education of highly capable students, an increase of \$14.04 per formula student for the 1999-00 school year and \$21.09 per formula student for the 2000-01 school year; and

(iii) For transitional bilingual education, an increase of \$36.19 per eligible bilingual student for the 1999-00 school year and \$54.51 per eligible student for the 2000-01 school year; and

(iv) For learning assistance, an increase of \$13.97 per entitlement unit for the 1999-00 school year and \$23.04 per entitlement unit for the 2000-01 school year.

(c) The appropriations in this section include \$417,000 for fiscal year 2000 and ~~(\$1,214,000)~~ \$1,227,000 for fiscal year 2001 for salary increase adjustments for substitute teachers.

(2) ~~(\$123,816,000)~~ \$124,217,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$335.75 per month for the 1999-00 and 2000-01 school years. The appropriations in this section provide for a rate increase to \$388.02 per month for the 1999-00 school year and \$425.89 per month for the 2000-01 school year at the following rates:

(a) For pupil transportation, an increase of \$0.48 per weighted pupil-mile for the 1999-00 school year and \$0.82 for the 2000-01 school year;

(b) For education of highly capable students, an increase of \$3.32 per formula student for the 1999-00 school year and \$5.72 for the 2000-01 school year;

(c) For transitional bilingual education, an increase of \$8.46 per eligible bilingual student for the 1999-00 school year and \$14.59 for the 2000-01 school year; and

(d) For learning assistance, an increase of \$6.65 per funded unit for the 1999-00 school year and \$11.47 for the 2000-01 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 504.** 2000 2nd sp.s. c 1 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2000) .....	\$ 181,204,000
General Fund--State Appropriation (FY 2001) .....	<del>(\$181,061,000)</del>
	<u>183,660,000</u>
..... TOTAL APPROPRIATION	\$ <u>364,864,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$1,473,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$10,000 of the fiscal year 2000 appropriation and \$10,000 of the fiscal year 2001 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$34.96 per weighted mile in the 1999-00 school year and \$35.17 per weighted mile in the 2000-01 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

**Sec. 505.** 2000 2nd sp.s. c 1 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2000).....	\$ 387,011,000
General Fund--State Appropriation (FY 2001).....	\$ ((385,482,000))
	<u>391,076,000</u>
General Fund--Federal Appropriation.....	\$ ((171,667,000))
	<u>176,111,000</u>
..... TOTAL APPROPRIATION	\$ <u>954,198,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure, to the greatest extent possible, that special education students receive their appropriate share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education allocation funded in this section.

(2) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(4) For the 1999-00 and 2000-01 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (5)(c) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment

including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" means the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1999-00 and the 2000-01 school years, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) A maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2000 and a maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2001 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (4) of this section. Safety net funding shall be awarded by the state safety net oversight committee.

(a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(b) The committee shall then consider unusual needs of districts due to a special education population which differs significantly from the assumptions of the state funding formula. Awards shall be made to districts that convincingly demonstrate need due to the concentration and/or severity of disabilities in the district. Differences in program costs attributable to district philosophy or service delivery style are not a basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with Substitute Senate Bill No. 5626 (medicaid payments to schools).

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$100,000 per year of the amounts provided in this subsection to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(8) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(9) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(10) To the extent necessary, \$5,500,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs of one or more individual special education students exceed

\$5,500,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

**Sec. 506.** 2000 2nd sp.s. c 1 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2000) .....	\$	7,738,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((7,771,000))</del>	
		<u>7,276,000</u>	
..... TOTAL APPROPRIATION	\$		<u>15,014,000</u>

((15

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations include such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$507,000 may be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1999-00 and 2000-01 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1999-00 and 2000-01 school years.

**Sec. 507.** 2000 2nd sp.s. c 1 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2000) .....	\$	102,563,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((122,114,000))</del>	
		<u>124,107,000</u>	
..... TOTAL APPROPRIATION	\$		<u>226,670,000</u>

((22

Sec. 508. 2000 2nd sp.s. c 1 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2000).....	\$	19,296,000	
General Fund--State Appropriation (FY 2001).....	\$	<del>(19,469,000)</del>	
		<u>18,249,000</u>	
General Fund--Federal Appropriation.....	\$	8,548,000	
..... TOTAL APPROPRIATION	\$		<del>((47</del>
		<u>46,093,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$92,000 of the general fund--state appropriation for fiscal year 2000 and ~~((143,000))~~ \$139,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 509. 2000 2nd sp.s. c 1 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2000).....	\$	6,164,000	
General Fund--State Appropriation (FY 2001).....	\$	<del>((6,105,000))</del>	
		<u>6,090,000</u>	
..... TOTAL APPROPRIATION	\$		<del>((12</del>
		<u>12,254,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$312.19 per funded student for the 1999-00 school year and ~~((310.43))~~ \$310.40 per funded student for the 2000-01 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$350,000 of the appropriation is for the centrum program at Fort Worden state park.

(4) \$186,000 of the appropriation is for the Washington imagination network and future problem-solving programs.

**Sec. 510.** 2000 2nd sp.s. c 1 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2000) .....	\$ 33,234,000	
General Fund--State Appropriation (FY 2001) .....	\$ ((36,300,000))	
	<u>35,413,000</u>	
..... TOTAL APPROPRIATION	\$	((69
	<u>68,647,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$268,000 of the general fund--state appropriation for fiscal year 2000 and \$322,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the commission established under PART I of Substitute Senate Bill No. 5418 or Second Substitute House Bill No. 1462. If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall be used for implementation of education reform and an accountability system by the office of the superintendent of public instruction.

(2) \$9,307,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$11,329,000~~)) \$10,442,000 of the general fund--state appropriation for fiscal year 2001 are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$6,818,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers. The 1999 teacher preparation and development report from the Washington institute for public policy found that (a) there are no state-wide standards for what teacher assistance programs are intended to accomplish and (b) the program has not been changed to reflect increased expectations for improved student learning under education reform. By November 15, 2001, the office of the superintendent of public instruction shall submit a report to the education and fiscal committees of the house of representatives and the senate documenting the outcomes of program changes implemented in response to the study.

(5) \$4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(6) \$7,200,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning or its successor, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(9) \$2,208,000 is provided solely for the leadership internship program for superintendents, principals, and program administrators.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to establish a mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance state-wide, the superintendent of public instruction, shall employ regional school improvement coordinators and mathematics school improvement specialists to provide assistance to schools and districts. The regional coordinators and specialists shall be hired by and work under the direction of a state-wide school improvement coordinator. The

mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement coordinators and specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(11) A maximum of \$1,000,000 of the general fund--state appropriation is provided to expand the number of summer accountability institutes offered by the superintendent of public instruction and the commission on student learning or its successor. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling but placing an emphasis on mathematics.

(12) \$8,000,000 of the general fund--state appropriation for fiscal year 2000 and \$8,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets one of the following conditions:

(i) The program is recommended either by the education commission of the states or the Northwest regional educational laboratory; or

(ii) The program is developed by schools or school districts and is approved by the office of the superintendent of public instruction based on the following criteria:

(A) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(B) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(C) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(D) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(E) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning, interim, and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level

improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from July 1, 1999, through August 31, 2001.

(13) \$120,000 of the general fund--state appropriation for fiscal year 2000 and \$272,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards.

(a) During the 1999-00 school year, teachers who have attained certification by the national board will receive a one-time 15 percent salary bonus. The bonus is provided in recognition of their outstanding performance. The bonuses shall be provided subject to the following conditions and limitations:

(i) For teachers achieving certification prior to September 1, 1999, the bonus shall begin on September 1, 1999.

(ii) Teachers enrolled in the program prior to September 1, 1999, achieving certification during the 1999-2000 school year shall be eligible for the bonus for the number of months during the school year that the individual has achieved certification.

(b) During the 2000-01 school year, teachers who have attained certification by the national board during the 2000-01 school year or in prior school years will receive an annual bonus of \$3,500. The annual bonus will be paid in a lump sum amount. The annual bonus provided under this subsection shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than two bonus payments under this subsection.

(14) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(15) \$35,000 of the general fund--state appropriation for fiscal year 2000 and \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

Sec. 511. 2000 2nd sp.s. c 1 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2000) .....	\$	35,876,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((37,605,000))</del>
		<u>37,776,000</u>
..... TOTAL APPROPRIATION	\$	<u>73,652,000</u>

((73

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$646.06 per eligible bilingual student in the 1999-00 school year and \$641.64 in the 2000-01 school year, exclusive of salary and benefit adjustments provided in section ~~((503 of this act))~~ 504, chapter 1, Laws of 2000 2nd sp. sess..

Sec. 512. 2000 2nd sp.s. c 1 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE**



**PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$ 68,936,000
General Fund--State Appropriation (FY 2001) .....	\$ ((69,470,000))
	<u>68,392,000</u>
..... TOTAL APPROPRIATION	\$
	<u>137,328,000</u>

((43

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funding for school district learning assistance programs shall be allocated at maximum rates of \$382.08 per funded unit for the 1999-00 school year and \$381.90 per funded unit for the 2000-01 school year.

(3) A school district's funded units for the 1999-2000 and 2000-01 school years shall be the sum of the following:

(a) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

(b) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(c) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(d) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(4) School districts may carry over from one year to the next up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

**Sec. 513.** 2000 2nd sp.s. c 1 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS**

General Fund--State Appropriation (FY 2000) .....	\$ 32,981,000
General Fund--State Appropriation (FY 2001) .....	\$ ((27,315,000))
	<u>27,389,000</u>
..... TOTAL APPROPRIATION	\$
	<u>60,370,000</u>

((60

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 1999-00 school year shall be at a maximum annual rate of \$28.81 per full-time equivalent student and \$28.81 per full-time equivalent student for the 2000-01 school year. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve:

PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent

students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

- (a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;
  - (b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and
  - (c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.
- (4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.
- (5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:
- (a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); or
  - (b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

**Sec. 514.** 2000 2nd sp.s. c 1 s 518 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BETTER SCHOOLS PROGRAM**

General Fund--State Appropriation (FY 2001) .....	\$ ((57,500,000))
	<u>56,096,000</u>

Better schools program funds are appropriated to provide additional school improvement resources to help students meet the essential academic learning requirements and student assessment performance standards. ~~((It is the intent of the legislature that these funds will be appropriated on an ongoing basis in future biennia.))~~ Allocations received under this section shall be used for the following new and expanded educational enhancements as follows:

- (1) ~~((37,389,000))~~ \$35,985,000 of the appropriation shall be allocated for class size reduction and expanded learning opportunities as follows:
  - (a) For the 2000-01 school year, an additional 2.2 certificated instructional staff units for grades K-4 per thousand full-time equivalent students are provided to supplement the certificated staffing allocations under section 502 (2)(a) of this act. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used (i) for reducing class sizes in grades K-4 or (ii) to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.
  - (b) Any district maintaining a ratio equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection to employ additional certificated instructional staff or classified instructional assistants in grades K-12 or to provide additional classroom opportunities under (a) of this subsection in grades K-12.
  - (c) Salary calculations, nonemployee related costs, and substitute teacher allocations shall be calculated in the same manner as provided under section 502 of this act. The allocation includes salary and benefit increases equivalent to those provided under section 503 of this act.
- (2) \$20,111,000 of the appropriation shall be allocated for professional development and training as follows:
  - (a) For fiscal year 2001, the funds shall be used for additional professional development for certificated and classified staff, including additional paid time for curriculum and lesson redesign and development work and training to ensure that instruction is aligned with state standards and student needs.
  - (b) For fiscal year 2001, the superintendent shall allocate the funds to school districts at a rate of \$20.04

per student based on the October 1999 P-105 unduplicated headcount.

(c) School districts shall allocate the funds to schools and the expenditure of the funds shall be determined by the staff at each school site.

**Sec. 515.** 2000 2nd sp.s. c 1 s 519 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD OF EDUCATION**

Education Savings Account--State Appropriation .....	\$	<del>((78,612,000))</del>	
			<u>28,077,000</u>
Education Construction Account--State Appropriation .....	\$		35,000,000
..... TOTAL APPROPRIATION			\$
			<u>63,077,000</u>

((44

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(((\$42,612,000 in fiscal year 2000 and \$36,000,000 in fiscal year 2001 are))~~ \$28,077,000 of the education savings account is appropriated to the common school construction account.

(2) The education construction account appropriation shall be deposited in the common school construction account.

**PART VI  
HIGHER EDUCATION**

**Sec. 601.** 2000 2nd sp.s. c 1 s 602 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2000) .....	\$	456,291,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((489,677,000))</del>
		<u>490,377,000</u>
General Fund--Federal Appropriation.....	\$	11,404,000
Education Construction Account--State Appropriation .....	\$	1,000,000
Employment and Training Trust Account--State Appropriation .....	\$	888,000
..... TOTAL APPROPRIATION		\$
		<u>959,960,000</u>

((95

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2)(a) \$5,000,000 of the general fund--state appropriation for fiscal year 2000 and \$5,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase salaries and related benefits for part-time faculty. The state board for community and technical colleges shall allocate these funds to college districts based on the headcount of part-time faculty under contract for the 1998-99 academic year. To earn these funds, a college district must match the state funds with local revenue, the amounts for which shall be determined by the state board. State fund allocations that go unclaimed by a college district shall lapse. The board may provide salary increases to part-time faculty in a total amount not to exceed \$10,000,000 from tuition revenues. The board shall report to the office of financial management and legislative fiscal committees on the distribution of state funds, match requirements of each district, and the wage adjustments for part-time faculty by October 1 of each fiscal year.

(b) Each college district shall examine its current ratio of part-time to full-time faculty by discipline and report to the board a plan to reduce wage disparity and reliance on part-time faculty through salary improvements, conversion of positions to full-time status, and other remedies deemed appropriate given labor market conditions and educational programs offered in each community. The board shall set long-term performance targets for each district with respect to use of part-time faculty and monitor progress annually. The board shall report to the fiscal and higher education committees of the legislature on implementation of this

subsection by no later than December 1, 1999, with recommendations for the ensuing biennium provided no later than December 1, 2000.

(3) \$1,155,000 of the general fund--state appropriation for fiscal year 2000 and \$2,345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) \$950,000 of the general fund--state appropriation for fiscal year 2000 and \$950,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to lower the part-time faculty retirement eligibility threshold to fifty percent of the full-time workload.

(5) \$332,000 of the general fund--state appropriation for fiscal year 2000 and \$3,153,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for Cascadia Community College start-up and enrollment costs.

(6) \$1,441,000 of the general fund--state appropriation for fiscal year 2000 and \$1,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(7) \$27,775,000 of the general fund--state appropriation for fiscal year 2000, \$28,761,000 of the general fund--state appropriation for fiscal year 2001, and the entire employment and training trust account appropriation are provided solely as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) The state board for community and technical colleges shall submit a plan for allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$567,000 of the general fund--state appropriation for fiscal year 2000 and \$568,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for administration and customized training contracts through the job skills program.

(10) \$750,000 of the general fund--state appropriation for fiscal year 2000 and \$750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to expand information technology and computer science programs. Successful grant applications from a college, partnerships of colleges, or partnerships of colleges and K-12 school districts must include a match of cash, in-kind, or donations equivalent to the grant amount. Grant applications shall receive priority that prepare students to meet industry standards, achieve industry skill certificates, or continue to upper division computer science or computer engineering studies. No college may receive more than \$300,000 from appropriations in this section. The state board for community and technical colleges shall report the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Pierce College branch at Puyallup.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) Funding in this section provides for the collection and reporting of Washington enrollment data, and related activities, for the distance learning information project described in section 129 of this act.

(14) \$425,000 of the general fund--state appropriation is provided solely for allocation to Olympic college. Olympic college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses, concentrating on but not limited to business, education, and human relations, to Bremerton. Moneys may be used by Olympic college during either fiscal year to equip and support a state-owned or state-leased facility in Bremerton where contracted courses are delivered.

(15) \$1,000,000 of the education construction account--state appropriation for fiscal year 2001 is provided to replace failing roofs at Columbia basin college.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2001 is provided for assistance to students with disabilities.

(17) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a student centered online delivery system to broaden access and increase use of college catalogs, schedules, and registration systems.

(18) \$658,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for maintenance and operations of Cascadia college phase 2, and for facilities previously authorized for construction with certificates of participation:

- (a) Workforce training facility at Columbia basin college;
- (b) Student services auditorium at Columbia basin college;
- (c) Music building at Edmonds community college;
- (d) Student center at South Puget Sound community college;
- (e) Addition to the Lair student center at Spokane community college;
- (f) Addition to the student union building at Yakima Valley community college; and
- (g) Classroom and child care facility at Whatcom community college.

(19) \$700,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for lawsuit settlement costs at Green River community college.

**Sec. 602.** 2000 2nd sp.s. c 1 s 606 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2000) .....	\$	42,060,000
General Fund--State Appropriation (FY 2001) .....	\$	44,726,000
..... TOTAL APPROPRIATION	\$	86,786,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$312,000 of the general fund--state appropriation for fiscal year 2000 and \$312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment, retention, and equity salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) The office of financial management shall hold and release funds to the university at the rate of \$4,756 per enrolled state FTE student in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Of the amounts held pursuant to this subsection, \$300,000 shall be released to the university for the sole purpose of implementing enrollment improvement initiatives, and any remaining moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year shall lapse to the education savings account at the close of the biennium.

**PART VII  
SPECIAL APPROPRIATIONS**

**Sec. 701.** 2000 2nd sp.s. c 1 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2000) .....	\$	634,792,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((435,288,000))</del>	
		<u>436,354,000</u>	
State Building Construction Account--State Appropriation .....	\$	6,797,000	
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation.....	\$	2,565,000	
..... TOTAL APPROPRIATION	\$		((+))
		<u>1,080,508,000</u>	

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2000 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2000.

**Sec. 702.** 2000 2nd sp.s. c 1 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2000) .....	\$	23,678,000	
General Fund--State Appropriation (FY 2001) .....	\$	23,283,000	
Higher Education Construction Account--State Appropriation .....	\$	<del>((695,000))</del>	
		<u>545,000</u>	
<u>State Higher Education Construction Account--State Appropriation</u> .....	\$	<u>150,000</u>	
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation.....	\$	<del>((119,977,000))</del>	
		<u>117,077,000</u>	
Stadium and Exhibition Center Construction--State Appropriation .....	\$	1,970,000	
..... TOTAL APPROPRIATION	\$		((+6))
		<u>166,703,000</u>	

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**Sec. 703.** 2000 2nd sp.s. c 1 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2000) .....	\$	567,000	
General Fund--State Appropriation (FY 2001) .....	\$	568,000	
Higher Education Construction Account--State Appropriation .....	\$	<del>((83,000))</del>	
		<u>63,000</u>	
State Building Construction Account--State Appropriation .....	\$	1,237,000	
<u>State Higher Education Construction Account--State Appropriation</u> .....	\$	<u>20,000</u>	
Public Safety Reimbursable Bond Account--State Appropriation.....	\$	0	
Stadium/Exhibition Center Construction Account--State Appropriation .....	\$	250,000	
..... TOTAL APPROPRIATION	\$		2,70

Total Bond Retirement and Interest Appropriations contained in sections 701 through 704 of this act and section 704, chapter 309, Laws of 1999.....	\$	<del>((1,295,863,000))</del>	
		<u>1,292,963,000</u>	

**Sec. 704.** 1999 c 309 s 708 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL**

<u>General Fund--State Appropriation (FY 2001)</u> .....	\$	<u>1,000,000</u>
<u>Disaster Response Account--State Appropriation</u> .....	\$	<u>4,000,000</u>

~~((The sum of three million dollars or so much thereof as may be available on June 30, 1999, from the total amount of unspent fiscal year 1999 fire contingency funding in))~~ The appropriations in this section are subject to the following conditions and limitations: The general fund--state appropriation is provided solely for deposit into the disaster response account. The disaster response account((, is appropriated)) appropriation is provided for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs.

**NEW SECTION. Sec. 705.** A new section is added to 1999 c 309 (uncodified) to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW

9A.16.110:

(a) Gregory Sykes, claim number SCJ 2001-01 .....	\$	6,647
(b) Daniel Anker, claim number SCJ 2001-02 .....	\$	17,584
(c) Joshua Swaney, claim number SCJ 2001-03.....	\$	32,000
(d) Yanis Nadzins, claim number SCJ 2001-04 .....	\$	5,000
(e) Shawn Kostelec, claim number SCJ 2001-05 .....	\$	2,800
(f) Terry Hanson, claim number SCJ 2001-07 .....	\$	6,742
(g) Allen West, claim number SCJ 2001-08.....	\$	9,001
(h) Kim McLemore, claim number SCJ 2001-09 .....	\$	920
(i) Norma Vasquez, claim number SCJ 2001-11 .....	\$	1,110
(j) Clifford Stewart, claim number SCJ 2001-12.....	\$	2,948
(k) Lee Sumerlin, claim number SCJ 2001-14 .....	\$	135
(l) Maxwell Jones, claim number SCJ 2001-16.....	\$	6,840
(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:		
(a) Carl Anderson, claim number SCG 2001-02 .....	\$	30,357
(b) Marshall Anderson, claim number SCG 2001-03.....	\$	20,439
(c) Richard Anderson, claim number SCG 2001-04.....	\$	34,196
(d) Bud Hamilton, claim number SCG 2001-05 .....	\$	97,761
(e) Ice Brothers, claim number SCG 2001-06 .....	\$	23,922
(f) Dick Rubenser, claim number SCG 2001-07 .....	\$	14,100

**NEW SECTION. Sec. 706.** A new section is added to 1999 c 309 (uncodified) to read as follows:

Any program costs or money in this act that is shifted to the general fund from another fund or account requires an adjustment to the state expenditure limit under RCW 43.135.035(5).

**NEW SECTION. Sec. 707.** A new section is added to 1999 c 309 (uncodified) to read as follows:

**FOR WASHINGTON STATE UNIVERSITY--AGRICULTURAL COLLEGE TRUST LANDS.**

The sum of sixteen million dollars is appropriated from the education construction account to the agricultural permanent account as full and final payment of the agricultural college trust land settlement effective May 24, 1999, between the office of financial management and Washington State University, and shall be used to support financing of the health sciences building in Spokane.

**Sec. 708.** 2000 2nd sp.s. c 1 s 730 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC**

**DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE**

The sum of \$33,183,801 is appropriated from the health services account to the department of community, trade, and economic development for distribution for the purposes of public health. Of the amounts provided, \$11,061,266 is to be distributed for (~~calendar~~) fiscal year 2000 for the period from (~~July~~) January 1 through (~~December 31~~) June 30, and \$22,122,535 is to be distributed for (~~calendar~~) fiscal year 2001, to the following counties and health districts in the amounts designated:

<b>County or Health District</b>	<b>FY 2000</b>	<b>FY 2001</b>	<b>1999-2001 Biennium</b>
Adams Co. Health District	15,165	30,330	45,495
Asotin Co. Health District	30,008	60,015	90,023
Benton-Franklin Health District	551,371	1,102,742	1,654,113
Chelan-Douglas Health District	79,726	159,451	239,177
Clallam Co. Health and Human Services Dept.	68,512	137,024	205,536
Southwest Washington Health District	512,816	1,025,631	1,538,447
Columbia Co. Health District	19,857	39,715	59,572
Cowlitz Co. Health Dept.	129,921	259,842	389,763
Garfield Co. Health District	7,363	14,726	22,089
Grant Co. Health District	48,355	96,710	145,065
Grays Harbor Health Dept.	90,088	180,176	270,264
Island Co. Health Dept.	37,465	74,930	112,395
Jefferson Co. Health and Human Services	38,072	76,145	114,217
Seattle-King Co. Dept. of Public Health	4,153,122	8,306,245	12,459,367
Bremerton-Kitsap Co. Health District	271,037	542,074	813,111
Kittitas Co. Health Dept.	38,712	77,425	116,137
Klickitat Co. Health Dept.	24,002	48,004	72,006
Lewis Co. Health Dept.	49,704	99,409	149,113
Lincoln Co. Health Dept.	10,306	20,613	30,919
Mason Co. Dept. of Health Services	40,946	81,893	122,839
Okanogan Co. Health District	30,549	61,099	91,648
Pacific Co. Health Dept.	37,935	75,871	113,806
Tacoma-Pierce Co. Health Dept.	1,372,177	2,744,353	4,116,530
San Juan Co. Health and Community Services	15,058	30,116	45,174
Skagit Co. Health Dept.	98,115	196,230	294,345
Snohomish Health District	1,090,447	2,180,893	3,271,340
Spokane Co. Health District	1,027,015	2,054,031	3,081,046
Northeast Tri-County Health District	47,995	95,991	143,986
Thurston Co. Health Dept.	287,121	574,242	861,363
Wahkiakum Co. Health Dept.	6,748	13,495	20,243
Walla Walla County-City Health Dept.	83,532	167,063	250,595
Whatcom Co. Health Dept.	409,608	819,215	1,228,823
Whitman Co. Health Dept.	38,071	76,142	114,213
Yakima Health District	300,347	600,694	901,041
<b>TOTAL APPROPRIATIONS</b>	<b>\$11,061,266</b>	<b>\$22,122,535</b>	<b>\$33,183,801</b>

NEW SECTION. Sec. 709. A new section is added to 1999 c 309 (uncodified) to read as follows:

**FOR NISQUALLY EARTHQUAKE RELIEF**

Emergency Reserve Fund--State Appropriation .....	\$	56,336,000
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The appropriation in this section is subject to the following conditions and limitations:



(1) The emergency reserve fund appropriation is in response to the emergency caused by a natural disaster known as the Nisqually earthquake, declared by chapter 5, Laws of 2001, the governor, and the president of the United States.

(2) The emergency reserve fund appropriation is provided solely for deposit in the Nisqually earthquake account--state.

(3) \$728,000 is appropriated from the Nisqually earthquake account--state and \$558,000 is appropriated from the Nisqually earthquake account--federal to the military department solely for costs associated with coordinating the state's response to the February 28, 2001, earthquake with the federal emergency management agency.

(4) \$1,986,000 is appropriated from the Nisqually earthquake account--state and \$6,878,000 is appropriated from the Nisqually earthquake account--federal to the military department solely for public assistance costs associated with the earthquake for state and local agencies. Of the appropriation from the Nisqually earthquake account--state in this subsection, \$1,680,000 is provided for the state matching share for state agencies and \$306,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 2000 2nd sp.s. c 1 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

Local Toxics Control Account: For transfer to the state toxics control account on or before June 1, 2000, an amount equal to \$1,500,000. This transfer shall be repaid to the local toxics control account from moneys in the state toxics control account by June 30, 2005. The transfer shall be repaid prior to June 30, 2005, to the extent that moneys are received from the cost recovery action at the Everett smelter site.....	\$ 1,500,000
Park Land Trust Revolving Fund: For transfer to the common school construction fund, \$13,350,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to ( <del>(\$13,550,000)</del> ) <u>\$13,650,400</u> . Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit .....	\$ ((13,550,000)) <u>13,650,400</u>
Park Land Trust Revolving Fund: For transfer to the natural resources real property replacement account, \$3,200,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to \$3,300,000. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit .....	\$ 3,300,000

**Sec. 802.** 1999 c 309 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

General Fund: For transfer to the Water Quality Account .....	\$ 83,423,000
General Fund: For transfer to the Flood Control Assistance Account .....	\$ 4,000,000
State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account.....	\$ 3,800,000
Water Quality Account: For transfer to the Water Pollution Control Account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal	

deposit.....		\$	16,3
State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2001, an amount up to \$10,000,000 in excess of the cash requirements of the State Treasurer's Service Account .....	\$	10,000,000	
Public Works Assistance Account: For transfer to the Drinking Water Assistance Account .....	\$	7,700,000	
County Sales and Use Tax Equalization Account: For transfer to the County Public Health Account .....	\$	2,577,664	
Public Health Services Account: For transfer to the County Public Health Account .....	\$	1,056,000	
State Emergency Water Projects Revolving Account: For transfer to the State Drought Preparedness Account .....	\$	6,800,000	
Tobacco Settlement Account: For transfer to the Health Services Account <u>in an amount not to exceed the actual balance of the tobacco settlement account</u> .....	\$	223,087,000	
State Toxics Control Account: For transfer to the local toxics control account on or before June 30, 2001, up to \$2,500,000, but not greater than the loan enacted in the 1999 supplemental budget. The exact amount and timing of the transfer shall be determined by the office of financial management, based on state toxics control account fund balances .....	\$	2,500,000	
<u>Health Services Account: For transfer to the state general fund by June 30, 2001, for health services purposes consistent with RCW 43.72.900. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2001 to reflect this transfer</u> .....	\$	<u>121,000,000</u>	

### PART IX MISCELLANEOUS

**Sec. 901.** 2000 c 241 s 4 (uncodified) is amended to read as follows:

**JOINT TASK FORCE ON LOCAL GOVERNMENTS**

This act expires March 30, (~~2002~~) 2001.

**NEW SECTION. Sec. 902.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 903.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1999 c 309 ss 106, 111, 119, 130, 133, 134, 138, 223, 708, and 803 (uncodified); amending 2000 c 241 s 4 (uncodified); amending 2000 2nd sp.s. c 1 ss 107, 108, 109, 111, 112, 114, 115, 117, 118, 119, 124, 126, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 222, 301, 302, 305, 306, 401, 402, 501, 502, 504, 505, 507, 508, 510, 511, 512, 514, 515, 516, 517, 518, 519, 602, 606, 701, 703, 704, 730, and 802 (uncodified); adding new sections to 1999 c 309 (uncodified); creating new sections; making appropriations; and declaring an emergency."

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1314 and asked the Senate to recede therefrom.

**SENATE BILL NO. 5316 by Senators Prentice and Winsley**

**Ensuring that reasonable assurance continues to apply to employees of educational institutions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and B. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5316.

**MOTIONS**

On motion of Representative Santos, Representatives Cooper, Edwards, Fisher, Kirby, and Poulsen were excused. On motion of Representative Cairnes, Representatives Alexander, McMorris, Pennington, Schoesler, Woods and Speaker Ballard were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5316 and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Speaker Chopp - 87.

Excused: Representatives Alexander, Cooper, Edwards, Fisher, Kirby, McMorris, Pennington, Poulsen, Schoesler, Woods, and Speaker Ballard - 11.

Senate Bill No. 5316, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5108 by Senators T. Sheldon, Benton, Snyder, Hargrove, Sheahan, Gardner, Rasmussen and Stevens****Modifying provisions relating to the growing of short-rotation hardwood trees on agricultural land.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller and Pearson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5108.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5108 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, and Speaker Chopp - 89.

Excused: Representatives Alexander, Cooper, Edwards, Kirby, McMorris, Pennington, Schoesler, Woods, and Speaker Ballard - 9.

Senate Bill No. 5108, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5309 by Senate Committee on Ways & Means**

#### **Providing funding for local government criminal justice.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendments. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, amendment (0133) to the committee amendment was withdrawn.

Representative Campbell moved the adoption of the following amendment (0134) to the committee amendment:

On page 3, line 17, strike all of section 3.

Representatives Campbell, Cairnes, Dunn and Carrell spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Doumit, Sehlin, O'Brien, Sommers, Delvin and Ballasiotes spoke against adoption of the amendment to the committee amendment.

Representative Poulsen demanded the previous question and the demand was sustained.

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Doumit and Sehlin spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5309 as amended by the House.

On motion of Representative Santos, Representatives Ogden and Ruderman were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5309 as amended by the House and the bill passed the House by the following vote: Yeas - 77, Nays - 14, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Rockefeller, Romero, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Talcott, Tokuda, Veloria, Wood, and Speaker Chopp - 77.

Voting nay: Representatives Bush, Campbell, Casada, Crouse, DeBolt, Dunn, Ericksen, Esser, Lambert, Mielke, Roach, Schindler, Sump, and Van Luven - 14.

Excused: Representatives Edwards, Kirby, McMorris, Ogden, Ruderman, Woods, and Speaker Ballard - 7.

Substitute Senate Bill No. 5309 as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5606 by Senate Committee on Human Services & Corrections**

**Regarding background checks.**

There being no objection, the committee amendment by the Committee on Children & Family Services was before the House for purpose of amendments. (For committee amendment, see Journal, 81st Day, March 30, 2001.)

Representative Lambert moved the adoption of the following amendment (0169) to the committee amendment:

On page 5, line 1 of the amendment, after "(2)" strike all material through "position" on line 3 and insert the following:

"The personnel resources board must develop policy recommendations addressing the action that will be taken if a background check result disqualifies an employee from his or her current position. A report of the recommendations developed must be delivered to the legislature by December 1, 2001"

Representatives Lambert and Tokuda spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Tokuda spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5606 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5606 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Speaker Chopp - 92.

Excused: Representatives Edwards, Kirby, McMorris, Ruderman, Woods, and Speaker Ballard - 6.

Engrossed Substitute Senate Bill No. 5606 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5921 by Senators Kohl-Welles, Horn, Sheahan, McAuliffe, West, McCaslin, Carlson, Morton, Jacobsen, B. Sheldon, Shin and Parlette**

**Authorizing doctorate level degrees in physical therapy at Eastern Washington University.**

The bill was read the second time.

Representative Cox moved the adoption of the following amendment (0179):

On page 1, line 7 after "offer" insert "applied, but not research,"

Representatives Cox and Kenney spoke in favor of adoption of the amendment.

The amendment was adopted.

Representative Campbell moved the adoption of the following amendment (0136):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28B.35 RCW to read as follows:

The higher education coordinating board shall review the national trend in the education of physical therapist requiring a doctorate degree as the entry-level degree for the profession. The board shall make recommendations to the Legislature as to whether there is a need to expand the opportunity for attaining a doctoral degree in physical therapy by making the degree available at regional universities which are currently prohibited from conferring doctoral degrees under state law. The board shall make the report available to the appropriate legislative committees by December 15, 2002."

Representatives Campbell, Cody and Campbell (again) spoke in favor of adoption of the amendment.

Representatives Cox and Kenney spoke against adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Cox and Kenney spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 5921 as amended by the House.

#### MOTION

On motion of Representative Schoesler, Representative Ballasiotes was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5921 as amended by the House and the bill passed the House by the following vote: Yeas - 82, Nays - 10, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Casada, B. Chandler, G. Chandler, Clements, Cody, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, and Speaker Chopp - 82.

Voting nay: Representatives Cairnes, Campbell, Carrell, Conway, Darneille, Dunn, Fisher, Lambert, Rockefeller, and Schual-Berke - 10.

Excused: Representatives Ballasiotes, Edwards, Kirby, McMorris, Woods, and Speaker Ballard - 6.

Senate Bill No. 5921 as amended by the House, having received the necessary constitutional majority, was declared passed.

#### **SUBSTITUTE SENATE BILL NO. 5123 by Senate Committee on Human Services & Corrections**

**Revising the crime of escape as it relates to persons committed to the department of social and health services.**

The bill was read the second time.

Representative Carrell moved the adoption of the following amendment (0176):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9A.76 RCW to read as follows:

(1) A person is guilty of escape by a sexually violent predator if, having been committed to the department of social and health services as a sexually violent predator under chapter 71.09 RCW, he or she:

- (a) Escapes from custody;
- (b) Escapes from a commitment facility;

(c) Escapes from a less restrictive alternative facility; or

(d) While on conditional release and residing in a location other than at a commitment center or less restrictive alternative facility, leaves or remains absent from the state of Washington without prior court authorization.

(2) Escape by a sexually violent predator is a class B felony.

**Sec. 2.** RCW 9A.76.120 and 1995 c 216 s 15 are each amended to read as follows:

(1) A person is guilty of escape in the second degree if:

(a) He or she escapes from a detention facility; or

(b) Having been charged with a felony or an equivalent juvenile offense, he or she escapes from custody(~~or~~

~~—————(c) Having been found to be a sexually violent predator and being under an order of conditional release, he or she leaves the state of Washington without prior court authorization)).~~

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

**Sec. 3.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and 2000 c 66 s 2 are each reenacted and amended to read as follows:

## TABLE 2

### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073)
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083) <u>Escape by a Sexually Violent Predator (section 1 of this act)</u> Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3)) Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii)) Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW



69.50.406)

- IX Assault of a Child 2 (RCW 9A.36.130)  
 Controlled Substance Homicide (RCW 69.50.415)  
 Explosive devices prohibited (RCW 70.74.180)  
 Homicide by Watercraft by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)  
 Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))  
 Malicious placement of an explosive 2 (RCW 70.74.270(2))  
 Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)  
 Robbery 1 (RCW 9A.56.200)  
 Sexual Exploitation (RCW 9.68A.040)  
 Vehicular Homicide by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)  
 Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))  
 Hit and Run--Death (RCW 46.52.020(4)(a))  
 Homicide by Watercraft by the operation of any vessel in a reckless manner (RCW 79A.60.050)  
 Manslaughter 2 (RCW 9A.32.070)  
 Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))  
 Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))  
 Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)  
 Promoting Prostitution 1 (RCW 9A.88.070)  
 Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)  
 Theft of Anhydrous Ammonia (RCW 69.55.010)  
 Vehicular Homicide by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)  
 Child Molestation 2 (RCW 9A.44.086)  
 Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)  
 Drive-by Shooting (RCW 9A.36.045)  
 Homicide by Watercraft by disregard for the safety of others (RCW 79A.60.050)  
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))  
 Introducing Contraband 1 (RCW 9A.76.140)  
 Involving a minor in drug dealing (RCW 69.50.401(f))  
 Malicious placement of an explosive 3 (RCW 70.74.270(3))  
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)  
 Unlawful Possession of a Firearm in the first degree (RCW

9.41.040(1)(a)  
 Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)  
 Vehicular Homicide by disregard for the safety of others (RCW 46.61.520)

- VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))  
 Bribery (RCW 9A.68.010)  
 Incest 1 (RCW 9A.64.020(1))  
 Intimidating a Judge (RCW 9A.72.160)  
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)  
 Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))  
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))  
 Rape of a Child 3 (RCW 9A.44.079)  
 Theft of a Firearm (RCW 9A.56.300)  
 Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)
- V Abandonment of dependent person 1 (RCW 9A.42.060)  
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)  
 Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))  
 Child Molestation 3 (RCW 9A.44.089)  
 Criminal Mistreatment 1 (RCW 9A.42.020)  
 Custodial Sexual Misconduct 1 (RCW 9A.44.160)  
 Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))  
 Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)  
 Extortion 1 (RCW 9A.56.120)  
 Extortionate Extension of Credit (RCW 9A.82.020)  
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)  
 Incest 2 (RCW 9A.64.020(2))  
 Kidnapping 2 (RCW 9A.40.030)  
 Perjury 1 (RCW 9A.72.020)  
 Persistent prison misbehavior (RCW 9.94.070)  
 Possession of a Stolen Firearm (RCW 9A.56.310)  
 Rape 3 (RCW 9A.44.060)  
 Rendering Criminal Assistance 1 (RCW 9A.76.070)  
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)  
 Sexually Violating Human Remains (RCW 9A.44.105)  
 Stalking (RCW 9A.46.110)
- IV Arson 2 (RCW 9A.48.030)  
 Assault 2 (RCW 9A.36.021)  
 Assault by Watercraft (RCW 79A.60.060)  
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)  
 Commercial Bribery (RCW 9A.68.060)  
 Counterfeiting (RCW 9.16.035(4))  
 Escape 1 (RCW 9A.76.110)  
 Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))  
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)  
 Influencing Outcome of Sporting Event (RCW 9A.82.070)  
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))  
 Malicious Harassment (RCW 9A.36.080)  
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))  
 Residential Burglary (RCW 9A.52.025)  
 Robbery 2 (RCW 9A.56.210)  
 Theft of Livestock 1 (RCW 9A.56.080)  
 Threats to Bomb (RCW 9.61.160)  
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
 Vehicular Assault (RCW 46.61.522)  
 Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)  
 Assault 3 (RCW 9A.36.031)  
 Assault of a Child 3 (RCW 9A.36.140)  
 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
 Burglary 2 (RCW 9A.52.030)  
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
 Criminal Gang Intimidation (RCW 9A.46.120)  
 Criminal Mistreatment 2 (RCW 9A.42.030)  
 Custodial Assault (RCW 9A.36.100)  
 Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
 Escape 2 (RCW 9A.76.120)  
 Extortion 2 (RCW 9A.56.130)  
 Harassment (RCW 9A.46.020)  
 Intimidating a Public Servant (RCW 9A.76.180)  
 Introducing Contraband 2 (RCW 9A.76.150)  
 Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))  
 Malicious Injury to Railroad Property (RCW 81.60.070)  
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))  
 Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))  
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
 Perjury 2 (RCW 9A.72.030)  
 Possession of Incendiary Device (RCW 9.40.120)  
 Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)  
 Promoting Prostitution 2 (RCW 9A.88.080)  
 Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
 Securities Act violation (RCW 21.20.400)  
 Tampering with a Witness (RCW 9A.72.120)  
 Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

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Theft of Livestock 2 (RCW 9A.56.080)  
 Unlawful Imprisonment (RCW 9A.40.040)  
 Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))  
 Unlawful Use of Building for Drug Purposes (RCW 69.53.010)  
 Willful Failure to Return from Work Release (RCW 72.65.070)

- II Computer Trespass 1 (RCW 9A.52.110)  
 Counterfeiting (RCW 9.16.035(3)) .....  
 Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))  
 Escape from Community Custody (RCW 72.09.310)  
 Health Care False Claims (RCW 48.80.030)  
 Malicious Mischief 1 (RCW 9A.48.070)  
 Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))  
 Possession of phencyclidine (PCP) (RCW 69.50.401(d))  
 Possession of Stolen Property 1 (RCW 9A.56.150)  
 Theft 1 (RCW 9A.56.030)  
 Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))  
 Trafficking in Insurance Claims (RCW 48.30A.015)  
 Unlawful Practice of Law (RCW 2.48.180)  
 Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
  
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
 False Verification for Welfare (RCW 74.08.055)  
 Forged Prescription (RCW 69.41.020)  
 Forged Prescription for a Controlled Substance (RCW 69.50.403)  
 Forgery (RCW 9A.60.020)  
 Malicious Mischief 2 (RCW 9A.48.080)  
 Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))  
 Possession of Stolen Property 2 (RCW 9A.56.160)  
 Reckless Burning 1 (RCW 9A.48.040)  
 Taking Motor Vehicle Without Permission (RCW 9A.56.070)  
 Theft 2 (RCW 9A.56.040)  
 Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))  
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
 Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
 Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 4.** RCW 9.94A.030 and 2000 c 28 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to

the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.120(2)(b), 9.94A.650 through 9.94A.670, 9.94A.137, 9.94A.700 through 9.94A.715, or 9.94A.383, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(5) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.

(6) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(7) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(9) "Confinement" means total or partial confinement.

(10) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of

the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(19) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(20) "Earned release" means earned release from confinement as provided in RCW 9.94A.150.

(21) "Escape" means:

(a) Escape by a sexually violent predator (section 1 of this act), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(22) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(23) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(24) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(25) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(26) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(27) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

- (b) Assault in the second degree;
  - (c) Assault of a child in the second degree;
  - (d) Child molestation in the second degree;
  - (e) Controlled substance homicide;
  - (f) Extortion in the first degree;
  - (g) Incest when committed against a child under age fourteen;
  - (h) Indecent liberties;
  - (i) Kidnapping in the second degree;
  - (j) Leading organized crime;
  - (k) Manslaughter in the first degree;
  - (l) Manslaughter in the second degree;
  - (m) Promoting prostitution in the first degree;
  - (n) Rape in the third degree;
  - (o) Robbery in the second degree;
  - (p) Sexual exploitation;
  - (q) Vehicular assault;
  - (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
  - (s) Any other class B felony offense with a finding of sexual motivation;
  - (t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
  - (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
  - (v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
  - (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.
- (28) "Nonviolent offense" means an offense which is not a violent offense.
- (29) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.
- (30) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.
- (31) "Persistent offender" is an offender who:
- (a)(i) Has been convicted in this state of any felony considered a most serious offense; and
  - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or
  - (b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child

molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (31)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(32) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(33) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(34) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(35) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(36) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(37) "Sex offense" means:

(a) A felony that is a violation of:

(i) Chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) RCW 9A.64.020;

(iii) RCW 9.68A.090; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.



(38) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(39) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(40) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(41) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(42) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(43) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(44) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(45) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.135.

(46) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.137 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(47) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately except for section 4 of this act, which takes effect July 1, 2001."

Correct the title.

Representatives Carrell, O'Brien and Lantz spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5123 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5123 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, and Speaker Chopp - 93.

Excused: Representatives Edwards, Kirby, McMorris, Woods, and Speaker Ballard - 5.

Substitute Senate Bill No. 5123 as amended by the House, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., April 12, 2001, the 95<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Thursday, April 12, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carsten Loges and Madison Newberry. Prayer was offered by Representative Sarah Casada.

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

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 1000,  
SUBSTITUTE HOUSE BILL NO. 1004,  
HOUSE BILL NO. 1018,  
HOUSE BILL NO. 1040,  
HOUSE BILL NO. 1048,  
ENGROSSED HOUSE BILL NO. 1076,  
SUBSTITUTE HOUSE BILL NO. 1117,  
SUBSTITUTE HOUSE BILL NO. 1133,  
HOUSE BILL NO. 1198,  
SUBSTITUTE HOUSE BILL NO. 1203,  
HOUSE BILL NO. 1213,  
SUBSTITUTE HOUSE BILL NO. 1214,  
SUBSTITUTE HOUSE BILL NO. 1234,  
HOUSE BILL NO. 1243,  
SUBSTITUTE HOUSE BILL NO. 1282,  
HOUSE BILL NO. 1346,  
HOUSE BILL NO. 1385,  
SUBSTITUTE HOUSE BILL NO. 1643,  
SUBSTITUTE HOUSE BILL NO. 1644,  
SUBSTITUTE HOUSE BILL NO. 1661,  
HOUSE BILL NO. 1706,  
ENGROSSED HOUSE BILL NO. 1745,  
SUBSTITUTE HOUSE BILL NO. 1781,  
HOUSE BILL NO. 1851,  
ENGROSSED HOUSE BILL NO. 1855,  
SUBSTITUTE HOUSE BILL NO. 1920,  
HOUSE BILL NO. 2095,  
SUBSTITUTE SENATE BILL NO. 5014,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5017,  
SUBSTITUTE SENATE BILL NO. 5255,  
SENATE BILL NO. 5317,  
SENATE BILL NO. 5359,

SUBSTITUTE SENATE BILL NO. 5509,  
SENATE BILL NO. 5518,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5566,  
SENATE BILL NO. 5903,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5970,  
SUBSTITUTE SENATE BILL NO. 6020,  
SUBSTITUTE SENATE BILL NO. 6035,

**MESSAGES FROM THE SENATE**

April 11, 2001

Mr. Speakers:

The President has signed:  
and the same is herewith transmitted.

SENATE BILL NO. 5108,

Tony M. Cook, Secretary

April 11, 2001

Mr. Speakers:

The President has signed:  
and the same is herewith transmitted.

SENATE BILL NO. 5316,

Tony M. Cook, Secretary

April 11, 2001

Mr. Speakers:

The Senate has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5266,  
SECOND SUBSTITUTE SENATE BILL NO. 5576,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5625,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6143,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 11, 2001

Mr. Speakers:

The Senate has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1001,  
HOUSE BILL NO. 1035,  
HOUSE BILL NO. 1211,  
SUBSTITUTE HOUSE BILL NO. 1256,  
SUBSTITUTE HOUSE BILL NO. 1467,  
SUBSTITUTE HOUSE BILL NO. 1501,  
SUBSTITUTE HOUSE BILL NO. 1884,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 11, 2001

HB 1926 Prime Sponsor, Representative Sehlin: Increasing the surcharge on county auditor recording fees.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Cody, Cox, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representatives Clements, Dunshee, Kessler, Mastin, and McIntire.

Passed to Committee on Rules for second reading.

April 9, 2001

HB 2173 Prime Sponsor, Representative Clements: Authorizing the state lottery to participate in shared games.  
Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

On page 2, after line 37, insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 67.70 RCW to read as follows:

The lottery commission shall ensure that the following statement is made in any advertising or promotion of any lottery game conducted under the direction of the commission:

"CAUTION: Participation in gambling activity may result in pathological gambling behavior causing emotional and financial harm. For help, call 1-800-547-6133."

For purposes of this section, advertising includes print media, point-of-sale advertising, electronic media, billboards, and radio advertising."

Correct the title.

Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Barlean; Hankins; Hunt; O'Brien; Ogden; Poulsen; Reardon; Schoesler and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Bush; Casada; Lantz and Veloria.

Voting yea: Representatives Alexander, Murray, Barlean, Hankins, Hunt, O'Brien, Ogden, Poulsen, Reardon, Schoesler, and Woods.

Voting nay: Representatives Armstrong, Esser, McIntire, Bush, Casada, Lantz, and Veloria.

Passed to Committee on Rules for second reading.

April 12, 2001

HB 2230 Prime Sponsor, Representative Cody: Revising state health and employment support benefits for incapacitated or disabled individuals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Conway; Darneille; Edmonds; Marine; McMorris and Pennington.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Conway, Darneille, Edmonds, Marine, McMorris, and Pennington.

Excused: Representatives Alexander, Ballasiotes and Edwards.

Passed to Committee on Appropriations.

April 11, 2001

HB 2233 Prime Sponsor, Representative Sommers: Authorizing contractual agreements with federal government for administration of state supplementation of supplemental security income. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

April 12, 2001

SB 5430 Prime Sponsor, Senator Costa: Requiring insurers to provide coverage for cranial hair prostheses. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. (For amendment, see Second Reading, Journal Day 95, April 12, 2001. Signed by Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Conway; Edmonds; Marine; McMorris and Pennington.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille.

Voting yea: Representatives Cody, Campbell, Schual-Berke, Skinner, Conway, Edmonds, Marine, McMorris, and Pennington.

Voting nay: Representative Darneille.

Excused: Representatives Alexander, Ballasiotes, Edwards and Ruderman.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business

were referred to the committees so designated.

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

### SECOND READING

**SENATE BILL NO. 5270 by Senators Costa, Long, Gardner, Carlson and Kohl-Welles**

**Modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5270.

### MOTIONS

On motion of Representative Schindler, Representatives Buck and Mielke were excused. On motion of Representative Santos, Representatives Kirby and Poulsen were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5270 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Buck, Kirby, Mielke, and Poulsen - 4.

Senate Bill No. 5270, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5440 by Senators Jacobsen and Oke**

**Raising the number of the governor's appointees to the fish and wildlife commission from two to three.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pearson and Doumit spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5440.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5440 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Kirby, and Poulsen - 2.

Senate Bill No. 5440, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SUBSTITUTE SENATE BILL NO. 5122 by Senate Committee on Human Services & Corrections**

#### **Revising procedures and standards for commitment of sexually violent predators.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5122 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5122 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt,



Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Voting nay: Representative Darneille - 1.

Excused: Representatives Kirby and Poulsen - 2.

Engrossed Substitute Senate Bill No. 5122 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5465 by Senate Committee on Human Services & Corrections**

**Changing provisions relating to sex offender treatment providers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2000.)

There being no objection, amendment (0165) was withdrawn.

Representative Darneille moved the adoption of the following amendment (0157):

On page 3, line 2, after "The" insert "certified sex offender"

On page 3, line 2, after "provider" insert "acting in the course of his or her duties and providing treatment to a person who has been released to a less restrictive alternative or to a level III sex offender on community custody as a court or department ordered condition of sentence"

On page 3, line 3, after "unless the" insert "certified sex offender"

On page 3, line 5, after "by the" insert "certified sex offender"

On page 3, line 14, after "profession" insert ", for the purposes of civil liability"

On page 3, after line 14, insert the following:

"(3) The limited immunity provided under this section does not apply to sex offender treatment providers who are not certified or to treatment providers who are providing treatment or consulting under section 5 of this act."

Representatives Darneille and Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Darneille moved the adoption of the following amendment (0177):

On page 4, after line 2, insert the following:

**NEW SECTION. Sec. 6.** A new section is added to chapter 71.09 RCW to read as follows:

A treatment provider, whether or not he or she is employed or approved by the department of social and health services under section 5(1) of this act or otherwise certified, may not perform or provide treatment of sexually violent predators under section 5 of this act if the treatment provider has been:

(1) Convicted of a sex offense, as defined in RCW 9.94A.030;

(2) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(3) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

**Sec. 7.** RCW 18.155.070 and 1990 c 3 s 807 are each amended to read as follows:

(1) The department shall issue a certificate to any applicant who meets the following requirements:

~~((1))~~ (a) Successful completion of an educational program approved by the secretary or successful completion of alternate training which meets the criteria of the secretary;

~~((2))~~ (b) Successful completion of any experience requirement established by the secretary;

~~((3))~~ (c) Successful completion of an examination administered or approved by the secretary;

~~((4))~~ (d) Not having engaged in unprofessional conduct or being unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

~~((5))~~ (e) Other requirements as may be established by the secretary that impact the competence of the sex offender treatment provider.

(2) The department may not issue a certificate to any applicant who has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction."

Correct the title.

Representatives Darneille and Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Ballasiotes, O'Brien, Ballasiotes (again) and Brien (again) spoke in favor of passage of the bill.

Representatives Carrell, Conway, and Cairnes spoke against passage of the bill.

There being no objection, the House deferred action on Substitute Senate Bill No. 5465 and the bill held its place on the Third Reading calendar.

**SUBSTITUTE SENATE BILL NO. 5638 by Senate Committee on State & Local Government**

**Making technical corrections to county treasurer statutes.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was before the House for purpose of amendments. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, amendment (152) was withdrawn.

Representative Mielke moved the adoption of the following amendment (0168) to the committee amendment:

On page 12, beginning on line 1, strike all of section 19.  
Renumber the remaining sections consecutively.  
Correct the title.

Representative Mielke spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Mulliken moved the adoption of the following amendment (170) to the committee amendment:

On page 15, beginning on line 1, strike section 23.  
Correct the title.

Representatives Mulliken and Dunshee spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Dunshee and Marine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5638 as amended by the House.

#### MOTION

On motion of Representative Santos, Speaker Chopp was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5638 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Tokuda, Talcott, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 95.

Excused: Representatives Kirby, Poulsen, and Speaker Chopp - 3.

Substitute Senate Bill No. 5638 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5604 by Senators Spanel and Gardner**

**Allowing the liquor control board to authorize controlled purchase programs.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was not adopted. (For committee amendment, see Journal, 82nd Day, March 30, 2001.)

Representative Conway moved the adoption of the following amendment (178):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.44.290 and 1965 c 49 s 1 are each amended to read as follows:

(1) Every person under the age of twenty-one years who purchases or attempts to purchase liquor shall be guilty of a violation of this title. This section does not apply to persons between the ages of eighteen and twenty-one years who are participating in a controlled purchase program authorized by the liquor control board under rules adopted by the board. Violations occurring under a private, controlled purchase program authorized by the liquor control board may not be used for criminal or administrative prosecution.

(2) An employer who conducts an in-house controlled purchase program authorized under this section shall provide his or her employees a written description of the employer's in-house controlled purchase program. The written description must include notice of actions an employer may take as a consequence of an employee's failure to comply with company policies regarding the sale of alcohol during an in-house controlled purchase.

(3) An in-house controlled purchase program authorized under this section shall be for the purposes of employee training and employer self-compliance checks. An employer may not terminate an employee solely for a first-time failure to comply with company policies regarding the sale of alcohol during an in-house controlled purchase program authorized under this section."

Representatives Conway and Clements spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5604 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5604 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin,

McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Tokuda, Talcott, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 96.

Excused: Representatives Kirby and Speaker Chopp - 2.

Senate Bill No. 5604 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5988 by Senate Committee on Ways & Means**

**Establishing compensation levels for certain employees of the state investment board.**

The bill was read the second time.

Representative Anderson moved the adoption of the following amendment (168):

On page 2, line 2, after "the" strike all material through "investment" and insert "Washington personnel resources"

On page 2, line 3, after "board." strike "The" and insert the following:

"The investment board is authorized to maintain a retention pool to consist of no more than ten percent of the total salary amount of those investment officers as established by the personnel resources board to be used exclusively for recruitment and retention purposes for such employees.

The"

Representatives Anderson and Sommers spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Sommers and Anderson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5988 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5988 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Tokuda, Talcott, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Voting Nay: Representatives Cooper and Hunt - 2.

Excused: Representatives Dunshee and Kirby - 2.

Substitute Senate Bill No. 5988 as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on Substitute Senate Bill No. 5910, and the bill held its place on the Second Reading calendar.

### **SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1255,  
HOUSE BILL NO. 1257,  
SENATE BILL NO. 5108,  
SENATE BILL NO. 5316,

### **MESSAGE FROM THE SENATE**

April 12, 2001

Mr. Speakers:

The President has signed:

HOUSE BILL NO. 1070,  
SUBSTITUTE HOUSE BILL NO. 1093,  
SUBSTITUTE HOUSE BILL NO. 1119,  
HOUSE BILL NO. 1138,  
SUBSTITUTE HOUSE BILL NO. 1163,  
SUBSTITUTE HOUSE BILL NO. 1174,  
SUBSTITUTE HOUSE BILL NO. 1339,  
ENGROSSED HOUSE BILL NO. 1530,  
SUBSTITUTE HOUSE BILL NO. 1537,  
HOUSE BILL NO. 1582,  
ENGROSSED HOUSE BILL NO. 1606,  
SUBSTITUTE HOUSE BILL NO. 1649,  
SUBSTITUTE HOUSE BILL NO. 1793,  
HOUSE BILL NO. 1859,  
SUBSTITUTE HOUSE BILL NO. 1915,  
HOUSE BILL NO. 2037,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### **SECOND READING**

**ENGROSSED SENATE BILL NO. 5790 by Senators Kline, Costa, Shin, Sheahan, McCaslin, Deccio, Winsley and Constantine**

**Revising provisions relating to vehicular assault.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was before the House for purpose of amendments. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the House deferred action on Engrossed Senate Bill No. 5790, and the bill held its place on the Second Reading calendar.

**SUBSTITUTE SENATE BILL NO. 5558 by Senate Committee on Judiciary**

**Clarifying penalty procedures for alcohol violators.**

The bill was read the second time.

There being no objection, the House deferred action on Substitute Senate Bill No. 5558, and the bill held its place on the Second Reading calendar.

**SUBSTITUTE SENATE BILL NO. 5910 by Senate Committee on Environment, Energy & Water**

**Regarding temporary nonuse of a water right.**

The bill was read the second time.

Representative G. Chandler moved the adoption of the following amendment (184):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 90.14.140 and 1998 c 258 s 1 are each amended to read as follows:

(1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

(a) Drought, or other unavailability of water;

(b) Active service in the armed forces of the United States during military crisis;

(c) Nonvoluntary service in the armed forces of the United States;

(d) The operation of legal proceedings;

(e) Federal or state agency leases of or options to purchase lands or water rights which preclude or reduce the use of the right by the owner of the water right;

(f) Federal laws imposing land or water use restrictions either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas;

(g) Temporarily reduced water need for irrigation use where such reduction is due to varying weather conditions, including but not limited to precipitation and temperature, that warranted the reduction in water use, so long as the water user's diversion and delivery facilities are maintained in good operating condition consistent with beneficial use of the full amount of the water right;

(h) Temporarily reduced diversions or withdrawals of irrigation water directly resulting from the provisions of a contract or similar agreement in which a supplier of electricity buys back electricity from the water right holder and the electricity is needed for the diversion or withdrawal or for the use of the water diverted or withdrawn for irrigation purposes;

(i) Water conservation measures implemented under the Yakima river basin water enhancement project, so long as the conserved water is reallocated in accordance with the provisions of P.L. 103-434;

(j) Reliance by an irrigation water user on the transitory presence of return flows in lieu of diversion or withdrawal of water from the primary source of supply, if such return flows are measured or reliably estimated using a scientific methodology generally accepted as reliable within the scientific community; or

(k) The reduced use of irrigation water resulting from crop rotation. For purposes of this subsection, crop rotation means the temporary change in the type of crops grown resulting from the exercise of generally recognized sound farming practices. Unused water resulting from crop rotation will not be relinquished if the remaining portion of the water continues to be beneficially used.

(2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right:

(a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW;

(b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply;

(c) If such right is claimed for a determined future development to take place either within fifteen years of July 1, 1967, or the most recent beneficial use of the water right, whichever date is later;

(d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW;

(e) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030; or

(f) If such right or portion of the right is leased to another person for use on land other than the land to which the right is appurtenant as long as the lessee makes beneficial use of the right in accordance with this chapter and a transfer or change of the right has been approved by the department in accordance with RCW 90.03.380, 90.03.383, 90.03.390, or 90.44.100.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives G. Chandler and Linville spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives G. Chandler and Linville spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5910 as amended by the House.

There being no objection, Representatives Barlean and Sehlin were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5910 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler,



Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Barlean, Dunshee, Kirby and Sehlin - 4.

Substitute Senate Bill No. 5910 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5114 by Senate Committee on Transportation**

**Modifying motorcycle provisions.**

The request for a scope and object ruling on amendment number (149) was withdrawn.

There being no objection, amendment number (149) was withdrawn.

Representative Hatfield moved the adoption of the following amendment (187):

Beginning on page 2, after line 3, strike all material through "46.20.520." on line 9.

Representatives Hatfield and Pennington spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5114 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5114 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Barlean, Dunshee, and Kirby - 3.

Substitute Senate Bill No. 5114 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5438 by Senate Committee on Natural Resources, Parks & Shorelines**

**Giving the fish and wildlife commission rule-making authority over the fish and wildlife vehicle**

**use permit program.**

The bill was read the second time.

Representative Pennington moved the adoption of the following amendment (182):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.32.380 and 2000 c 107 s 271 are each amended to read as follows:

(1) Persons who enter upon or use clearly identified department improved access facilities with a motor vehicle may be required to display a current annual fish and wildlife lands vehicle use permit on the motor vehicle while within or while using an improved access facility. An "improved access facility" is a clearly identified area specifically created for motor vehicle parking, and includes any boat launch or boat ramp associated with the parking area, but does not include the department parking facilities at the Gorge Concert Center near George, Washington. ~~((The vehicle use permit is issued in the form of a decal.))~~ One ~~((decal))~~ vehicle use permit shall be issued at no charge with ~~((each))~~ an initial purchase of either an annual saltwater, freshwater, combination, small game hunting, big game hunting, ~~((and))~~ or trapping license issued by the department. The annual fee for a fish and wildlife lands vehicle use permit, if purchased separately, is ten dollars. A person to whom the department has issued a ~~((decal))~~ vehicle use permit or who has purchased a vehicle use permit separately may purchase ~~((a decal))~~ additional vehicle use permits from the department ~~((for each additional vehicle owned by the person))~~ at a cost of five dollars per ~~((decal upon a showing of proof to the department that the person owns the additional vehicle or vehicles))~~ vehicle use permit. Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities.

Youth groups may use department improved access facilities without possessing a vehicle use permit when accompanied by a vehicle use permit holder.

The department may accept contributions into the state wildlife fund for the sound stewardship of fish and wildlife. Contributors shall be known as "conservation patrons" and, for contributions of twenty dollars or more, shall receive a fish and wildlife lands vehicle use permit free of charge.

(2) The ~~((decal))~~ vehicle use permit must be ~~((affixed in a permanent manner to))~~ displayed from the interior of the motor vehicle so that it is clearly visible from outside of the motor vehicle before entering upon or using the motor vehicle on a department improved access facility~~((, and must be displayed on the rear window of the motor vehicle, or, if the motor vehicle does not have a rear window, on the rear of the motor vehicle))~~. The vehicle use permit can be transferred between two vehicles and must contain space for the vehicle license numbers of each vehicle.

(3) Failure to display the fish and wildlife lands vehicle use permit if required by this section is an infraction under chapter 7.84 RCW, and department employees are authorized to issue a notice of infraction to the registered owner of any motor vehicle entering upon or using a department improved access facility without such a ~~((decal))~~ vehicle use permit. The penalty for failure to clearly display ~~((or improper display of))~~ the ~~((decal))~~ vehicle use permit is sixty-six dollars. This penalty is reduced to thirty dollars if the registered owner provides proof to the court that he or she purchased a decal within fifteen days after the issuance of the notice of violation."

Representatives Pennington and Doumit spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No.

5438 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5438 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Voting nay: Representative Quall - 1.

Excused: Representatives Barlean and Kirby - 2.

Substitute Senate Bill No. 5438 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SENATE BILL NO. 5790 by Senators Kline, Costa, Shin, Sheahan, McCaslin, Deccio, Winsley and Constantine**

#### **Revising provisions relating to vehicular assault.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Hurst and Esser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Senate Bill No. 5790 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5790 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven,

Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Barlean and Kirby - 2.

Engrossed Senate Bill No. 5790 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5558 by Senate Committee on Judiciary**

**Clarifying penalty procedures for alcohol violators.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Lovick and Carrell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5558 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5558 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives Barlean and Kirby - 2.

Substitute Senate Bill No. 5558 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5986 by Senate Committee on Health & Long-Term Care**

**Regulating county or local government-owned psychiatric facilities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5986 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5986 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Barlean and Kirby - 2.

Substitute Senate Bill No. 5986 as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

SUBSTITUTE SENATE BILL NO. 5896,  
SENATE BILL NO. 5430,

#### **SUBSTITUTE SENATE BILL NO. 5896 by Senate Committee on Ways & Means**

##### **Providing for additional DNA testing of evidence.**

The bill was read the second time.

Representative O'Brien moved the adoption of the following amendment (186):

On page 1, line 8, after "of a" strike "felony" and insert "class B felony that is a crime against a person as defined in RCW 9.94A.440"

Representatives O'Brien and Ballasiotes spoke in favor of adoption of the amendment.

The amendment was adopted.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5896 as amended by the House.

There being no objection, Representatives Grant, Mitchell, Reardon, Sehlin and Sommers were excused.

JOURNAL OF THE HOUSE  
**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5896 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Grant, Kirby, Mitchell, Reardon, Sehlin, and Sommers - 6.

Substitute Senate Bill No. 5896 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5430 by Senators Costa, Spanel, Franklin, Winsley, Thibaudeau, Long, Fairley, Prentice, Eide and Kohl-Welles**

**Requiring insurers to provide coverage for cranial hair prostheses.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For committee amendment, see previous fifth order.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5430 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5430 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 1, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Voting nay: Representative Darneille - 1.

Excused: Representatives Grant, Kirby, Mitchell, Reardon, Sehlin, and Sommers - 6.

Senate Bill No. 5430 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 1001,  
HOUSE BILL NO. 1035,  
HOUSE BILL NO. 1211,  
SUBSTITUTE HOUSE BILL NO. 1256,  
SUBSTITUTE HOUSE BILL NO. 1467,  
SUBSTITUTE HOUSE BILL NO. 1501,  
SUBSTITUTE HOUSE BILL NO. 1884,  
HOUSE BILL NO. 1855,

There being no objection, the Rules Committee was relieved of Senate Bill No. 5333, and the bill was placed on the Second Reading calendar.

### **SECOND READING**

**SENATE BILL NO. 5333 by Senators Honeyford, Hale, Morton, Hochstatter, Hewitt, Swecker and Sheahan**

**Concerning preliminary permits for water closed to diversions due to a federal moratorium.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Ecology was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Delvin and Grant spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Senate Bill No. 5333 as amended by the House.

There being no objection, Representatives Cooper, Doumit, Dunshee, Eickmeyer, Gombosky, Keiser, Kenney, Kirby, McIntire, Poulsen, Reardon, Ruderman, Schual-Berke, Sehlin, Sommers and Speaker Chopp were excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5333 as amended by the House and the bill passed the House by the following vote: Yeas - 82, Nays - 0, Absent - 0, Excused - 16.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken,

Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, and Speaker Ballard - 82.

Excused: Representatives Cooper, Doumit, Dunshee, Eickmeyer, Gombosky, Keiser, Kenney, Kirby, McIntire, Poulsen, Reardon, Ruderman, Schual-Berke, Sehlin, Sommers, and Speaker Chopp - 16.

Senate Bill No. 5333 as amended by the House, having received the necessary constitutional majority, was declared passed.

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

### INTRODUCTIONS AND FIRST READING

HB 2234 by Representatives Ahern, Mastin, Mulliken, Roach, Schindler, Sump, Anderson, Jarrett, Armstrong, McMorris, Benson, Morell, Cox, Mielke, Pearson, Mitchell, Alexander and Casada

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on First Reading.

HB 2241 by Representatives Ericksen, Woods, Mitchell, Esser, Morell and Anderson

AN ACT Relating to transportation permit efficiency; amending RCW 47.01.290; adding a new section to chapter 77.55 RCW; adding a new chapter to Title 47 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 2242 by Representatives Cody, Lisk, Ruderman, Alexander and Eickmeyer

AN ACT Relating to medicaid nursing home rates; amending RCW 74.46.020, 74.46.165, 74.46.410, 74.46.421, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.501, and 74.46.711; amending 1998 c 322 s 47 (uncodified); reenacting and amending RCW 74.46.506; adding new sections to chapter 74.46 RCW; creating new sections; repealing RCW 74.46.908 and 74.46.506; providing effective dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2243 by Representatives Carrell, Conway, Talcott, Kirby, Bush, Cairnes, Casada, Campbell, Jackley and Roach

AN ACT Relating to escape by sexually violent predators; amending RCW 9A.76.120 and 9.94A.030; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9A.76 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Rules.

HB 2244 by Representative Sommers

AN ACT Relating to the higher education retirement plan; amending RCW 28B.10.400; creating a new section; repealing RCW 28B.10.423; providing an effective date; and declaring an emergency.



Referred to Committee on Appropriations.

HB 2245 by Representatives Anderson, Pflug, Crouse, Cairnes, Bush, DeBolt, B. Chandler, Mielke, Schmidt, Delvin, Casada, Esser, McMorris, Pennington, Reardon, Berkey, Simpson, Linville, Barlean, Marine and Fromhold

AN ACT Relating to providing tax incentives to promote the production and distribution of electricity from alternative sources of energy; amending RCW 82.08.02567 and 82.12.02567; adding a new section to chapter 82.16 RCW; creating a new section; and providing expiration dates.

Held on First Reading.

HB 2246 by Representatives Romero, Hunt, Dickerson, DeBolt and Alexander

AN ACT Relating to providing a sales and use tax exemption for the repair of earthquake damaged historic buildings; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing expiration dates; and declaring an emergency

SSB 5344 by Senate Committee on Ways & Means

AN ACT Relating to legislative building preservation and renovation; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Capital Budget.

2SSB 5469 by Senate Committee on Ways & Means

AN ACT Relating to tax incentives in rural counties and community empowerment zones; amending RCW 82.60.010, 82.60.020, 82.62.010, 82.62.030, and 82.62.045; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

2SSB 5576 by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove; by request of Governor Locke)

AN ACT Relating to the simplification of public assistance asset tests; and amending RCW 74.04.005.

Referred to Committee on Children & Family Services.

2SSB 5625 by Senate Committee on Education (originally sponsored by Senator McAuliffe, Finkbeiner, Carlson and Kohl-Wells; by request of Governor Locke, Academic Achievement & Accountability Commission and State Board of Education)

AN ACT Relating to adopting recommendations of the academic achievement and accountability commission.

Referred to Committee on Education.

SB 6036 by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.

Held on First Reading.

ESSB 6143 by Senate Committee on Human Services & Corrections (originally sponsored by Senators T. Sheldon, Hargrove, Long, Costa, Roach, Snyder, McCaslin, Spanel, Winsley, Gardner, Eide, Zarelli, Rossi, Benton, Hochstatter, Swecker, Kastama, Shin, Patterson, Kline, Fraser, McAuliffe and Rasmussen)

AN ACT Relating to community notification for risk level III sex and kidnapping offenders; and amending RCW 65.16.020 and 4.24.550.

Referred to Committee on Criminal Justice & Corrections.

SCR 8415 by Senators Snyder and West

Amending cutoff dates.

Held on First Reading.

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

There being no objection, the following bills on the Second Reading calendar were returned to the Rules Committee:

HOUSE BILL NO. 1329,  
 HOUSE CONCURRENT RESOLUTION NO. 4408,  
 HOUSE CONCURRENT RESOLUTION NO. 4409,  
 HOUSE CONCURRENT RESOLUTION NO. 4411,  
 HOUSE CONCURRENT RESOLUTION NO. 4412,  
 SENATE BILL NO. 5064,  
 SENATE BILL NO. 5151,  
 SUBSTITUTE SENATE BILL NO. 5376,  
 SUBSTITUTE SENATE BILL NO. 5433,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5500,  
 SUBSTITUTE SENATE BILL NO. 5511,  
 SUBSTITUTE SENATE BILL NO. 5533,  
 SENATE BILL NO. 5692,  
 ENGROSSED SENATE BILL NO. 5872,  
 SUBSTITUTE SENATE BILL NO. 5919,  
 SUBSTITUTE SENATE BILL NO. 5984,  
 SUBSTITUTE SENATE BILL NO. 6012,

There being no objection, Substitute Senate Bill No. 5465 was returned to the Rules Committee from the Third Reading calendar.

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

There being no objection, the House adjourned until 9:00 a.m., April 13, 2001, the 96<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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MORNING SESSION

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House Chamber, Olympia, Friday, April 13, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Eric Johnson and Madison Newberry. Prayer was offered by Representative Mark Miloscia.

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

Speaker Chopp called upon Representative Ogden to preside.

**MESSAGE FROM THE SENATE**

April 12, 2001

Mr. Speakers:

The President signed:

SUBSTITUTE HOUSE BILL NO. 1000,  
SUBSTITUTE HOUSE BILL NO. 1004,  
HOUSE BILL NO. 1018,  
HOUSE BILL NO. 1040,  
HOUSE BILL NO. 1048,  
ENGROSSED HOUSE BILL NO. 1076,  
SUBSTITUTE HOUSE BILL NO. 1117,  
SUBSTITUTE HOUSE BILL NO. 1133,  
HOUSE BILL NO. 1198,  
SUBSTITUTE HOUSE BILL NO. 1203,  
HOUSE BILL NO. 1213,  
SUBSTITUTE HOUSE BILL NO. 1214,  
SUBSTITUTE HOUSE BILL NO. 1234,  
HOUSE BILL NO. 1243,  
HOUSE BILL NO. 1255,  
HOUSE BILL NO. 1257,  
SUBSTITUTE HOUSE BILL NO. 1282,  
HOUSE BILL NO. 1346,  
HOUSE BILL NO. 1385,  
SUBSTITUTE HOUSE BILL NO. 1643,  
SUBSTITUTE HOUSE BILL NO. 1644,  
SUBSTITUTE HOUSE BILL NO. 1661,  
HOUSE BILL NO. 1706,  
ENGROSSED HOUSE BILL NO. 1745,  
SUBSTITUTE HOUSE BILL NO. 1781,  
HOUSE BILL NO. 1851,  
SUBSTITUTE HOUSE BILL NO. 1920,

and the same are herewith transmitted.

HOUSE BILL NO. 2095,

Tony M. Cook, Secretary

### MESSAGES FROM THE SENATE

April 12, 2001

Mr. Speakers:

The Senate has passed the following bills:

HOUSE BILL NO. 1036,  
 HOUSE BILL NO. 1045,  
 HOUSE BILL NO. 1066,  
 HOUSE BILL NO. 1126,  
 HOUSE BILL NO. 1369,  
 ENGROSSED HOUSE BILL NO. 1407,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1445,  
 HOUSE BILL NO. 1523,  
 HOUSE BILL NO. 1568,  
 HOUSE BILL NO. 1584,  
 HOUSE BILL NO. 1613,  
 SUBSTITUTE HOUSE BILL NO. 1836,  
 SUBSTITUTE HOUSE BILL NO. 1899,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1995,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 13, 2001

Mr. Speakers:

The Senate has passed the following bill:

SUBSTITUTE HOUSE BILL NO. 1091,

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 12, 2001

Mr. Speakers:

The Senate has passed the following bills:

SENATE BILL NO. 5144,

and the same is herewith transmitted.

Tony M. Cook, Secretary

### RESOLUTION

HOUSE RESOLUTION NO. 2001-4650, by Representatives Ballard, Chopp, Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall,

Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods

WHEREAS, The citizens of Washington are proud of the noble men and women from Whidbey Island Naval Air Station in Oak Harbor, who risk their lives daily to protect our nation so that we may live in peace and freedom; and

WHEREAS, The Washington State House of Representatives recognizes the committed leadership displayed by Lt. Shane Osborn, the pilot who followed time-honored emergency procedures and landed the crippled United States Navy EP-3 electronic reconnaissance aircraft safely on Hainan Island, China; and

WHEREAS, The House of Representatives joins a grateful nation in recognizing and honoring the following service men and women for their professionalism and courage during their eleven days of captivity in China:

Lieutenant Shane Osborn  
 Ensign Richard Bensing  
 Aviation Electricians Mate 3rd Class Steven Blocher  
 Cryptologic Technician Seaman Bradford Borland  
 Aviation Electricians Technician 2nd Class David Cecka  
 Lieutenant John Comerford  
 Cryptologic Technician Operator 1st Class Shawn Coursen  
 Cryptologic Technician Collection Seaman Jeremy Crandall  
 Cryptologic Technician Interpretive 1st Class Josef Edmunds  
 Cryptologic Technician Interpretive 2nd Class Brandon Funk  
 Aviation Electricians Technician 2nd Class Scott Guidry  
 Cryptologic Technician 2nd Class Jason Hanser  
 Lieutenant Patrick Honeck  
 Lieutenant Regina Kauffman  
 Aviation Machinist's Mate Senior Chief Nicholas Mellos  
 Aviation Electricians Technician 2nd Class Ramon Mercado  
 Lieutenant Richard Payne  
 Cryptologic Technician 2nd Class Kenneth Richter  
 Lieutenant Marcia Sonon  
 Lieutenant Jeffrey Vignery  
 Aviation Machinist 2nd Class Wendy Westrook  
 Cryptologic Technician 3rd Class Rodney Young  
 Sergeant Richard Pray  
 Senior Airman Curtis Towne

WHEREAS, The House of Representatives honors all soldiers, sailors, airmen, marines, and guardsmen of Washington who dedicate their lives to protecting our freedom; and

WHEREAS, The House of Representatives also recognizes and honors the families who provide constant and unconditional support for our dedicated military professionals; and

WHEREAS, The House of Representatives also expresses its gratitude to the entire community of Oak Harbor for providing comfort and encouragement to the families of the detained crew members while they were awaiting the safe return of their loved ones;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend and honor the twenty-four men and women who performed their recent mission with distinction and nobility, wish all the crewmembers a joyous homecoming celebration, and offer appreciation to their gallant families; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to President George W. Bush, Captain Larry Salter, Commanding Officer

Whidbey Island Naval Air Station, Captain William Marriott, Commanding Officer Fleet Air Reconnaissance Squadron ONE, and Whidbey Naval Air Station Public Affairs Office.

Representative Barlean moved the adoption of the resolution.

Representatives Barlean and Miloscia spoke in favor of the adoption of the resolution.

House Resolution No. 4650 was adopted.

### SENATE AMENDMENTS TO HOUSE BILL

April 6, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1062, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.101.010 and 1981 c 132 s 2 are each amended to read as follows:

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) A peace officer is "convicted" at the time a plea of guilty has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes a deferral of sentence and also includes the equivalent disposition by a court in a jurisdiction other than the state of Washington.

(7) "Discharged for disqualifying misconduct" means terminated from employment for: (a) Conviction of (i) any crime committed under color of authority as a peace officer, (ii) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (iii) the unlawful use or possession of a controlled substance, or (iv) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (b) conduct that would constitute any of the crimes addressed in (a) of this subsection; or (c) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

(8) A peace officer is "discharged for disqualifying misconduct" within the meaning of subsection (7) of this section under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of subsection (7) of this section.

(9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer



has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.

(10) "Peace officer" means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, and police service dogs subject to requirements adopted under this act, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.12.055 are peace officers for purposes of this chapter.

**NEW SECTION. Sec. 2.** (1) As a condition of continuing employment as peace officers, all Washington peace officers: (a) Shall timely obtain certification as peace officers, or timely obtain certification for exemption therefrom by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter. The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before the effective date of this section. Thereafter, the commission may revoke certification pursuant to this chapter.

(2) The commission shall allow a peace officer to retain status as a certified peace officer as long as the officer: (a) Timely meets the basic law enforcement training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(3) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under section 9 of this act, a peace officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

**NEW SECTION. Sec. 3.** Upon request by a peace officer's employer or on its own initiative, the commission may deny or revoke certification of any peace officer, after written notice and hearing, if a hearing is timely requested by the peace officer under section 9 of this act, based upon a finding of one or more of the following conditions:

(1) The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;

(2) The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

(3) The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;

(4) The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after the effective date of this section;

(5) The peace officer's certificate was previously issued by administrative error on the part of the commission; or

(6) The peace officer has interfered with an investigation or action for denial or revocation of certificate

by: (a) Knowingly making a materially false statement to the commission; or (b) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

**NEW SECTION. Sec. 4.** (1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy for any reason not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, rules which may provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time.

(4) A peace officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission shall hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission may establish a probationary period of certification.

(5) A peace officer whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission may establish a probationary period of certification.

**NEW SECTION. Sec. 5.** A peace officer's certification lapses automatically when there is a break of more than twenty-four consecutive months in the officer's service as a full-time law enforcement officer. A break in full-time law enforcement service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the peace officer's certification status is to be reinstated, and the commission shall also determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

**NEW SECTION. Sec. 6.** Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission. The agency of termination shall, upon request of the commission, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation under section 3 of this act. The commission shall maintain these notices in a permanent file, subject to section 12 of this act.

**NEW SECTION. Sec. 7.** In addition to its other powers granted under this chapter, the commission has authority and power to:

- (1) Adopt, amend, or repeal rules as necessary to carry out this chapter;
- (2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;
- (3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;
- (4) Appoint members of a hearings board as provided under section 10 of this act;

- (5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;
- (6) Grant, deny, or revoke certification of peace officers under the provisions of this chapter;
- (7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter; and
- (8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

**NEW SECTION. Sec. 8.** A law enforcement officer or duly authorized representative of a law enforcement agency may submit a written complaint to the commission charging that a peace officer's certificate should be denied or revoked, and specifying the grounds for the charge. Filing a complaint does not make a complainant a party to the commission's action. The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

**NEW SECTION. Sec. 9.** (1) If the commission determines, upon investigation, that there is probable cause to believe that a peace officer's certification should be denied or revoked under section 3 of this act, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of termination and any current law enforcement agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within sixty days of communication of the statement of charges, request a hearing before the hearings board appointed under section 10 of this act. Failure of the officer to request a hearing within the sixty-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the date of the hearing must be scheduled not earlier than ninety days nor later than one hundred eighty days after communication of the statement of charges to the officer; the one hundred eighty day period may be extended on mutual agreement of the parties or for good cause. The commission shall give written notice of hearing at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

**NEW SECTION. Sec. 10.** (1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) On all appeals brought under section 9 of this act, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission or the board on law enforcement training standards and education may but need not be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear appeals from decertification actions:

(a) When an appeal is filed in relation to decertification of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two peace officers who are at or below the level of first line supervisor, who are from city or county law enforcement agencies, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When an appeal is filed in relation to decertification of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or

four-year college or university.

(c) Persons appointed to hearings panels by the commission shall, in relation to any decertification matter on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of section 3(4) of this act, and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer, allow the peace officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer "has been convicted at any time of a felony offense" within the meaning of section 3(3) of this act, the hearings panel shall revoke or deny certification if it determines that the peace officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under section 3(1), (2), (5), or (6) of this act, the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

**NEW SECTION. Sec. 11.** The commission, its boards, and individuals acting on behalf of the commission and its boards are immune from suit in any civil or criminal action contesting or based upon proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

**NEW SECTION. Sec. 12.** (1) Except as provided under subsection (2) of this section, the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under section 6 of this act; (b) all files, papers, and other information obtained by the commission pursuant to section 2(3) of this act; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in subsection (5) of this section.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) Upon a determination that a complaint is without merit, that a personnel action report filed under section 6 of this act does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.

(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(6) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

**NEW SECTION. Sec. 13.** It is the intent of sections 14 through 23 of this act to enhance public safety and the quality of law enforcement. The legislature finds these goals may be achieved by establishing a minimum standard of performance for working police service dog teams and a procedure for certification of teams. The legislature further finds it necessary to create an oversight mechanism to promote efficient and responsible implementation of the certification process.

**NEW SECTION. Sec. 14.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Canine training standards board" or "board" means the board established by the commission under section 17 of this act.

(2) "Certified" means a determination by the commission that a police service dog team has met the minimum standard.

(3) "Commission" means the Washington state criminal justice training commission.

(4) "Handler" means a person who is responsible for the routine care, control, and utilization of a police service dog for law enforcement purposes and is:

(a) Any commissioned law enforcement officer of an agency, including a state, county, city, municipality, or a combination thereof or an employee of the Washington state department of corrections;

(b) A person contracted to provide law enforcement services;

(c) An employee of a local correctional facility; or

(d) In the case of an accelerant detection dog, the state fire marshal's designee or an employee of the fire department, city, or county authorized by the fire chief to be the dog's handler.

(5) "Law enforcement purposes" means detection of contraband or evidence and apprehension of criminal suspects.

(6) "Master trainer" means a person who meets the criteria established in rule by the commission following consultation with individuals and groups with experience and expertise in training and handling police service dogs.

(7) "Police service detection dog" means a dog assigned or used by a handler solely to detect contraband or arson by-products for law enforcement purposes.

(8) "Police service dog" means a dog assigned or used by a handler for law enforcement purposes.

(9) "Police service dog team" or "team" means a dog and handler that is certified as a team.

**NEW SECTION. Sec. 15.** (1) A police service dog handler may not use a police service dog for law enforcement purposes unless the handler and dog are certified as a team, except as otherwise provided in this section.

(2) Any dog team provided to assist in law enforcement purposes is exempt from the certification requirement of sections 14 through 23 of this act only if: (a) The dog is owned by, and acts under the control of, an agency of the federal government which engages in law enforcement purposes; (b) the team is provided on a temporary basis not exceeding forty-eight hours; and (c) the dog and its handler meet the internal minimum performance standards of the agency of the federal government which owns or controls the dog.

(3) If any law enforcement agency is, prior to August 1, 2003, utilizing a police service dog and a handler for law enforcement purposes, the agency may continue the use until March 1, 2004. After March 1, 2004, the dog and handler must be certified as a team to be used for law enforcement purposes.

(4) Any law enforcement agency that has not, prior to August 1, 2003, utilized a police service dog and a handler for law enforcement purposes must obtain certification before deploying a team.

(5) Upon determination by the commission that a law enforcement agency or the department of corrections has deployed a police service dog and handler not certified pursuant to this chapter, the commission may issue an order directing the agency or department to immediately cease the unauthorized deployment.

(6) If the agency or department does not discontinue the unauthorized deployment, the commission may seek appropriate injunctive relief in the superior court of the county in which the agency or department is located.

(7) Police service detection dogs are exempt from the certification requirement set forth in this section unless the commission extends the certification requirement to these dogs by rule.

**NEW SECTION. Sec. 16.** (1) The commission is directed to develop and adopt a minimum performance standard for each category of police service dog and handler, with the categories being derived from the law enforcement functions that the police service dogs and handlers perform. Each police service dog and handler must meet the standard for its category in order to become a team.

(2) The commission is directed to implement a process through which police service dogs and their handlers will be tested for certification. The commission is authorized to charge a fee for the purpose of conducting certification tests.

(3) The commission shall establish minimum training hours for police service dogs and handlers that must be completed prior to testing for certification. Prior to testing a police service dog and a handler for certification, the chief of police, sheriff, secretary of corrections, or chief of the Washington state patrol must submit an affidavit verifying that the required hours of training have been successfully completed by the police service dog and handler.

(4) The initial certification of police service dog teams is valid for one year. Recertification shall be valid for a period of time as determined by the commission.

**NEW SECTION. Sec. 17.** (1) The commission is directed to create the canine training standards board. The commission is directed to endeavor to ensure the composition of the board will include persons experienced with patrol, detector, and tracking police service dogs. The board shall, in consultation with the board on law enforcement training standards and education, recommend to the commission minimum performance standards and develop model training and performance standards for police service dogs and handlers. The model training and model performance standards may be used by local jurisdictions in developing their own canine programs.

(2) The board shall examine the option of requiring certification of police service detection dogs and make recommendations to the commission.

(3) The board shall be comprised of:

(a) A representative of the Washington state patrol with police service dog experience;

(b) A representative of the department of corrections with police service dog experience;

(c) A representative of a nonprofit organization in Washington with expertise and experience in the training and evaluating of patrol, detector, and tracking police service dogs and handlers;

(d) A representative of a nationwide nonprofit organization with experience and expertise in the humane treatment of dogs;

(e) A master trainer from a county with a population of two hundred fifty thousand or more appointed by the Washington association of sheriffs and police chiefs in consultation with the Washington council of police and sheriffs and the bargaining unit representing commissioned officers in any county with a population of one million or more;

(f) A representative of the county legislative authority appointed by the presiding officer of the Washington association of counties from a county with a population of two hundred fifty thousand or more that deploys a police service dog and handler for law enforcement purposes and, after March 1, 2004, is certified as a team;

(g) A master trainer from a city with a population of one hundred thousand or more appointed by the Washington association of sheriffs and police chiefs in consultation with the Washington council of police and

sheriffs and the bargaining unit representing commissioned officers in any city with a population of four hundred thousand or more;

(h) A representative of the association of Washington cities appointed by the presiding officer of the association of Washington cities from a city with a population of one hundred thousand or more that deploys a police service dog and handler for law enforcement purposes and, after March 1, 2004, is certified as a team;

(i) Two persons, one with police service dog experience, appointed by the association of Washington cities from a city with a population of less than one hundred thousand;

(j) Two persons, one with police service dog experience, appointed by the Washington association of counties from a county with a population of less than two hundred fifty thousand;

(k) One representative to be appointed by the governor.

Prior to making the appointments requiring police service dog experience in (i) and (j) of this subsection, the Washington association of counties and the association of Washington cities shall consult with the Washington association of sheriffs and police chiefs and the Washington council of police and sheriffs.

(4) The board is a class 1 group under RCW 43.03.220 except that any member of the public appointed to the board is eligible for compensation under RCW 43.03.240(2).

(5) The board shall cease to exist after the minimum performance standards are developed and adopted by the commission and the model training and model performance standards are created.

(6) The board shall hold its initial meeting not later than November 1, 2001.

**NEW SECTION. Sec. 18.** (1) Any person claiming to be aggrieved by an act relating to the certification of a police service dog team may, personally or by his or her attorney, make, sign, and file with the commission a complaint in writing under oath or by declaration. The commission does not have jurisdiction to hear a complaint alleging negligent conduct by a certified team while engaged in law enforcement purposes.

(2) Any complaint filed pursuant to this section must be filed within thirty days after the alleged act giving rise to the complaint relating to certification of a police service dog team.

(3) After the filing of any complaint, the chairperson of the commission shall refer it to the appropriate section of the commission's staff for prompt investigation and ascertainment of the facts alleged in the complaint.

The results of the investigation shall be reduced to written findings of fact and a copy shall be provided to the complainant.

**NEW SECTION. Sec. 19.** (1) The entire file, including the complaint and any and all findings made, shall be certified to the chairperson of the commission. The chairperson of the commission may thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint if the chairperson believes from the results of the investigation that there are reasonable grounds to conclude that a violation of this chapter may have occurred. If the chairperson requests the appointment of an administrative law judge, he or she shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the parties to appear and on the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the commission who previously participated in the denial of certification shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case.

(3) The commission shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The commission has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the commission has wrongfully denied certification, the administrative law judge shall state findings of fact and shall issue and file with the

commission and cause to be served on the commission an order requiring the commission to certify the police service dog team.

(6) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.510 through 34.05.598, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(7) If, upon all the evidence, the administrative law judge finds that the commission correctly denied certification, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

**NEW SECTION. Sec. 20.** (1) Every police service dog used by law enforcement or any other state or local governmental agency is required to be identified by a microchip as defined in RCW 16.57.010(13) or through the use of superior technology as designated by the commission.

(2) The microchip of any police service dog used by a state or local governmental agency may not be removed except for medical necessity. If it is necessary to remove the microchip, the reason for the removal must be documented, entered into the data base created by section 21 of this act, and a new microchip inserted unless the dog is permanently retired from service.

**NEW SECTION. Sec. 21.** (1) The commission is directed to develop and manage a centralized data base of information pertaining to all police service dogs used by Washington state and local governmental agencies. The data base shall be cumulative, updated, and contain the following information for each police service dog:

- (a) Identification as required in section 20(1) of this act;
- (b) Name;
- (c) Breed;
- (d) Type of training:
  - (i) G = Generalist;
  - (ii) N = Narcotic;
  - (iii) B = Bomb;
  - (iv) Xn = Cross-trained narcotic;
  - (v) Xb = Cross-trained bomb;
  - (vi) O = Other;
- (e) Date acquired;
- (f) Source of acquisition:
  - (i) Vendor name, address, and telephone number;
  - (ii) Donated by private person, nonprofit entity, or other;
- (g) Handler's name;
- (h) Date of certification and recertifications;
- (i) Date and reason released from service.

(2) Except as provided in RCW 42.17.310, the commission shall make this data base available through a web page and accessible by entering a dog's identification number as required in section 20(1) of this act.

(3) All records pertaining to training, utilization, and certification from acquisition to first certification pertaining to police service dogs are required to be kept by the agency with ownership of the police service dog and made available upon request.

**NEW SECTION. Sec. 22.** The commission shall adopt rules to implement this chapter.

**Sec. 23.** RCW 42.17.310 and 2000 c 134 s 3, 2000 c 56 s 1, and 2000 c 6 s 5 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

- (a) Personal information in any files maintained for students in public schools, patients or clients of



public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects,

subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or

organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Information collected pursuant to section 21(1)(d) (iii) and (v) of this act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. **Sec. 24.** Sections 2 through 12 of this act are each added to chapter 43.101 RCW.

NEW SECTION. **Sec. 25.** Sections 13 through 22 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 26.** (1) Sections 1 through 12 and 24 of this act take effect January 1, 2002.

(2) Sections 13 through 23 and 25 of this act take effect August 1, 2001."

On page 1, line 1 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 43.101.010; reenacting and amending RCW 42.17.310; adding new sections to chapter 43.101 RCW; adding a new chapter to Title 43 RCW; and providing effective dates."

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1062 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 6, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that seventy-five percent of fire fighters in the state are volunteers and that many communities would be without fire fighting services if it were not for volunteer fire fighters. Volunteer fire fighters risk their lives to protect others, providing an important public service that should be recognized and supported. Volunteer fire fighters should not have to risk their livelihoods in serving others. It is the intention of the legislature to protect volunteer fire fighters from adverse employment actions stemming from their volunteer service.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.12 RCW to read as follows:

(1) An employer may not discharge from employment or discipline a volunteer fire fighter because of leave taken related to an alarm of fire or an emergency call.

(2)(a) A volunteer fire fighter who believes he or she was discharged or disciplined in violation of this section may file a complaint alleging the violation with the director. The volunteer fire fighter may allege a violation only by filing such a complaint within ninety days of the alleged violation.

(b) Upon receipt of the complaint, the director must cause an investigation to be made as the director deems appropriate and must determine whether this section has been violated. Notice of the director's determination must be sent to the complainant and the employer within ninety days of receipt of the complaint.

(c) If the director determines that this section was violated and the employer fails to reinstate the employee or withdraw the disciplinary action taken against the employee, whichever is applicable, within thirty days of receipt of notice of the director's determination, the volunteer fire fighter may bring an action against the

employer alleging a violation of this section and seeking reinstatement or withdrawal of the disciplinary action.

(d) In any action brought under this section, the superior court shall have jurisdiction, for cause shown, to restrain violations under this section and to order reinstatement of the employee or withdrawal of the disciplinary action.

(3) For the purposes of this section:

(a) "Alarm of fire or emergency call" means responding to, working at, or returning from a fire alarm or an emergency call, but not participating in training or other nonemergency activities.

(b) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees, and also includes the state, any state institution, state agency, political subdivision of the state, and municipal corporation or quasi-municipal corporation.

(c) "Reinstatement" means reinstatement with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(d) "Withdrawal of disciplinary action" means withdrawal of disciplinary action with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(e) "Volunteer fire fighter" means a fire fighter who:

(i) Is not paid;

(ii) Is not already at his or her place of employment when called to serve as a volunteer, unless the employer agrees to provide such an accommodation; and

(iii) Has been ordered to remain at his or her position by the commanding authority at the scene of the fire.

(4) The legislature declares that the public policies articulated in this section depend on the procedures established in this section and no civil or criminal action may be maintained relying on the public policies articulated in this section without complying with the procedures set forth in this section, and to that end all civil actions and civil causes of action for such injuries and all jurisdiction of the courts of this state over such causes are hereby abolished, except as provided in this section."

On page 1, line 1 of the title, after "fighters;" strike the remainder of the title and insert "adding a new section to chapter 49.12 RCW; and creating a new section."

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 1420 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 4, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, with the following amendment:

On page 3, beginning on line 30, strike all material down to and including page 4, line 13, and insert the following:

"(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pritchard building, the Cherberg building, and the Newhouse building.

(d) The department shall temporarily move the state library to the Sunset Life building by June 30, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

- (i) The office of the insurance commissioner shall be moved to leased space in Thurston county;  
(ii) The office of the governor shall be moved to the Insurance building;  
(iii) The office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus; and  
(iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;"

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 1625 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 36.70A.367 and 1998 c 289 s 2 are each amended to read as follows:

(1) In addition to the major industrial development allowed under RCW 36.70A.365, a county required or choosing to plan under RCW 36.70A.040 that meets the criteria in subsection (9) or (10) of this section may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for designating a bank of no more than two master planned locations for major industrial activity outside urban growth areas.

(2) A master planned location for major industrial developments outside an urban growth area may be included in the urban industrial land bank for the county if criteria including, but not limited to, the following are met:

- (a) New infrastructure is provided for and/or applicable impact fees are paid;
- (b) Transit-oriented site planning and traffic demand management programs are implemented;
- (c) Buffers are provided between the major industrial development and adjacent nonurban areas;
- (d) Environmental protection including air and water quality has been addressed and provided for;
- (e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;
- (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;
- (g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and
- (h) An inventory of developable land has been conducted as provided in RCW 36.70A.365.

(3) In selecting master planned locations for inclusion in the urban industrial land bank, priority shall be given to locations that are adjacent to, or in close proximity to, an urban growth area.

(4) Final approval of inclusion of a master planned location in the urban industrial land bank shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of master planned locations may be considered at any time.

(5) Once a master planned location has been included in the urban industrial land bank, manufacturing and industrial businesses that qualify as major industrial development under RCW 36.70A.365 may be located there.

(6) Nothing in this section may be construed to alter the requirements for a county to comply with chapter 43.21C RCW.

(7)(a) The authority of a county meeting the criteria of subsection (9) of this section to engage in the process of including or excluding master planned locations from the urban industrial land bank shall terminate on

December 31, 1999. However, any location included in the urban industrial land bank on December 31, 1999, shall ~~((remain))~~ be available for major industrial development as long as the criteria of subsection (2) of this section ~~((continue to be))~~ are met.

(b) The authority of a county meeting the criteria of subsection (10) of this section to engage in the process of including or excluding master planned locations from the urban industrial land bank terminates on December 31, 2002. However, any location included in the urban industrial land bank on December 31, 2002, shall be available for major industrial development as long as the criteria of subsection (2) of this section are met.

(8) For the purposes of this section, "major industrial development" means a master planned location suitable for manufacturing or industrial businesses that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent; or (c) requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in an urban growth area. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks.

(9) This section ~~((applies))~~ and the termination date specified in subsection (7)(a) of this section apply to a county that at the time the process is established under subsection (1) of this section:

(a) Has a population greater than two hundred fifty thousand and is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand;

(b) Has a population greater than one hundred forty thousand and is adjacent to another country; or

(c) Has a population greater than forty thousand but less than seventy-five thousand and has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(i) Is bordered by the Pacific Ocean; or

(ii) Is located in the Interstate 5 or Interstate 90 corridor.

(10) This section and the termination date specified in subsection (7)(b) of this section apply to a county that at the time the process is established under subsection (1) of this section:

(a)(i) Has a population greater than forty thousand but fewer than eighty thousand;

(ii) Has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(iii) Is located in the Interstate 5 or Interstate 90 corridor;

(b) Has a population greater than one hundred sixty thousand but fewer than three hundred thousand and shares a common border with Canada; or

(c) Has a population greater than three hundred thousand but fewer than four hundred thousand."

On page 1, line 2 of the title, after "areas;" strike the remainder of the title and insert "and amending RCW 36.70A.367."

There being no objection, the House insisted on its position regarding the Senate amendments to Engrossed Substitute House Bill No. 1997 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 3, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1071, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.85.140 and 2000 c 107 s 103 are each amended to read as follows:

(1) Habitat project lists shall be submitted to the salmon recovery funding board for funding ~~((by January 1st and July 1st of each year beginning in 2000))~~ at least once a year on a schedule established by the board.

The board shall provide the legislature with a list of the proposed projects and a list of the projects funded by October 1st of each year (~~(beginning in 2000)~~) for informational purposes. Project sponsors who complete salmon habitat projects approved for funding from habitat project lists and have met grant application deadlines will be paid by the salmon recovery funding board within thirty days of project completion.

(2) The interagency committee for outdoor recreation shall track all funds allocated for salmon habitat projects and salmon recovery activities on behalf of the board, including both funds allocated by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement.

(3) Beginning in December 2000, the board shall provide a biennial report to the governor and the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 77.85.020."

On page 1, line 2 of the title, after "deadlines;" strike the remainder of the title and insert "and amending RCW 77.85.140."

There being no objection, the House concurred in the Senate amendment to House Bill No. 1071.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1071 as amended by the Senate.

Representatives Doumit and Sump spoke in favor of the passage of the Bill.

There being no objection, Representatives Ballasiotes, Cody, Cox, Delvin, Edwards, Hatfield, Kessler, Kirby, Mulliken, Poulsen, Ruderman, Schoesler, Sehlin, Simpson and Van Luven were excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1071 as amended by the Senate and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 0, Excused - 15.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 83.

Excused: Representatives Ballasiotes, Cody, Cox, Delvin, Edwards, Hatfield, Kessler, Kirby, Mulliken, Poulsen, Ruderman, Schoesler, Sehlin, Simpson and Van Luven - 15.

House Bill No. 1071 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 4, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1095, with the following amendment:

On page 1, after line 18, insert the following:



"**Sec. 2.** RCW 46.44.091 and 1989 c 52 s 1 are each amended to read as follows:

(1) Except as otherwise provided in subsections (3) and (4) of this section, no special permit shall be issued for movement on any state highway or route of a state highway within the limits of any city or town where the gross weight, including load, exceeds the following limits:

(a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches;

(b) Forty-three thousand pounds on dual axles having a wheelbase between the first and second axles of not less than three feet six inches but less than seven feet;

(c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group;

(d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group;

(e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of the weights obtained by using the total number of axles as a group or any combination of axles as a group.

(3) The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more and specially designed vehicles manufactured and certified for special permits prior to July 1, 1975.

(4) Permits may be issued for weights in excess of the limitations contained in subsection (1) of this section on highways or sections of highways which have been designed and constructed for weights in excess of such limitations, or for any shipment duly certified as necessary by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining weights in excess of such limitations and it is not reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for.

~~(5) ((Permits may be issued for the operation of fire trucks on the public highways if the maximum gross weight on any single axle does not exceed twenty four thousand pounds and the gross weight on any tandem axle does not exceed forty three thousand pounds.~~

~~(6))~~ Application shall be made in writing on special forms provided by the department of transportation and shall be submitted at least thirty-six hours in advance of the proposed movement. An application for a special permit for a gross weight of any combination of vehicles exceeding two hundred thousand pounds shall be submitted in writing to the department of transportation at least thirty days in advance of the proposed movement.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.44 RCW to read as follows:

(1) As used in this section, "fire-fighting apparatus" means a vehicle or combination of vehicles, owned by a regularly organized fire suppression agency, designed, maintained, and used exclusively for fire suppression and rescue or for fire prevention activities. These vehicles and associated loads or equipment are necessary to protect the public safety and are considered nondivisible loads. A vehicle or combination of vehicles that is not designed primarily for fire suppression including, but not limited to, a hazardous materials response vehicle, bus, mobile kitchen, mobile sanitation facility, and heavy equipment transport vehicle is not a fire-fighting apparatus

for purposes of this section.

(2) Fire-fighting apparatus must comply with all applicable federal and state vehicle operating and safety criteria, including rules adopted by agencies within each jurisdiction.

(3) All owners and operators of fire-fighting apparatus shall comply with current information, available through the department, regarding the applicable load restrictions of state bridges within the designated fire service area, including any automatic or mutual aid agreement areas.

(4) Fire-fighting apparatus operating within a fire district boundary of the owner of the apparatus, including any automatic or mutual aid agreement areas, may operate without a permit if:

(a) The weight does not exceed:

(i) 600 pounds per inch width of tire;

(ii) 24,000 pounds on a single axle;

(iii) 43,000 pounds on a tandem axle set;

(iv) 67,000 pounds gross vehicle weight, subject to the gross weight limits of RCW 46.44.091(1) (c), (d), and (e);

(v) The tire manufacturer's tire load rating.

(b) There is no tridem axle set.

(c) The dimensions do not exceed:

(i) 8 feet, 6 inches wide;

(ii) 14 feet high;

(iii) 50 feet overall length;

(iv) 15 foot front overhang;

(v) Rear overhang not exceeding the length of the wheel base.

(5) The department may grant permits for fire fighting apparatus that exceed the weight limits in subsection (4) of this section only if they were put into operation in this state before July 1, 2001. The department shall issue the permit on an annual basis for the apparatus to operate within the designated fire service area, including mutual benefit agreement areas, subject to the applicable load restrictions of state bridges referred to in subsection (3) of this section and any other limitations stipulated on the permit. Before issuing a permit, the department will compare the apparatus to be permitted with the bridge load ratings for structures on state highways within the operating area. The permit will denote any structures where access by the apparatus is either based on special operating instructions or is denied."

Renumber the section following consecutively.

In line 2 of the title, after "46.44.090" insert "and 46.44.091; adding a new section to chapter 46.44 RCW;"

There being no objection, the House concurred in the Senate amendment to House Bill No. 1095.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1095 as amended by the Senate.

Representatives Mitchell and Fisher spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1095 as amended by the Senate and the bill passed the House by the following vote: Yeas - 84, Nays - 0, Absent - 0, Excused - 14.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Crouse,

Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 84.

Excused: Representatives Ballasiotes, Cody, Cox, Delvin, Edwards, Hatfield, Kirby, Mulliken, Poulsen, Ruderman, Schoesler, Sehlin, Simpson, and Van Luven - 14.

House Bill No. 1095 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 2001

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1202, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 84.14.110 and 1995 c 375 s 14 are each amended to read as follows:

(1) If improvements have been exempted under this chapter, the improvements continue to be exempted and not be converted to another use for at least ten years from date of issuance of the certificate of tax exemption.

If the owner intends to convert the multifamily development to another use, the owner shall notify the assessor within sixty days of the change in use. If, after a certificate of tax exemption has been filed with the county assessor the city or assessor or agent discovers that a portion of the property is changed or will be changed to a use that is other than residential or that housing or amenities no longer meet the requirements as previously approved or agreed upon by contract between the governing authority and the owner and that the multifamily housing, or a portion of the housing, no longer qualifies for the exemption, the tax exemption must be canceled and the following must occur:

(a) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty must be imposed amounting to twenty percent. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonmultifamily use;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty must become a lien on the land and attach at the time the property or portion of the property is removed from multifamily use or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority shall notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination to the governing authority within thirty days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be

erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer shall either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(3) Upon determination by the governing authority or authorized representative to terminate an exemption, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor shall make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The owner may appeal the valuation to the county board of equalization under chapter 84.48 RCW and according to the provisions of RCW 84.40.038. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1 of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered.

**Sec. 2.** RCW 84.26.130 and 1989 c 175 s 178 are each amended to read as follows:

Any decision by a local review board on an application for classification as historic property eligible for special valuation may be appealed to superior court under RCW 34.05.510 through 34.05.598 in addition to any other remedy at law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization in accordance with RCW 84.40.038.

**Sec. 3.** RCW 84.33.120 and 1999 sp.s. c 4 s 702 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	1	\$141
	2	136
	3	131
	4	95
2	1	118
	2	114
	3	110
	4	80
3	1	93
	2	90
	3	87
	4	66
4	1	70
	2	68
	3	66
	4	52

	1	51
5	2	48
	3	46
	4	31
	1	26
6	2	25
	3	25
	4	23
	1	12
7	2	12
	3	11
	4	11
8	1	

(2) On or before December 31, 1981, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981 by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980 by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county

board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) or (10) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) or (10) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to (c) or (d) of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of (a), (b), (d), or (e) of this subsection shall apply only to the land affected, and upon occurrence of (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5)(e), (9), or (10) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as

possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(10) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) An action described in subsection (9) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

(11) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

**Sec. 4.** RCW 84.33.130 and 1994 c 301 s 32 are each amended to read as follows:

(1) An owner of land desiring that it be designated as forest land and valued pursuant to RCW 84.33.120 as of January 1 of any year shall make application to the county assessor before such January 1.

(2) The application shall be made upon forms prepared by the department of revenue and supplied by the county assessor, and shall include the following:

- (a) A legal description of or assessor's tax lot numbers for all land the applicant desires to be designated as forest land;
- (b) The date or dates of acquisition of such land;
- (c) A brief description of the timber on such land, or if the timber has been harvested, the owner's plan for restocking;
- (d) Whether there is a forest management plan for such land;
- (e) If so, the nature and extent of implementation of such plan;
- (f) Whether such land is used for grazing;
- (g) Whether such land has been subdivided or a plat filed with respect thereto;
- (h) Whether such land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;
- (i) Whether such land is subject to forest fire protection assessments pursuant to RCW 76.04.610;
- (j) Whether such land is subject to a lease, option or other right which permits it to be used for any purpose other than growing and harvesting timber;
- (k) A summary of the past experience and activity of the applicant in growing and harvesting timber;
- (l) A summary of current and continuing activity of the applicant in growing and harvesting timber;
- (m) A statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as forest land;

(n) An affirmation that the statements contained in the application are true and that the land described in the application is by itself or with other forest land not included in the application, in contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber.

The assessor shall afford the applicant an opportunity to be heard if the application so requests.

(3) The assessor shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain either a "merchantable stand of timber" or an "adequate stocking" as defined by rule adopted by the forest practices board, except this reason (a) shall not alone be sufficient for denial of the application (i) if such land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or such longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within such land do not meet such minimum standards due to rock outcroppings, swamps, unproductive soil or other natural conditions;

(b) The applicant, with respect to such land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling such ordinary high tide line and two hundred feet horizontally landward therefrom, except that if the higher and better use determined by the assessor to exist for such land would not be permitted or economically feasible by virtue of any federal, state or local law or regulation such land shall be assessed and valued pursuant to the procedures set forth in RCW 84.33.110 and 84.33.120 without being designated. The application shall be deemed to have been approved unless, prior to May 1, of the year after such application was mailed or delivered to the assessor, the assessor shall notify the applicant in writing of the extent to which the application is denied.

(4) An owner who receives notice pursuant to subsection (3) of this section that his or her application has been denied may appeal such denial to the county board of equalization in accordance with the provisions of RCW 84.40.038.

**Sec. 5.** RCW 84.33.140 and 1999 sp.s. c 4 s 703 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval



together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) Such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) or (6) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) or (6) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of (a) through (c) of this subsection shall apply only to the land affected, and upon occurrence of (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation: **PROVIDED**, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (1)(c), (5), or (6) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall

be equal to the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(6) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (3) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (1) of this section resulted solely from:

(a) An action described in subsection (5) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

**Sec. 6.** RCW 84.34.035 and 1992 c 69 s 5 are each amended to read as follows:

The assessor shall act upon the application for current use classification of farm and agricultural lands under RCW 84.34.020(2), with due regard to all relevant evidence. The application shall be deemed to have been approved unless, prior to the first day of May of the year after such application was mailed or delivered to the assessor, the assessor shall notify the applicant in writing of the extent to which the application is denied. An owner who receives notice that his or her application has been denied may appeal such denial to the board of equalization in the county where the property is located. The appeal shall be filed in accordance with RCW 84.40.038(, within thirty days after the mailing of the notice of denial). Within ten days following approval of the application, the assessor shall submit notification of such approval to the county auditor for recording in the

place and manner provided for the public recording of state tax liens on real property. The assessor shall retain a copy of all applications.

The assessor shall, as to any such land, make a notation each year on the assessment list and the tax roll of the assessed value of such land for the use for which it is classified in addition to the assessed value of such land were it not so classified.

**Sec. 7.** RCW 84.34.108 and 1999 sp.s. c 4 s 706 and 1999 c 233 s 22 are each reenacted and amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such classification shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038.

Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether such land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open

space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on such land which shall attach at the time such land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

**Sec. 8.** RCW 84.36.385 and 1992 c 206 s 13 are each amended to read as follows:

(1) A claim for exemption under RCW 84.36.381 as now or hereafter amended, shall be made and filed at any time during the year for exemption from taxes payable the following year and thereafter and solely upon forms as prescribed and furnished by the department of revenue. However, an exemption from tax under RCW 84.36.381 shall continue for no more than four years unless a renewal application is filed as provided in subsection (3) of this section. The county assessor may also require by written notice, a renewal application following an amendment of the income requirements set forth in RCW 84.36.381. Renewal applications shall be on forms prescribed and furnished by the department of revenue.

(2) A person granted an exemption under RCW 84.36.381 shall inform the county assessor of any change in status affecting the person's entitlement to the exemption on forms prescribed and furnished by the department of revenue.

(3) Each person exempt from taxes under RCW 84.36.381 in 1993 and thereafter, shall file with the county assessor a renewal application not later than December 31 of the year the assessor notifies such person of

the requirement to file the renewal application.

(4) Beginning in 1992 and in each of the three succeeding years, the county assessor shall notify approximately one-fourth of those persons exempt from taxes under RCW 84.36.381 in the current year who have not filed a renewal application within the previous four years, of the requirement to file a renewal application.

(5) If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.381, as now or hereafter amended, the claim or exemption shall be denied but such denial shall be subject to appeal under the provisions of RCW 84.48.010(5) and in accordance with the provisions of RCW 84.40.038. If the applicant had received exemption in prior years based on erroneous information, the taxes shall be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed three years.

(6) The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389, through communications media, including such paid advertisements or notices as it deems appropriate. Notice of the qualifications, method of making applications, the penalties for not reporting a change in status, and availability of further information shall be included on or with property tax statements and revaluation notices for all residential property including mobile homes, except rental properties.

**Sec. 9.** RCW 84.36.812 and 1984 c 220 s 9 are each amended to read as follows:

All additional taxes imposed under RCW 84.36.262 or 84.36.810 shall become due and payable by the seller or transferor at the time of sale. The county auditor shall not accept an instrument of conveyance unless the additional tax has been paid or the department of revenue has determined that the property is not subject to RCW 84.36.262 or 84.36.810. The seller, the transferor, or the new owner may appeal the assessed values upon which the additional tax is based to the county board of equalization in accordance with the provisions of RCW 84.40.038.

**Sec. 10.** RCW 84.38.040 and 1994 c 301 s 34 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter shall file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year shall be filed no later than thirty days before the tax or assessment is due or thirty days after receiving notice under RCW 84.64.050, whichever is later: PROVIDED, That for good cause shown, the department may waive this requirement.

(2) The declaration shall designate the property to which the deferral applies, and shall include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first declaration to defer filed in a county shall include proof of the claimant's age acceptable to the assessor.

(3) The county assessor shall determine if each claimant shall be granted a deferral for each year but the claimant shall have the right to appeal this determination to the county board of equalization, in accordance with the provisions of RCW 84.40.038, whose decision shall be final as to the deferral of that year.

**Sec. 11.** RCW 84.40.038 and 1997 c 294 s 1 are each amended to read as follows:

(1) The owner or person responsible for payment of taxes on any property may petition the county board of equalization for a change in the assessed valuation placed upon such property by the county assessor or for any other reason specifically authorized by statute. Such petition must be made on forms prescribed or approved by the department of revenue and any petition not conforming to those requirements or not properly completed shall not be considered by the board. The petition must be filed with the board on or before July 1st of the year of the assessment or determination, within thirty days after the date an assessment ~~((or))~~ value change notice, or other notice has been mailed, or within a time limit of up to sixty days adopted by the county legislative authority, whichever is later. If a county legislative authority sets a time limit, the authority may not change the limit for

three years from the adoption of the limit.

(2) The board of equalization may waive the filing deadline if the petition is filed within a reasonable time after the filing deadline and the petitioner shows good cause for the late filing. The decision of the board of equalization regarding a waiver of the filing deadline is final and not appealable under RCW 84.08.130. Good cause may be shown by one or more of the following events or circumstances:

- (a) Death or serious illness of the taxpayer or his or her immediate family;
- (b) The taxpayer was absent from the address where the taxpayer normally receives the assessment or value change notice, was absent for more than fifteen days of the days allowed in subsection (1) of this section before the filing deadline, and the filing deadline is after July 1;
- (c) Incorrect written advice regarding filing requirements received from board of equalization staff, county assessor's staff, or staff of the property tax advisor designated under RCW 84.48.140;
- (d) Natural disaster such as flood or earthquake;
- (e) Delay or loss related to the delivery of the petition by the postal service, and documented by the postal service; or
- (f) Other circumstances as the department may provide by rule.

(3) The owner or person responsible for payment of taxes on any property may request that the appeal be heard by the state board of tax appeals without a hearing by the county board of equalization when the assessor, the owner or person responsible for payment of taxes on the property, and a majority of the county board of equalization agree that a direct appeal to the state board of tax appeals is appropriate. The state board of tax appeals may reject the appeal, in which case the county board of equalization shall consider the appeal under RCW 84.48.010. Notice of such a rejection, together with the reason therefor, shall be provided to the affected parties and the county board of equalization within thirty days of receipt of the direct appeal by the state board.

**Sec. 12.** RCW 84.48.080 and 1997 c 3 s 112 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the ~~((assessed))~~ valuation of the property in each county bears to the ~~((correct))~~ total ~~((assessed))~~ valuation of all property in the state.

~~((First.))~~ (a) The department shall classify all property, real and personal, and shall raise and lower the ~~((assessed))~~ valuation of any class of property in any county to a value that shall be equal, so far as possible, to the ~~((correct assessed))~~ true and fair value of such class as of January 1st of the current year~~((, after determining the correct appraised value, and any adjustment applicable under RCW 84.40.0305 for the property,))~~ for the purpose of ascertaining the just amount of tax due from each county for state purposes. ~~((In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year.))~~ In equalizing personal property as of January 1st of the current year, the department shall use valuation data with respect to personal property from the three years immediately preceding the current assessment year in a manner it deems appropriate. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

~~((Second.))~~ (b) The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law. The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state ~~((as equalized under this section)),~~ which assessed value shall be one hundred percent of the true and fair value of the property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the ~~((assessed))~~ valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct

for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

In addition to computing a levy under this subsection that is reduced under RCW 84.55.012, the department shall compute a hypothetical levy without regard to the reduction under RCW 84.55.012. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

**Sec. 13.** RCW 84.40.190 and 1993 c 33 s 4 are each amended to read as follows:

Every person required by this title to list property shall make out and deliver to the assessor, or to the department as required by RCW 84.40.065, either in person ((or)) by mail, or by electronic transmittal, a statement, verified under penalty of perjury, of all the personal property in his or her possession or under his or her control, and which by the provisions of this title, he or she is required to list for taxation, either as owner or holder thereof. Each list, schedule or statement required by this chapter shall be signed by the individual if the person required to make the same is an individual; by the president, vice-president, treasurer, assistant treasurer, chief accounting officer or any other officer duly authorized to so act if the person required to make the same is a corporation; by a responsible and duly authorized member or officer having knowledge of its affairs, if the person required to make the same is a partnership or other unincorporated organization; or by the fiduciary, if the person required to make the same is a trust or estate. The list, schedule, or statement may be made and signed for the person required to make the same by an agent who is duly authorized to do so by a power of attorney filed with and approved by the assessor. When any list, schedule, or statement is made and signed by such agent, the principal required to make out and deliver the same shall be responsible for the contents and the filing thereof and shall be liable for the penalties imposed pursuant to RCW 84.40.130. No person shall be required to list for taxation in his statement to the assessor any share or portion of the capital stock, or of any of the property of any company, association or corporation, which such person may hold in whole or in part, where such company, being required so to do, has listed for assessment and taxation its capital stock and property with the department of revenue, or as otherwise required by law.

NEW SECTION. **Sec. 14.** A new section is added to chapter 84.52 RCW to read as follows:

(1) If an error has occurred in the levy of property taxes that has caused all taxpayers within a taxing district, other than the state, to pay an incorrect amount of property tax, the assessor shall correct the error by making an appropriate adjustment to the levy for that taxing district in the succeeding year. The adjustment shall be made without including any interest. If the governing authority of the taxing district determines that the amount of the adjustment in the succeeding year is so large as to cause a hardship for the taxing district or the taxpayers within the district, the adjustment may be made on a proportional basis over a period of not more than three consecutive years.

(a) A correction of an error in the levying of property taxes shall not be made for any period more than three years preceding the year in which the error is discovered.

(b) When calculating the levy limitation under chapter 84.55 RCW for levies made following the discovery of an error, the assessor shall determine and use the correct levy amount for the year or years being corrected as though the error had not occurred. The amount of the adjustment determined under this subsection (1) shall not be considered when calculating the levy limitation.

(c) If the taxing district in which a levy error has occurred does not levy property taxes in the year the error is discovered, or for a period of more than three years subsequent to the year the error was discovered, an adjustment shall not be made.

(2) If an error has occurred in the distribution of property taxes so that property tax collected has been incorrectly distributed to a taxing district or taxing districts wholly or partially within a county, the treasurer of the county in which the error occurred shall correct the error by making an appropriate adjustment to the amount distributed to that taxing district or districts in the succeeding year. The adjustment shall be made without including any interest. If the treasurer, in consultation with the governing authority of the taxing district or districts affected, determines that the amount of the adjustment in the succeeding year is so large as to cause a hardship for the taxing district or districts, the adjustment may be made on a proportional basis over a period of not more than three consecutive years. A correction of an error in the distribution of property taxes shall not be made for any period more than three years preceding the year in which the error is discovered.

**Sec. 15.** RCW 84.48.080 and 1997 c 3 s 112 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the assessed valuation of the property in each county bears to the correct total assessed valuation of all property in the state.

~~((First.))~~ (a) The department shall classify all property, real and personal, and shall raise and lower the assessed valuation of any class of property in any county to a value that shall be equal, so far as possible, to the correct assessed value of such class as of January 1st of the current year, after determining the correct appraised value, and any adjustment applicable under RCW 84.40.0305 for the property, for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use ~~((the assessment level of the preceding year))~~ valuation data with respect to personal property from the three years immediately preceding the current assessment year in a manner it deems appropriate. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

~~((Second.))~~ (b) The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law. The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state as equalized under this section. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the assessed valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.



In addition to computing a levy under this subsection that is reduced under RCW 84.55.012, the department shall compute a hypothetical levy without regard to the reduction under RCW 84.55.012. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

NEW SECTION. **Sec. 16.** Section 15 of this act takes effect for taxes levied in 2001 for collection in 2002 and thereafter if the proposed amendment to Article VII, section 1 of the state Constitution providing for valuation increases to be phased-in over a period of four years is validly submitted to and is approved and ratified by voters at the next general election. If the proposed amendment is not approved and ratified, section 15 of this act is null and void. If such proposed amendment is approved and ratified, section 12 of this act is null and void.

NEW SECTION. **Sec. 17.** Section 14 of this act takes effect January 1, 2002, and applies to errors that occur on and after January 1, 2002.

NEW SECTION. **Sec. 18.** Sections 1 through 12 of this act apply for taxes levied in 2001 for collection in 2002 and thereafter."

On page 1, line 6 of the title, after "errors;" strike the remainder of the title and insert "amending RCW 84.14.110, 84.26.130, 84.33.120, 84.33.130, 84.33.140, 84.34.035, 84.36.385, 84.36.812, 84.38.040, 84.40.038, 84.48.080, 84.40.190, and 84.48.080; reenacting and amending RCW 84.34.108; adding a new section to chapter 84.52 RCW; creating a new section; providing an effective date; and providing a contingent effective date."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1202.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1202 as amended by the Senate.

Representatives Cairnes and Morris spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1202 as amended by the Senate and the bill passed the House by the following vote: Yeas - 85, Nays - 0, Absent - 0, Excused - 13.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Voloria, Wood,

Woods, Speaker Ballard, and Speaker Chopp - 85.

Excused: Representatives Ballasiotes, Cody, Cox, Delvin, Edwards, Hatfield, Kirby, Mulliken, Poulsen, Ruderman, Sehlin, Simpson and Van Luven - 13.

Substitute House Bill No. 1202 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 5, 2001

Mr. Speakers:

The Senate passed SUBSTITUTE HOUSE BILL NO. 1212, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.50.050 and 1999 c 198 s 4 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12) The court shall grant the motion to seal records made pursuant to subsection (11) of this section if it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction. For misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction and the person is at least eighteen years old. For gross misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent three consecutive years in the community without committing any offense or crime that subsequently results in conviction and the person is at least eighteen years old;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW.

(17) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(18) If the court grants the motion to destroy records made pursuant to subsection (17) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault."

On page 1, line 2 of the title, after "misdemeanors;" strike the remainder of the title and insert "and amending RCW 13.50.050."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1212.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1212 as amended by the Senate.

Representative Dickerson spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1212 as amended by the Senate and the bill passed the House by the following vote: Yeas - 84, Nays - 0, Absent - 0, Excused - 14.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold,

Gombosky, Grant, Haigh, Hankins, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 84.

Excused: Representatives Ballasiotes, Cody, Cox, Delvin, Edwards, Hatfield, Kessler, Kirby, Mulliken, Poulsen, Ruderman, Sehlin, Simpson, and Van Luven - 14.

Substitute House Bill No. 1212 as amended by the Senate having received the necessary constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 10, 2001

Mr. Speakers:

The Senate has passed ENGROSSED HOUSE BILL NO. 1347, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** This chapter may be known and cited as the structured settlement protection act.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.

(2) "Dependents" means a payee's spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including alimony.

(3) "Discounted present value" means the present value of future payments determined by discounting such payments to the present using the most recently published applicable federal rate for determining the present value of an annuity, as issued by the United States internal revenue service.

(4) "Gross advance amount" means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement payment rights before any reductions for transfer expenses or other deductions to be made from such consideration.

(5) "Independent professional advice" means advice of an attorney, certified public accountant, actuary, or other licensed professional adviser.

(6) "Interested parties" means, with respect to any structured settlement, the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death, the annuity issuer, the structured settlement obligor, and any other party that has continuing rights or obligations under such structured settlement.

(7) "Net advance amount" means the gross advance amount less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under section 3(5) of this act.

(8) "Payee" means an individual who is receiving tax-free payments under a structured settlement and proposes to make a transfer of payment rights thereunder.

(9) "Periodic payments" means (a) recurring payments and (b) scheduled future lump sum payments.

(10) "Qualified assignment agreement" means an agreement providing for a qualified assignment within the meaning of section 130 of the United States Internal Revenue Code (26 U.S.C. Sec. 130), as amended.

(11) "Responsible administrative authority" means, with respect to a structured settlement, any government authority vested by law with exclusive jurisdiction over the settled claim resolved by such structured settlement.

(12) "Settled claim" means the original tort claim or workers' compensation claim resolved by a

structured settlement.

(13) "Structured settlement" means an arrangement for periodic payment of compensation for injuries or sickness as described in 26 U.S.C. Sec. 104(a)(1) or (2), as amended, or an arrangement for periodic payment of benefits under a special needs trust as described in 42 U.S.C. Sec. 1396p(d)(4), as amended.

(14) "Structured settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement.

(15) "Structured settlement obligor" means, with respect to any structured settlement, the party that has the continuing obligation to make periodic payments to the payee under a structured settlement agreement or a qualified assignment agreement.

(16) "Structured settlement payment rights" means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, if:

(a) The payee is domiciled in, or the domicile or principal place of business of the structured settlement obligor or the annuity issuer is located in, this state;

(b) The structured settlement agreement was approved by a court or responsible administrative authority in this state; or

(c) The structured settlement agreement is expressly governed by the laws of this state.

(17) "Terms of the structured settlement" means, with respect to any structured settlement, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement and any order or other approval of any court or responsible administrative authority or other government authority that authorized or approved such structured settlement.

(18) "Transfer" means any sale, assignment, pledge, hypothecation or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration. However, "transfer" does not mean the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution, in the absence of any action to redirect the structured settlement payments to such insured depository institution, or an agent or successor in interest thereof, or otherwise to enforce such blanket security interest against the structured settlement payment rights.

(19) "Transfer agreement" means the agreement providing for a transfer of structured settlement payment rights.

(20) "Transfer expenses" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees, attorneys' fees, escrow fees, lien recordation fees, judgment and lien search fees, finders' fees, commissions, and other payments to a broker or other intermediary. "Transfer expenses" does not mean preexisting obligations of the payee payable for the payee's account from the proceeds of a transfer.

(21) "Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.

**NEW SECTION. Sec. 3.** Not less than three days prior to the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement, in bold type no smaller than 14 points, setting forth:

(1) The amounts and due dates of the structured settlement payments to be transferred;

(2) The aggregate amount of such payments;

(3) The discounted present value of the payments to be transferred, which shall be identified as the "calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities", and the amount of the applicable federal rate used in calculating such discounted present value;

(4) The gross advance amount;

(5) An itemized listing of all applicable transfer expenses, other than attorneys' fees and related disbursements payable in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such fees and disbursements;

(6) The net advance amount;

(7) The amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee; and

(8) A statement that the payee has the right to cancel the transfer agreement, without penalty or further obligation, not later than the third business day after the date the agreement is signed by the payee.

**NEW SECTION. Sec. 4.** A direct or indirect transfer of structured settlement payment rights is not effective and a structured settlement obligor or annuity issuer is not required to make any payment directly or indirectly to any transferee of structured settlement payment rights unless the transfer has been approved in advance in a final court order or order of a responsible administrative authority based on express findings by such court or responsible administrative authority that:

(1) The transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents;

(2) The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has either received such advice or knowingly waived such advice in writing; and

(3) The transfer does not contravene any applicable statute or the order of any court or other government authority.

**NEW SECTION. Sec. 5.** Following a transfer of structured settlement payment rights under this chapter:

(1) The structured settlement obligor and the annuity issuer shall, as to all parties except the transferee, be discharged and released from any and all liability for the transferred payments;

(2) The transferee shall be liable to the structured settlement obligor and the annuity issuer:

(a) If the transfer contravenes the terms of the structured settlement, for any taxes incurred by such parties as a consequence of the transfer; and

(b) For any other liabilities or costs, including reasonable costs and attorneys' fees, arising from compliance by such parties with the order of the court or responsible administrative authority or arising as a consequence of the transferee's failure to comply with this chapter;

(3) Neither the annuity issuer nor the structured settlement obligor may be required to divide any periodic payment between the payee and any transferee or assignee or between two, or more, transferees or assignees; and

(4) Any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of this chapter.

**NEW SECTION. Sec. 6.** (1) An application under this chapter for approval of a transfer of structured settlement payment rights shall be made by the transferee and may be brought in the county in which the payee resides, in the county in which the structured settlement obligor or the annuity issuer maintains its principal place of business, or in any court or before any responsible administrative authority which approved the structured settlement agreement.

(2) Not less than twenty days prior to the scheduled hearing on any application for approval of a transfer of structured settlement payment rights under section 4 of this act, the transferee shall file with the court or responsible administrative authority and serve on all interested parties a notice of the proposed transfer and the application for its authorization, including with such notice:

(a) A copy of the transferee's application;

(b) A copy of the transfer agreement;

(c) A copy of the disclosure statement required under section 3 of this act;

(d) A listing of each of the payee's dependents, together with each dependent's age;

(e) Notification that any interested party is entitled to support, oppose, or otherwise respond to the transferee's application, either in person or by counsel by submitting written comments to the court or responsible administrative authority or by participating in the hearing; and

(f) Notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, which may not be less than fifteen days after service of the transferee's notice, in order to be considered by the court or responsible administrative authority.

**NEW SECTION. Sec. 7.** (1) The provisions of this chapter may not be waived by any payee.

(2) Any transfer agreement entered into on or after the effective date of this act by a payee who resides in this state shall provide that disputes under such transfer agreement, including any claim that the payee has breached the agreement, shall be determined in and under the laws of this state. Such a transfer agreement may not authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

(3) Transfer of structured settlement payment rights do not extend to any payments that are life contingent unless, prior to the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor for (a) periodically confirming the payee's survival, and (b) giving the annuity issuer and the structured settlement obligor prompt written notice in the event of the payee's death.

(4) No payee who proposes to make a transfer of structured settlement payment rights may incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee or any assignee based on any failure of such a transfer to satisfy the conditions of this chapter.

(5) This chapter does not authorize any transfer of structured settlement payment rights in contravention of any law, nor does it imply that any transfer under a transfer agreement entered into prior to the effective date of this act is valid or invalid.

(6) Compliance with the requirements set forth in section 3 of this act and fulfillment of the conditions set forth in section 4 of this act is the sole responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer bear any responsibility for, or any liability arising from, noncompliance with the requirements or failure to fulfill the conditions.

**NEW SECTION. Sec. 8.** Sections 1 through 7 of this act constitute a new chapter in Title 19 RCW."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "and adding a new chapter to Title 19 RCW."

There being no objection, the House concurred in the Senate amendment to Engrossed House Bill No. 1347.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1347 as amended by the Senate.

Representative Benson spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1347 as amended by the Senate and the bill passed the House by the following vote: Yeas - 85, Nays - 0, Absent - 0, Excused - 13.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 85.

Excused: Representatives Ballasiotes, Cox, Delvin, Edwards, Hatfield, Kessler, Kirby, Mulliken, Poulsen, Ruderman, Sehlin, Simpson, and Van Luven - 13.



Engrossed House Bill No. 1347 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1422, with the following amendment:

On page 3 after line 7, insert the following:

"**Sec. 2.** RCW 43.33A.040 and 1981 c 219 s 2 are each amended to read as follows:

(1) A quorum to conduct the business of the state investment board consists of at least ~~((four voting members of the board before January 10, 1983, and five))~~ six voting members ~~((thereafter))~~. No action may be taken by the board without the affirmative vote of ~~((four members before January 10, 1983, and five))~~ six members ~~((thereafter))~~.

(2) The state investment board shall meet at least quarterly at such times as it may fix. The board shall elect a chairperson and vice chairperson annually: PROVIDED, That the legislative members are not eligible to serve as chairperson."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, on line 2 of the title, after "43.33A.020", insert " and 43.33A.040"

There being no objection, the House concurred in the Senate amendment to House Bill No. 1422.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1422 as amended by the Senate.

Representative Benson spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1422 as amended by the Senate and the bill passed the House by the following vote: Yeas - 85, Nays - 0, Absent - 0, Excused - 13.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, and Speaker Ballard - 85.

Excused: Representatives Ballasiotes, Cox, Delvin, Edwards, Hatfield, Kessler, Kirby, Mulliken, Poulsen, Ruderman, Sehlin, Simpson, and Speaker Chopp - 13.

House Bill No. 1422 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1471, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.50.050 and 1999 c 198 s 4 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if

any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12) The court shall grant the motion to seal records made pursuant to subsection (11) of this section if it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction. For diversions, since completion of the diversion agreement, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion and the person is at least eighteen years old;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW.

(17)(a) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(b) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section

and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

**Sec. 2.** RCW 13.40.070 and 1997 c 338 s 17 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.440(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, or a class C felony that is a violation of RCW 9.41.080 or 9.41.040(1)(b)(iii); or

(b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(e) An alleged offender has two or more diversion (~~contracts~~) agreements on the alleged offender's criminal history; or

(f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(10) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

**Sec. 3.** RCW 13.40.127 and 1997 c 338 s 21 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

- (a) Is charged with a sex or violent offense;
- (b) Has a criminal history which includes any felony;
- (c) Has a prior deferred disposition or deferred adjudication; or
- (d) Has two or more (~~diversions~~) adjudications.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.

(3) Any juvenile who agrees to a deferral of disposition shall:

- (a) Stipulate to the admissibility of the facts contained in the written police report;
- (b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision; and
- (c) Waive the following rights: (i) A speedy disposition; and (ii) call and confront witnesses.

The adjudicatory hearing shall be limited to a reading of the court's record.

(4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

(6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

(7) A juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. If a juvenile fails to comply with terms of supervision, the court shall enter an order of disposition.

(8) At any time following deferral of disposition the court may, following a hearing, continue the case for an additional one-year period for good cause.

(9) At the conclusion of the period set forth in the order of deferral and upon a finding by the court of full compliance with conditions of supervision and payment of full restitution, the respondent's conviction shall be vacated and the court shall dismiss the case with prejudice."

On page 1, line 1 of the title, after "diversion;" strike the remainder of the title and insert "and amending RCW 13.50.050, 13.40.070, and 13.40.127."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1471.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1471 as amended by the Senate.

Representatives Dickerson and Marine spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1471 as amended by the Senate and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 88.

Excused: Representatives Ballasiotes, Cox, Delvin, Kirby, Mulliken, Poulsen, Ruderman, Sehlin, Simpson, and Speaker Chopp - 10.

Substitute House Bill No. 1471 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 4, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1678, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 47.26 RCW to read as follows:

The term "advance right-of-way acquisition" as used in this chapter means the acquisition of property and property rights, together with the engineering costs necessary for the advance right-of-way acquisition. Property

or property rights purchased must be for projects approved by the transportation improvement board or the county road administration board as part of a city or county six-year plan or program.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.26 RCW to read as follows:

The city and county advance right-of-way revolving fund is created in the custody of the treasurer. The transportation improvement board is the administrator of the fund and may deposit directly and spend without appropriation.

The transportation improvement board and the county road administration board, in consultation with the association of Washington cities and the Washington association of counties, shall adopt reasonable rules and develop policies to implement this program.

**NEW SECTION. Sec. 3.** A new section is added to chapter 47.26 RCW to read as follows:

(1) After any properties or property rights are acquired through funds in the city and county advance right-of-way revolving fund, the acquiring city or county is responsible for the management of the properties in accordance with sound business practices and shall provide annual status reports to the board. Funds received by the city or county from the interim management of the properties must be deposited into the city and county advance right-of-way revolving fund.

(2) When the city or county proceeds with the construction of an arterial project that will require the use of any of the property so acquired, the city or county shall reimburse the city and county advance right-of-way revolving fund. Reimbursement must reflect the original cost of the acquired property or property rights required for the project plus an interest rate as determined annually by the board. The board shall report on the interest rate set to the transportation committees through its annual report.

(3) When the city or county determines that any properties or property rights acquired from funds in the city and county advance right-of-way revolving fund will not be required for an arterial construction project or the property has been held by the city or county for more than six years, the city or county shall either sell the property at fair market value or reimburse the fund at fair market value. All proceeds of the sale must be deposited in the city and county advance right-of-way revolving fund. At the board's discretion, a portion of savings on transportation improvement board projects realized through the use of the city and county advance revolving fund may be deposited back into the city and county advance right-of-way revolving fund.

(4) Deposits in the fund may be reexpended without further or additional appropriations.

**Sec. 4.** RCW 43.79A.040 and 2000 c 79 s 45 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility (~~grant~~) account, the self-insurance

revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 5.** RCW 47.44.010 and 1980 c 28 s 1 are each amended to read as follows:

(1) The department of transportation may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas, oil or coal pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any structures or facilities (~~which~~) that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department of transportation, and any other such facilities. In order to minimize the disruption to traffic and damage to the roadway, the department is encouraged to develop a joint trenching policy with other affected jurisdictions so that all permittees and franchisees requiring access to ground under the roadway may do so at one time.

(2) All applications for (~~such~~) the franchise (~~shall~~) must be made in writing and subscribed by the applicant, and (~~shall~~) describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. The application must also include the identification of all jurisdictions affected by the franchise and the names of other possible franchisees who should receive notice of the application for a franchise.

(3) The department of transportation shall adopt rules providing for a hearing or an opportunity for a hearing with reasonable public notice thereof with respect to any franchise application involving the construction and maintenance of utilities or other facilities within the highway right of way which the department determines may (~~(1))~~ (a) during construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right of way, or (~~(2))~~ (b) during or following construction, cause a significant and adverse effect upon the surrounding environment.

**Sec. 6.** RCW 47.44.020 and 1980 c 28 s 2 are each amended to read as follows:

(1) If the department of transportation deems it to be for the public interest, the franchise may be granted in whole or in part, with or without hearing under such regulations and conditions as the department may prescribe, with or without compensation, but not in excess of the reasonable cost for investigating, handling, and granting the franchise. The department may require that the utility and appurtenances be so placed on the highway that they will, in its opinion, least interfere with other uses of the highway.

(2) If a hearing is held, it (~~shall~~) must be conducted by the department, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.

(3) The facility (~~shall~~) must be made subject to removal when necessary for the construction, alteration, repair, or improvement of the highway and at the expense of the franchise holder, except that the state shall pay the cost of (~~such~~) the removal whenever the state (~~shall be~~) is entitled to receive proportionate reimbursement therefor from the United States in the cases and in the manner set forth in RCW 47.44.030. Renewal upon expiration of a franchise (~~shall~~) must be by application.

(4) A person constructing or operating such a utility on a state highway is liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of the highway by the utility, and except as provided above, is liable to the state for all necessary expenses incurred in restoring the highway to a permanent suitable condition for travel. A person constructing or operating such a utility on a



state highway is also liable to the state for all necessary expenses incurred in inspecting the construction and restoring the pavement or other related transportation equipment or facilities to a permanent condition suitable for travel and operation in accordance with requirements set by the department. Permit and franchise holders are also financially responsible to the department for trenching work not completed within the contractual period and for compensating for the loss of useful pavement life caused by trenching. No franchise may be granted for a longer period than fifty years, and no exclusive franchise or privilege may be granted.

(5) The holder of a franchise granted under this section is financially responsible to the department for trenching work not completed within the period of the permit and for compensating for the loss of useful pavement life caused by trenching. In the case of common trenching operations, liability under this subsection will be assessed equally between the franchisees. The assessed parties may thereafter pursue claims of contribution or indemnity in accord with such fault as may be determined by arbitration or other legal action.

**Sec. 7.** RCW 47.44.050 and 1984 c 7 s 237 are each amended to read as follows:

(1) The department ((is empowered to)) may grant a permit to construct or maintain on, over, across, or along any state highway any water, gas, telephone, telegraph, light, power, or other such facilities when they do not extend along the state highway for a distance greater than three hundred feet. The department may require such information as it deems necessary in the application for any such permit, and may grant or withhold the permit within its discretion. Any permit granted may be canceled at any time, and any facilities remaining upon the right of way of the state highway after thirty days written notice of the cancellation ((is {are})) are an unlawful obstruction and may be removed in the manner provided by law.

(2) The holder of a permit granted under this section is financially responsible to the department for trenching work not completed within the period of the permit and for compensating for the loss of useful pavement life caused by trenching. In the case of common trenching operations, liability under this subsection will be assessed equally between the permit holders. The assessed parties may thereafter pursue claims of contribution or indemnity in accord with such fault as may be determined by arbitration or other legal action.

**Sec. 8.** RCW 47.24.020 and 1993 c 126 s 1 are each amended to read as follows:

The jurisdiction, control, and duty of the state and city or town with respect to such streets ((shall be)) is as follows:

(1) The department has no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes. However, within incorporated cities and towns the title to a state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over such facility as provided in chapter 47.52 RCW;

(3) The department has authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and has the right to construct such additional underground facilities as may be necessary in such streets. However, pavement trenching and restoration performed as part of installation of such facilities must meet or exceed requirements established by the department;

(5) The city or town has the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction. Pavement trenching and restoration performed under a privilege granted by the city under this subsection must meet or exceed requirements established by the department;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway. In cities and towns having a population of twenty-two thousand five hundred or

less according to the latest determination of population by the office of financial management, the state, when necessary for public safety, shall assume, at its expense, responsibility for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself. When the population of a city or town first exceeds twenty-two thousand five hundred according to the determination of population by the office of financial management, the city or town shall have three years from the date of the determination to plan for additional staffing, budgetary, and equipment requirements before being required to assume the responsibilities under this subsection. The state shall install, maintain, and operate all illuminating facilities on any limited access facility, together with its interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance, and operation incurred after November 1, 1954;

(7) The department has the right to use all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the department, the cost of the facilities shall be borne by the state and/or city as may be mutually agreed upon between the department and the governing body of the city or town;

(8) Cities and towns have exclusive right to grant franchises not in conflict with state laws and rules, over, beneath, and upon such streets, but the department is authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town has granted on such street. No franchise for transportation of passengers in motor vehicles may be granted on such streets without the approval of the department, but the department shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility (~~shall~~) must require the grantee or permittee to restore, repair, and replace (~~to its original condition~~) any portion of the street damaged or injured by it to conditions that meet or exceed requirements established by the department;

(10) The city or town has the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the department;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto are subject to the approval of the department before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the department heretofore or within one year after March 21, 1963;

(12) The department shall erect, control, and maintain at state expense all route markers and directional signs, except street signs, on such streets;

(13) The department shall install, operate, maintain, and control at state expense all traffic control signals, signs, and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of twenty-two thousand five hundred or less according to the latest determination of population by the office of financial management. Such cities and towns may submit to the department a plan for traffic control signals, signs, and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the department shall consult with the cities or towns concerning the plan before installing such signals, signs, or devices. Cities and towns having a population in excess of twenty-two thousand five hundred according to the latest determination of population by the office of financial management shall install, maintain, operate, and control such signals, signs, and devices at their own expense, subject to approval of the department for the installation and type only. When the population of a city or town first exceeds twenty-two thousand five hundred according to the determination of population by the office of financial management, the city or town shall have three years from the date of the determination to plan for additional staffing, budgetary, and equipment requirements before being required to assume the responsibilities under this subsection. For the purpose of this subsection, striping, lane marking, and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets belongs to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be

mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all such rights of way so acquired shall vest in the city or town: PROVIDED, That no vacation, sale, rental, or any other nontransportation use of any unused portion of any such street may be made by the city or town without the prior written approval of the department; and all revenue derived from sale, vacation, rental, or any nontransportation use of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town fails to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the department for the maintenance of a city or town street forming part of the route of a state highway, the department may notify the mayor of the city or town to perform the necessary maintenance within thirty days. If the city or town within the thirty days fails to perform the maintenance or fails to authorize the department to perform the maintenance as provided by RCW 47.24.050, the department may perform the maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to the city or town.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the transportation appropriations act, this act is null and void."

In line 1 of the title, after "acquisition;" strike the remainder of the title and insert "amending RCW 43.79A.040, 47.44.010, 47.44.020, 47.44.050, and 47.24.020; adding new sections to chapter 47.26 RCW; and creating a new section."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1678.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1678 as amended by the Senate.

Representatives Fisher and Mitchell spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1678 as amended by the Senate and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 89.

Excused: Representatives Cox, Delvin, Kirby, Mulliken, Poulsen, Ruderman, Sehlin, Simpson, and Speaker Chopp - 9.

Substitute House Bill No. 1678 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1770, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 42.17.640 and 1995 c 397 s 20 are each amended to read as follows:

(1) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a state legislative office that in the aggregate exceed five hundred dollars or to a candidate for a state office other than a state legislative office that in the aggregate exceed one thousand dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, during a recall campaign that in the aggregate exceed five hundred dollars if for a state legislative office or one thousand dollars if for a state office other than a state legislative office.

(3)(a) Notwithstanding subsection (1) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus political committee may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, during a recall campaign that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No state official against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of a state official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(5) For purposes of determining contribution limits under subsections (3) and (4) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(6) Notwithstanding subsections (1) through (4) of this section, no person other than an individual, bona

fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed five hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed two thousand five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(7) For the purposes of RCW 42.17.640 through 42.17.790, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, is considered to be a contribution to the candidate or state official.

(8) A contribution received within the twelve-month period after a recall election concerning a state office is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(9) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, and the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section.

(10) RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(11) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

(12) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate, state official against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of a state official if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the state official.

(13) No person may accept contributions that exceed the contribution limitations provided in this section.

(14) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates."

In line 2 of the title, after "primary;" strike the remainder of the title and insert "and amending RCW 42.17.640."

There being no objection, the House concurred in the Senate amendment to House Bill No. 1770.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1770 as amended by the Senate.

Representatives Romero and McMorris spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1770 as amended by the Senate and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 88.

Excused: Representatives Cox, Delvin, Kirby, Mulliken, Poulsen, Ruderman, Schoesler, Sehlin, Simpson, and Speaker Chopp - 10.

House Bill No. 1770 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 6, 2001

Mr. Speakers:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1835, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the creation of a forest products commission would assist in expanding the state's economy, because:

(1) Marketing is a dynamic and changing part of the Washington forest products industry and a vital element in expanding the state economy;

(2) The sale in the state and export to other states and abroad of forest products made in the state contribute substantial benefits to the economy of the state, provide a large number of jobs and sizeable tax revenues, and are key components of the health of many local communities because many secondary businesses are largely dependent on the health of the forest products industry; and

(3) Forest products are made from a renewable resource and are more environmentally sound than many alternative products.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the forest products commission.

(2) "Department" means the department of agriculture.

(3) "Director" means the director of the department of agriculture or the director's authorized representative.

(4) "Forest products" or "timber" means trees of any species maintained for eventual harvest whether planted or of natural growth, standing or down, on privately or publicly owned land, and also includes wood products related thereto, but does not include Christmas trees or other trees on which the timber excise tax provided under chapter 84.33 RCW is not imposed.

(5) "Person" includes any individual, corporation, firm, partnership, trust, association, or any other organization of individuals.

(6) "Producer" means any person who harvests timber in Washington state and pays the timber excise tax imposed under chapter 84.33 RCW on at least two million board feet in a calendar year or in four consecutive calendar quarters.

- (7) "Eastern Washington" means that portion of the state lying east of the Cascade mountain range.
- (8) "Western Washington" means that portion of the state lying west of the Cascade mountain range.

**NEW SECTION. Sec. 3.** (1)(a) There is created a commodity commission to be known and designated as the Washington forest products commission. The commission is composed of nine voting members. The commission may, in its sole discretion, add or remove nonvoting ex officio members to the commission. Of the members, six shall be from western Washington, and three shall be from eastern Washington. After the initial election of commission members, however, if a position cannot be filled by a member from eastern Washington within sixty days from the date on which nominations may first be received because of a lack of candidates, the position may be filled by a member from western Washington. Under no circumstances will there be less than two board members from eastern Washington. If a position was filled by a member from western Washington because of a lack of candidates from eastern Washington, and districts are not used for the nomination and election of members, then a person from eastern Washington must fill the next available vacancy or open position at the next election to bring the number of representatives from eastern Washington up to three members. All members shall be elected by the entire group of producers unless the commission creates districts for the members as authorized in section 5 of this act. If districts are used for the nomination and election of commission members, and it does not appear that one of the positions from eastern Washington will be filled because of a lack of candidates, then a commission member who resides in western Washington must be elected by the entire group of producers as an at-large member. The position of the western Washington member who is elected as an at-large member shall be filled by a member from eastern Washington at the expiration of the term of the at-large member. If districts are not used for the nomination and election of members, the commission shall strive to achieve representation on the commission from the different geographic regions of the state.

(b) Of the six members from western Washington, three members must have annual harvests of more than seventy-five million board feet, and three members must have annual harvests between two million board feet and seventy-five million board feet.

(c) Of the two members from eastern Washington, one member must have an annual harvest greater than forty million board feet, and one member must have an annual harvest between two million board feet and forty million board feet. If there is a third member from eastern Washington, the only harvest requirement is that the member have an annual harvest of at least two million board feet.

(2) The members must be citizens and residents of this state, and over the age of twenty-one years. Each member must currently, and for the five years last preceding his or her election, be actually engaged in producing forest products within the state of Washington, either individually or as an officer of a corporation, firm, partnership, trust, association, or business organization at the level of production required to qualify as a producer. Each member must also derive a substantial amount of his or her income from the production of forest products. The qualifications set forth in this section apply throughout each member's term of office.

(3) No more than one member of the commission may be employed by, or connected in a proprietary capacity with, the same corporation, firm, partnership, trust, association, or business organization.

(4) Five voting members of the commission constitute a quorum for the transaction of all business and the carrying out of the duties of the commission.

(5) The regular term of office of the members is four years from November 1st following their election and until their successors are elected and qualified. However, the first terms of the members elected November 1, 2001, is as follows: Positions one, four, and seven terminate November 1, 2003; positions two, five, and eight terminate November 1, 2004; and positions three, six, and nine terminate November 1, 2005.

**NEW SECTION. Sec. 4.** (1) The director shall call the initial meeting of producers of forest products for the purpose of nominating their respective members of the commission. Public notice of the meeting shall be given by the director in the manner the director determines is appropriate. A producer may on his or her own motion file his or her name with the director for the purpose of receiving notice of the meeting. The nonreceipt of the notice by any interested person does not invalidate the proceedings.

(2) Prior to the nomination of commission members, the department of revenue shall provide the director with a list of all qualified producers within the state based upon tax records of the department.

(3) For the initial election of commission members, any qualified producer may be nominated orally for a commissioner position at the meeting convened by the director. Nominations may also be made within five days prior to the meeting by a written petition filed with the department, signed by at least five producers who reside in the state. If the director determines that one of the positions from eastern Washington will go unfilled because of a lack of candidates, the director shall announce that this position shall be filled by a member from western Washington. If the position designated for eastern Washington is filled by a member from western Washington because of a lack of candidates from eastern Washington, this position shall be designated as position number seven by the director for purposes of section 3(5) of this act. Under no circumstances will there be less than two board members from eastern Washington.

(4) The initial members of the commission shall be elected by secret mail ballot under the supervision of the director at the same time the referendum is submitted under section 12 of this act calling for the creation of the commission and the imposition of the initial assessment. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for the position receiving the largest number of votes.

**NEW SECTION. Sec. 5.** (1) After the initial election of commission members, the commission shall establish rules for electing commission members, including the method used for notification, nominating, and voting. The commission may create commission districts and boundaries, and may also establish a weighted voting procedure for election of commission members. The commission shall hold its annual meeting during the month of October each year for the purpose of nominating commission members and the transaction of other business. Public notice of the meeting shall be given by the commission in the manner it determines is appropriate. A producer may on his or her own motion file his or her name with the commission for the purpose of receiving notice of the meeting. The nonreceipt of the notice by any interested person does not invalidate the proceedings.

(2) Prior to the nomination of commission members, the department of revenue shall provide the commission with a list of all qualified producers within the state based upon tax records of the department.

**NEW SECTION. Sec. 6.** (1) In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, the position until the next annual meeting shall be filled by vote of the remaining members of the commission. At the annual meeting a commissioner shall be elected to fill the balance of the unexpired term.

(2) Each member of the commission shall be compensated in accordance with RCW 43.03.230 and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when on official commission business.

**NEW SECTION. Sec. 7.** Obligations incurred by the commission and liabilities or claims against the commission may be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof or against any member, officer, employee, or agent of the commission in his or her individual capacity. The members of the commission, including employees of the commission, may not be held responsible individually or any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employees, except for their own individual acts of dishonesty or crime. A person or employee may not be held responsible individually for any act or omission of any other members of the commission.

**NEW SECTION. Sec. 8.** The powers and duties of the commission include:

(1) To elect a chairman and such officers as the commission deems advisable. The commission shall adopt rules for its own governance, which provide for the holding of an annual meeting for the election of officers and transaction of other business and for such other meetings as the commission may direct;

(2) To adopt any rules necessary to carry out the purposes of this chapter, in conformance with chapter 34.05 RCW;



(3) To administer and do all things reasonably necessary to carry out the purposes of this chapter;

(4) At the pleasure of the commission, to employ a treasurer who is responsible for all receipts and disbursements by the commission and the faithful discharge of whose duties shall be guaranteed by a bond at the sole expense of the commission;

(5) At the pleasure of the commission, to employ and discharge managers, secretaries, agents, attorneys, and employees and to engage the services of independent contractors as the commission deems necessary, to prescribe their duties, and to fix their compensation;

(6) To engage directly or indirectly in the promotion of Washington forest products and managed forests, and shall in the good faith judgment of the commission be in aid of the marketing, advertising, or sale of forest products, or of research related to such marketing, advertising, or sale of forest products, or of research related to managed forests;

(7) To enforce the provisions of this chapter, including investigating and prosecuting violations of this chapter;

(8) To acquire and transfer personal and real property, establish offices, incur expense, and enter into contracts. Contracts for creation and printing of promotional literature are not subject to chapter 43.78 RCW, but such contracts may be canceled by the commission unless performed under conditions of employment which substantially conform to the laws of this state and the rules of the department of labor and industries. The commission may create such debt and other liabilities as may be reasonable for proper discharge of its duties under this chapter;

(9) To maintain such account or accounts with one or more qualified public depositaries as the commission may direct, to cause moneys to be deposited therein, and to expend moneys for purposes authorized by this chapter by drafts made by the commission upon such institutions or by other means;

(10) To cause to be kept and annually closed, in accordance with generally accepted accounting principles, accurate records of all receipts, disbursements, and other financial transactions, available for audit by the state auditor;

(11) To create and maintain a list of producers and to disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly or by arrangement with trade associations or other instrumentalities;

(12) To employ, designate as agent, act in concert with, and enter into contracts with any person, council, commission, or other entity for the purpose of promoting the general welfare of the forest products industry and particularly for the purpose of assisting in the sale and distribution of Washington forest products in domestic and foreign commerce, expending moneys as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of Washington forest products in domestic or foreign commerce, and employing and paying for vendors of professional services of all kinds;

(13) To sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter;

(14) To propose assessment levels for producers subject to referendum approval under section 11 of this act; and

(15) To participate in federal and state agency hearings, meetings, and other proceedings relating to the regulation, production, manufacture, distribution, sale, or use of forest products.

**NEW SECTION. Sec. 9.** The commission shall create, provide for, and conduct a research, promotional, and educational campaign as sales and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of markets, and degree of public awareness of products, and take into account the information obtained in the discharge of its duties under this chapter.

**NEW SECTION. Sec. 10.** (1) The commission shall cause a list to be prepared of all Washington producers of forest products from any information available from the commission, producers' association, or producers, including tax records from the department of revenue. This list shall contain the names and addresses of all persons who produce forest products within this state, the amount of forest products produced during the

period designated by the commission, and the assessment amount for each member. The list is considered confidential and may be reviewed only by the employees of the commission, except for information that may be disclosed to the public and commission members under subsection (4) of this section. A qualified person may, at any time, have his or her name placed upon the list by delivering or mailing the information to the commission.

This list shall be corrected and brought up to date in accordance with evidence and information available to the commission on or before December 31st of each year, or as soon thereafter as possible. For all purposes of giving notice and holding referendums, the list on hand, corrected up to the day next preceding the date for issuing notices or ballots as the case may be, is, for purposes of this chapter, the list of all producers entitled to notice or to assent or dissent or to vote.

(2) The commission shall develop a reporting system to document that the producers of forest products in this state are reporting quantities of forest products produced and subject to the assessment as provided in section 11 of this act.

(3) The department of revenue may charge the commission for the reasonable costs of providing reports of harvest activity on a quarterly basis.

(4) Any taxpayer information received by the commission from the department of revenue may only be used for the limited purposes of establishing lists of producers necessary to determine eligibility for voting, eligibility for serving as a commission member, the amount of assessments owed, or other necessary purposes as established by law. Any return or tax information received from the department of revenue may be reviewed only by the employees of the commission. Employees may disclose to the public and commission members a list of commission members, groupings of at least three commission members by the amount of forest products harvested over any time period designated by the commission of at least one quarter, and the members who are eligible for the various positions on the commission.

**NEW SECTION. Sec. 11.** (1) To provide for permanent funding of the forest products commission, an assessment shall be levied by the commission on producers of each species of forest products. The initial rate of assessment that shall be submitted for approval by referendum pursuant to section 12 of this act is fifty-seven cents per thousand board feet. The initial assessment is not effective until approved by a majority of producers as required by section 12 of this act.

(2) After the initial assessment rate is approved, the commission may adjust the amount of the assessment within a range of forty-five cents up to ninety cents per thousand board feet. The commission shall submit any proposed increase in the assessment to producers pursuant to the referendum process established in this section, and shall supply all known producers with a ballot for the referendum. The commission shall establish the assessment for the marketing year by January 1st of each year, or as soon thereafter as possible. Assessments may only be used for the purposes and objects of this chapter.

(3) The forest products commission may raise the assessment on forest products in excess of the fiscal growth factor under chapter 43.135 RCW. The assessment limits established by this section are solely to provide prior legislative authority for the purposes of RCW 43.135.055 and are not a limit on the authority of the forest products commission to alter assessments in any manner not limited by RCW 43.135.055. However, any alteration in assessments made under this section must be made with the procedural requirements established by this chapter for altering such assessments.

(4) The requirement for approval of an assessment is met if: (a) At least fifty-one percent by numbers of producers replying in the referendum vote affirmatively, and these producers represent at least sixty-one percent of the volume of the producers replying in the referendum; or (b) sixty-five percent by numbers of producers replying in the referendum vote affirmatively, and these producers represent at least fifty-one percent of the volume of the producers replying in the referendum. An assessment shall only be approved if at least forty percent of the eligible producers participate in the vote.

**NEW SECTION. Sec. 12.** (1) For purposes of determining producer participation in the commission, the initial election of commissioners, and for imposition of the original assessment specified in section 11 of this act, the director shall conduct a referendum among all producers of forest products within the state.

(2) The requirement for approval of the assessment and creation of the commission is met if: (a) At

least fifty-one percent by numbers of producers replying in the referendum vote affirmatively, and these producers represent at least sixty-one percent of the volume of the producers replying in the referendum; or (b) sixty-five percent by numbers of producers replying in the referendum vote affirmatively, and these producers represent at least fifty-one percent of the volume of the producers replying in the referendum. The referendum shall only be approved if at least forty percent of the eligible producers participate in the vote.

(3) If the director determines that the requisite approval has been given, the director shall declare the establishment of the commission and direct it to put into force the assessment authorized in section 11 of this act. If the director finds that the requisite approval has not been given, then this chapter is not operative.

**NEW SECTION.** **Sec. 13.** The commission shall deposit moneys collected under section 11 of this act in a separate account in the name of the commission in any bank that is a state depository. All expenditures and disbursements made from this account under this chapter may be made without the necessity of a specific legislative appropriation. RCW 43.01.050 does not apply to this account or to the moneys received, collected, or expended under this chapter.

**NEW SECTION.** **Sec. 14.** A due and payable assessment levied in the amount determined by the commission under section 11 of this act constitutes a personal debt of every person so assessed, or who otherwise owes the assessment, and the assessment is due and payable to the commission when payment is called for by the commission. If a person fails to pay the commission the full amount of the assessment by the date due, the commission may add to the unpaid assessment an amount not exceeding ten percent of the assessment to defray the cost of enforcing its collection. If the person fails to pay any due and payable assessment or other such sum, the commission may bring a civil action for collection against the person or persons in a court of competent jurisdiction. The action shall be tried and judgment rendered as in any other cause of action for a debt due and payable.

**NEW SECTION.** **Sec. 15.** All county and state law enforcement officers shall assist in the enforcement of this chapter.

**NEW SECTION.** **Sec. 16.** The superior courts are hereby vested with jurisdiction to enforce this chapter and the rules of the commission, and to prevent and restrain violations thereof.

**NEW SECTION.** **Sec. 17.** This chapter shall be liberally construed to effectuate its purposes.

**Sec. 18.** RCW 42.17.31907 and 1996 c 80 s 3 are each amended to read as follows:

The following agricultural business and commodity commission records are exempt from the disclosure requirements of this chapter:

(1) Production or sales records required to determine assessment levels and actual assessment payments to commodity commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.-- (sections 1 through 17 and 22 of this act), and 16.67 RCW or required by the department of agriculture under RCW 15.13.310(4) or 15.49.370(6);

(2) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture; and

(3) Financial and commercial information and records supplied by persons to commodity commissions formed under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.-- (sections 1 through 17 and 22 of this act), and 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information.

**Sec. 19.** RCW 43.135.055 and 1997 c 303 s 2 are each amended to read as follows:

(1) No fee may increase in any fiscal year by a percentage in excess of the fiscal growth factor for that fiscal year without prior legislative approval.

(2) This section does not apply to an assessment made by an agricultural commodity commission or board created by state statute or created under a marketing agreement or order under chapter 15.65 or 15.66 RCW, or to the forest products commission, if the assessment is approved by referendum in accordance with the provisions of the statutes creating the commission or board or chapter 15.65 or 15.66 RCW for approving such assessments.

**NEW SECTION. Sec. 20.** A new section is added to chapter 82.32 RCW to read as follows:

The forest products commission, created pursuant to chapter 15.-- RCW (sections 1 through 17 and 22 of this act), constitutes a state agency for purposes of applying the exemption contained in RCW 82.32.330(3)(f) for the disclosure of taxpayer information by the department. Disclosure of return or tax information may be made only to employees of the commission and not to commission members. Employees are authorized to use this information in accordance with section 10(4) of this act. Employees are subject to all civil and criminal penalties provided under RCW 82.32.330 for disclosures made to another person not entitled under the provisions of this section or section 10 of this act to knowledge of such information.

**NEW SECTION. Sec. 21.** Sections 1 through 17 and 22 of this act constitute a new chapter in Title 15 RCW.

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

On page 1, line 1 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 42.17.31907 and 43.135.055; adding a new section to chapter 82.32 RCW; and adding a new chapter to Title 15 RCW."

There being no objection, the House concurred in the Senate amendment to Second Substitute House Bill No. 1835.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1835 as amended by the Senate.

Representatives Sump and Doumit spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1835 as amended by the Senate and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, and Romero, Santos, Schindler, Schmidt, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard, - 88.

Excused: Representatives Cox, Delvin, Kirby, Mulliken, Poulsen, Ruderman, Schoesler, Sehlin, Simpson

and Speaker Chopp - 10.

Second Substitute House Bill No. 1835 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1865, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 90.82.060 and 1998 c 247 s 2 are each amended to read as follows:

(1) Planning conducted under this chapter must provide for a process to allow the local citizens within a WRIA or multi-WRIA area to join together in an effort to: (a) Assess the status of the water resources of their WRIA or multi-WRIA area; and (b) determine how best to manage the water resources of the WRIA or multi-WRIA area to balance the competing resource demands for that area within the parameters under RCW 90.82.120.

(2) Watershed planning under this chapter may be initiated for a WRIA only with the concurrence of: (a) All counties within the WRIA; (b) the largest city or town within the WRIA unless the WRIA does not contain a city or town; and (c) the water supply utility obtaining the largest quantity of water from the WRIA or, for a WRIA with lands within the Columbia Basin project, the water supply utility obtaining from the Columbia Basin project the largest quantity of water for the WRIA. To apply for a grant for organizing the planning unit as provided for under RCW 90.82.040(2)(a), these entities shall designate the entity that will serve as the lead agency for the planning effort and indicate how the planning unit will be staffed.

(3) Watershed planning under this chapter may be initiated for a multi-WRIA area only with the concurrence of: (a) All counties within the multi-WRIA area; (b) the largest city or town in each WRIA unless the WRIA does not contain a city or town; and (c) the water supply utility obtaining the largest quantity of water in each WRIA.

(4) If entities in subsection (2) or (3) of this section decide jointly and unanimously to proceed, they shall invite all tribes with reservation lands within the management area.

(5) The entities in subsection (2) or (3) of this section, including the tribes if they affirmatively accept the invitation, constitute the initiating governments for the purposes of this section.

(6) The organizing grant shall be used to organize the planning unit and to determine the scope of the planning to be conducted. In determining the scope of the planning activities, consideration shall be given to all existing plans and related planning activities. The scope of planning must include water quantity elements as provided in RCW 90.82.070, and may include water quality elements as contained in RCW 90.82.090, habitat elements as contained in RCW 90.82.100, and instream flow elements as contained in RCW 90.82.080. The initiating governments shall work with state government, other local governments within the management area, and affected tribal governments, in developing a planning process. The initiating governments may hold public meetings as deemed necessary to develop a proposed scope of work and a proposed composition of the planning unit. In developing a proposed composition of the planning unit, the initiating governments shall provide for representation of a wide range of water resource interests.

(7) Each state agency with regulatory or other interests in the WRIA or multi-WRIA area to be planned shall assist the local citizens in the planning effort to the greatest extent practicable, recognizing any fiscal limitations. In providing such technical assistance and to facilitate representation on the planning unit, state agencies may organize and agree upon their representation on the planning unit. Such technical assistance must only be at the request of and to the extent desired by the planning unit conducting such planning. The number of state agency representatives on the planning unit shall be determined by the initiating governments in consultation with the governor's office.

(8) As used in this section, "lead agency" means the entity that coordinates staff support of its own or of other local governments and receives grants for developing a watershed plan."

On page 1, line 2 of the title, after "planning;" strike the remainder of the title and insert "and amending RCW 90.82.060."

There being no objection, the House concurred in the Senate amendment to House Bill No. 1865.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1865 as amended by the Senate.

Representatives G. Chandler and Linville spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1865 as amended by the Senate and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 88.

Excused: Representatives Cox, Delvin, Kirby, Mulliken, Poulsen, Ruderman, Schoesler, Sehlin, Simpson, and Speaker Chopp - 10.

House Bill No. 1865 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 4, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1892, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.66.030 and 1961 c 11 s 15.66.030 are each amended to read as follows:

Marketing orders may be made for any one or more of the following purposes:

- (1) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets or to create new or larger markets for any agricultural commodity grown in the state of Washington;
- (2) To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing of any agricultural commodity;
- (3) To provide for improving standards and grades by defining, establishing and providing labeling requirements with respect to the same;
- (4) To investigate and take necessary action to prevent unfair trade practices;
- (5) To provide information or communicate on matters pertaining to the production, processing,

marketing, or uses of an agricultural commodity produced in Washington state to any elected official or officer or employee of any agency;

(6) To provide marketing information and services for producers of an agricultural commodity;

(7) To provide information and services for meeting resource conservation objectives of producers of an agricultural commodity;

(8) To engage in cooperative efforts in the domestic or foreign marketing of food products of an agricultural commodity; and

(9) To provide for commodity-related education and training.

**Sec. 2.** RCW 15.66.110 and 1961 c 11 s 15.66.110 are each amended to read as follows:

Every marketing order shall establish a commodity commission composed of not less than five nor more than thirteen members. In addition, the director shall be an ex officio member of each commodity commission. Commission members shall be citizens and residents of this state if required by the marketing order, and over the age of ~~((twenty-five years))~~ eighteen. The term of office of commission members shall be three years with the terms rotating so that one-third of the terms will commence as nearly as practicable each year. However, the first commission shall be selected, one-third for a term of one year, one-third for a term of two years, and one-third for a term of three years, as nearly as practicable. No less than two-thirds of the commission members shall be elected by the affected producers and such elected members shall all be affected producers. The remaining ((one-third)) members shall be appointed by the commission and shall be either affected producers, others active in matters relating to the affected commodity or persons not so related.

**Sec. 3.** RCW 15.66.140 and 1985 c 261 s 20 are each amended to read as follows:

Every marketing commission shall have such powers and duties in accordance with provisions of this chapter as may be provided in the marketing order and shall have the following powers and duties:

(1) To elect a chairman and such other officers as determined advisable;

(2) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order;

(3) To administer, enforce, direct and control the provisions of the marketing order and of this chapter relating thereto;

(4) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(5) To acquire personal property and purchase or lease office space and other necessary real property and transfer and convey the same;

(6) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order;

(7) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the state auditor or private auditor designated by the state auditor at least every five years;

(8) Borrow money and incur indebtedness;

(9) Make necessary disbursements for routine operating expenses;

(10) To expend funds for commodity-related education, training, and leadership programs as each commission deems expedient;

(11) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in the commission's marketing order;

(12) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes provided in the commission's marketing order. Personal service contracts must comply with chapter 39.29 RCW;

(13) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in the commission's marketing order;

(14) To enter into contracts or agreements for research in the production, processing, marketing, use, or

distribution of an affected commodity;

(15) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of a commission. The retention of a private attorney is subject to review by the office of the attorney general;

(16) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by the marketing order;

(17) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, manufacture, regulation, distribution, sale, or use of affected commodities including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission; and

(18) Such other powers and duties that are necessary to carry out the purposes of this chapter.

**Sec. 4.** RCW 15.65.040 and 1961 c 256 s 4 are each amended to read as follows:

It is hereby declared to be the policy of this chapter:

(1) To aid agricultural producers in preventing economic waste in the marketing of their agricultural commodities and in developing more efficient methods of marketing agricultural products.

(2) To enable agricultural producers of this state, with the aid of the state:

(a) To develop, and engage in research for developing, better and more efficient production, marketing, and utilization of agricultural products;

(b) To establish orderly marketing of agricultural commodities;

(c) To provide for uniform grading and proper preparation of agricultural commodities for market;

(d) To provide methods and means (including, but not limited to, public relations and promotion) for the maintenance of present markets and for the development of new or larger markets, both domestic and foreign, for agricultural commodities produced within this state and for the prevention, modification, or elimination of trade barriers which obstruct the free flow of such agricultural commodities to market;

(e) To eliminate or reduce economic waste in the marketing and/or use of agricultural commodities;

(f) To restore and maintain adequate purchasing power for the agricultural producers of this state;

(g) To provide information or communicate on matters pertaining to the production, processing, marketing, or uses of an agricultural commodity produced in Washington state to any elected official or officer or employee of any agency;

(h) To provide marketing information and services for producers of an agricultural commodity;

(i) To provide information and services for meeting resource conservation objectives of producers of an agricultural commodity;

(j) To engage in cooperative efforts in the domestic or foreign marketing of food products of an agricultural commodity;

(k) To provide for commodity-related education and training; and

~~((g))~~ (l) To accomplish all the declared policies of this chapter.

(3) To protect the interest of consumers by assuring a sufficient pure and wholesome supply of agricultural commodities of good quality at all seasons and times.

**Sec. 5.** RCW 15.65.230 and 1961 c 256 s 23 are each amended to read as follows:

~~((The))~~ A producer member((s)) of each ((such)) commodity board ((shall)) must be a practical producer((s)) of the affected commodity and ((shall)) must be a citizen((s-and)), resident((s)) of this state, and over the age of ((twenty-five)) eighteen years((, each of whom is and has)). Each producer board member must be and have been actually engaged in producing such a commodity within the state of Washington for a period of five years and ((has)) have, during that period, derived a substantial portion of his or her income therefrom and ((who is)) not be engaged in business, directly or indirectly, as a handler or other dealer. ((The)) A handler member((s)) of ((such)) each board ((shall)) must be a practical handler((s)) of the affected commodity and ((shall)) must be a citizen((s-and)), resident((s)) of this state, and over the age of twenty-five years((, each of whom is and has)). Each handler board member must be and have been, either individually or as an officer or employee of a corporation, firm, partnership, association, or cooperative, actually engaged in handling such a



commodity within the state of Washington for a period of five years and ~~((has))~~ have, during that period, derived a substantial portion of his or her income therefrom. The qualification of a member~~((s))~~ of the board as ~~((herein))~~ set forth in this section must continue during ~~((their))~~ the term~~((s))~~ of office.

**Sec. 6.** RCW 15.65.280 and 1985 c 261 s 11 are each amended to read as follows:

The powers and duties of the board shall be:

- (1) To elect a chairman and such other officers as it deems advisable;
- (2) To advise and counsel the director with respect to the administration and conduct of such marketing agreement or order;
- (3) To recommend to the director administrative rules, regulations and orders and amendments thereto for the exercise of his powers in connection with such agreement or order;
- (4) To advise the director upon any and all assessments provided pursuant to the terms of such agreement or order and upon the collection, deposit, withdrawal, disbursement and paying out of all moneys;
- (5) To assist the director in the collection of such necessary information and data as the director may deem necessary in the proper administration of this chapter;
- (6) To administer the order or agreement as its administrative board if the director designates it so to do in such order or agreement;
- (7) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in the board's marketing order;
- (8) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes provided in the board's marketing order. Personal service contracts must comply with chapter 39.29 RCW;
- (9) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in the board's marketing order;
- (10) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of a board. The retention of a private attorney is subject to review by the office of the attorney general;
- (11) To engage in appropriate fund-raising activities for the purpose of supporting activities of the board authorized by the marketing order;
- (12) To enter into contracts or agreements for research in the production, processing, marketing, use, or distribution of an affected commodity;
- (13) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, manufacture, regulation, distribution, sale, or use of affected commodities including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission; and
- (14) To perform such other duties as the director may prescribe in the marketing agreement or order.

Any agreement or order under which the commodity board administers the order or agreement shall (if so requested by the affected producers within the affected area in the proposal or promulgation hearing) contain provisions whereby the director reserves the power to approve or disapprove every order, rule or directive issued by the board, in which event such approval or disapproval shall be based on whether or not the director believes the board's action has been carried out in conformance with the purposes of this chapter.

**NEW SECTION. Sec. 7.** A new section is added to chapter 15.65 RCW to read as follows:

A commodity board may establish a foundation using commission funds as grant money when the foundation benefits the commodity for which the board was established. Commission funds may be used for the purposes authorized in the marketing order.

**NEW SECTION. Sec. 8.** A new section is added to chapter 15.66 RCW to read as follows:

A commodity commission may establish a foundation using commission funds as grant money when the foundation benefits the commodity for which the commission was established. Commission funds may be used for the purposes authorized in the marketing order.

**NEW SECTION. Sec. 9.** A new section is added to chapter 15.65 RCW to read as follows:

(1) Each board member of a commodity board established under this chapter may be compensated pursuant to RCW 43.03.230.

(2) Board members and employees of a commodity board established under this chapter may be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter, as defined under the commodity board's marketing order. Otherwise, if not defined or referenced in the marketing order, reimbursement for travel expenses shall be in accordance with RCW 43.03.050 and 43.03.060.

(3) Approval for compensation and travel expenses shall be as defined in the commodity board's marketing order.

**NEW SECTION. Sec. 10.** A new section is added to chapter 15.66 RCW to read as follows:

(1) Each board member of a commodity commission established under this chapter may be compensated pursuant to RCW 43.03.230.

(2) Board members and employees of a commodity commission established under this chapter may be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter, as defined under the commodity commission's marketing order. Otherwise, if not defined or referenced in the marketing order, reimbursement for travel expenses shall be in accordance with RCW 43.03.050 and 43.03.060.

(3) Approval for compensation and travel expenses shall be as defined in the commodity commission's marketing order.

**Sec. 11.** RCW 43.03.230 and 1984 c 287 s 3 are each amended to read as follows:

(1) Any agricultural commodity board or commission established pursuant to Title 15 or 16 RCW shall be identified as a class two group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class two group is eligible to receive compensation in an amount not to exceed (~~thirty-five~~) one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group."

On page 1, line 1 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 15.66.030, 15.66.110, 15.66.140, 15.65.040, 15.65.230, 15.65.280, and 43.03.230; adding new sections to chapter 15.65 RCW; and adding new sections to chapter 15.66 RCW."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1892.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1892 as amended by the Senate.

Representative Linville spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1892 as amended by the

Senate and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 88.

Excused: Representatives Cox, Delvin, Kirby, Mulliken, Poulsen, Ruderman, Schoesler, Sehlin, Simpson, and Speaker Chopp - 10.

Substitute House Bill No. 1892 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 6, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1950, with the following amendment:

On page 2, line 30, after "act", delete "." and insert ", and these forms must be in use by the department and self insured employers by July 1, 2002."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1950.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1950 as amended by the Senate.

Representatives Conway and Clements spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1950 as amended by the Senate and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 88.

Excused: Representatives Cox, Delvin, Kirby, Miloscia, Mulliken, Poulsen, Ruderman, Sehlin, Simpson, and Speaker Chopp - 10.

Substitute House Bill No. 1950 as amended by the Senate having received the necessary constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 6, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1951, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 66.24.450 and 1999 c 281 s 5 are each amended to read as follows:

(1) No club shall be entitled to a spirits, beer, and wine private club license:

(a) Unless such private club has been in continuous operation for at least one year immediately prior to the date of its application for such license;

(b) Unless the private club premises be constructed and equipped, conducted, managed, and operated to the satisfaction of the board and in accordance with this title and the regulations made thereunder;

(c) Unless the board shall have determined pursuant to any regulations made by it with respect to private clubs, that such private club is a bona fide private club; it being the intent of this section that license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a license to sell liquor, but solely to a bona fide private club, where the sale of liquor is incidental to the main purposes of the spirits, beer, and wine private club, as defined in RCW 66.04.010(7).

(2) The annual fee for a spirits, beer, and wine private club license, whether inside or outside of an incorporated city or town, is seven hundred twenty dollars per year.

(3) The board may issue an endorsement to the spirits, beer, and wine private club license that allows up to forty nonclub, member-sponsored events using club liquor. Visitors and guests may attend these events only by invitation of the sponsoring member or members. These events may not be open to the general public. The fee for the endorsement shall be an annual fee of nine hundred dollars. Upon the board's request, the holder of the endorsement must provide the board or the board's designee with the following information at least seventy-two hours prior to the event: The date, time, and location of the event; the name of the sponsor of the event; and a brief description of the purpose of the event.

(4) The board may issue an endorsement to the spirits, beer, and wine private club license that allows the holder of a spirits, beer, and wine private club license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this chapter is one hundred twenty dollars.

**Sec. 2.** RCW 66.24.452 and 1997 c 321 s 31 are each amended to read as follows:

(1) There shall be a beer and wine license to be issued to a private club for sale of beer and wine for on-premises consumption.

(2) Beer and wine sold by the licensee may be on tap or by open bottles or cans.

(3) The fee for the private club beer and wine license is one hundred eighty dollars per year.

(4) The board may issue an endorsement to the private club beer and wine license that allows the holder of a private club beer and wine license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this chapter is one hundred twenty dollars.

**Sec. 3.** RCW 66.24.425 and 1998 c 126 s 7 are each amended to read as follows:

(1) The board may, in its discretion, issue a spirits, beer, and wine restaurant license to a business which qualifies as a "restaurant" as that term is defined in RCW 66.24.410 in all respects except that the business does not serve the general public but, through membership qualification, selectively restricts admission to the business. For purposes of RCW 66.24.400 and 66.24.420, all licenses issued under this section shall be

considered spirits, beer, and wine restaurant licenses and shall be subject to all requirements, fees, and qualifications in this title, or in rules adopted by the board, as are applicable to spirits, beer, and wine restaurant licenses generally except that no service to the general public may be required.

(2) No license shall be issued under this section to a business:

(a) Which shall not have been in continuous operation for at least one year immediately prior to the date of its application; or

(b) Which denies membership or admission to any person because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap.

(3) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this chapter is one hundred twenty dollars.

**Sec. 4.** RCW 66.24.400 and 1998 c 126 s 5 are each amended to read as follows:

(1) There shall be a retailer's license, to be known and designated as a spirits, beer, and wine restaurant license, to sell spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only: PROVIDED, That a hotel, or club licensed under chapter 70.62 RCW with overnight sleeping accommodations, that is licensed under this section may sell liquor by the bottle to registered guests of the hotel or club for consumption in guest rooms, hospitality rooms, or at banquets in the hotel or club: PROVIDED FURTHER, That a patron of a bona fide hotel, restaurant, or club licensed under this section may remove from the premises recorked or recapped in its original container any portion of wine which was purchased for consumption with a meal, and registered guests who have purchased liquor from the hotel or club by the bottle may remove from the premises any unused portion of such liquor in its original container. Such license may be issued only to bona fide restaurants, hotels and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a spirits, beer, and wine restaurant license under the provisions and limitations of this title.

(2) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this chapter is one hundred twenty dollars.

**Sec. 5.** RCW 66.24.570 and 1997 c 321 s 36 are each amended to read as follows:

(1) There is a license for sports entertainment facilities to be designated as a sports/entertainment facility license to sell beer, wine, and spirits at retail, for consumption upon the premises only, the license to be issued to the entity providing food and beverage service at a sports entertainment facility as defined in this section. The cost of the license is two thousand five hundred dollars per annum.

(2) For purposes of this section, a sports entertainment facility includes a publicly or privately owned arena, coliseum, stadium, or facility where sporting events are presented for a price of admission. The facility does not have to be exclusively used for sporting events.

(3) The board may impose reasonable requirements upon a licensee under this section, such as requirements for the availability of food and victuals including but not limited to hamburgers, sandwiches, salads, or other snack food. The board may also restrict the type of events at a sports entertainment facility at which beer, wine, and spirits may be served. When imposing conditions for a licensee, the board must consider the seating accommodations, eating facilities, and circulation patterns in such a facility, and other amenities available at a sports entertainment facility.

(4) The board may issue a caterer's endorsement to the license under this section to allow the licensee to

remove from the liquor stocks at the licensed premises, for use as liquor for sale and service at special occasion locations at a specified date and place not currently licensed by the board. The privilege of selling and serving liquor under the endorsement is limited to members and guests of a society or organization as defined in RCW 66.24.375. Cost of the endorsement is three hundred fifty dollars.

(a) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(b) If attendance at the function will be limited to members and invited guests of the sponsoring society or organization, the requirement that the society or organization be within the definition of RCW 66.24.375 is waived.

(5) The board may issue an endorsement to the beer, wine, and spirits sports/entertainment facility license that allows the holder of a beer, wine, and spirits sports/entertainment facility license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this chapter is one hundred twenty dollars."

On page 1, line 1 of the title, after "consumption;" strike the remainder of the title and insert "and amending RCW 66.24.450, 66.24.452, 66.24.425, 66.24.400, and 66.24.570."

There being no objection, the House concurred in the Senate amendment to House Bill No. 1951.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1951 as amended by the Senate.

Representatives Clements and Conway spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1951 as amended by the Senate and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 89.

Excused: Representatives Cox, Delvin, Kirby, Mulliken, Poulsen, Ruderman, Sehlin, Simpson, and Speaker Chopp - 9.

House Bill No. 1951 as amended by the Senate having received the necessary constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 10, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1952, with the following amendment:

On page 12, after line 20 of the amendment, insert the following:

"**Sec. 3.** RCW 36.28A.040 and 2000 c 3 s 1 are each amended to read as follows:

(1) No later than (~~December 31, 2001~~) July 1, 2002, the Washington association of sheriffs and police chiefs shall implement and operate an electronic state-wide city and county jail booking and reporting system. The system shall serve as a central repository and instant information source for offender information and jail statistical data. The system shall be placed on the Washington state justice information network and be capable of communicating electronically with every Washington state city and county jail and with all other Washington state criminal justice agencies as defined in RCW 10.97.030.

(2) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, if a city or county jail or law enforcement agency receives state or federal funding to cover the entire cost of implementing or reconfiguring an electronic jail booking system, the city or county jail or law enforcement agency shall implement or reconfigure an electronic jail booking system that is in compliance with the jail booking system standards developed pursuant to subsection (4) of this section.

(3) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, city or county jails, or law enforcement agencies that operate electronic jail booking systems, but choose not to accept state or federal money to implement or reconfigure electronic jail booking systems, shall electronically forward jail booking information to the Washington association of sheriffs and police chiefs. At a minimum the information forwarded shall include the name of the offender, vital statistics, the date the offender was arrested, the offenses arrested for, the date and time an offender is released or transferred from a city or county jail, and if available, the mug shot. The electronic format in which the information is sent shall be at the discretion of the city or county jail, or law enforcement agency forwarding the information. City and county jails or law enforcement agencies that forward jail booking information under this subsection are not required to comply with the standards developed under subsection (4)(b) of this section.

(4) The Washington association of sheriffs and police chiefs shall appoint, convene, and manage a state-wide jail booking and reporting system standards committee. The committee shall include representatives from the Washington association of sheriffs and police chiefs correction committee, the information service board's justice information committee, the judicial information system, at least two individuals who serve as jailers in a city or county jail, and other individuals that the Washington association of sheriffs and police chiefs places on the committee. The committee shall have the authority to:

(a) Develop and amend as needed standards for the state-wide jail booking and reporting system and for the information that must be contained within the system. At a minimum, the system shall contain:

(i) The offenses the individual has been charged with;

(ii) Descriptive and personal information about each offender booked into a city or county jail. At a minimum, this information shall contain the offender's name, vital statistics, address, and mugshot;

(iii) Information about the offender while in jail, which could be used to protect criminal justice officials that have future contact with the offender, such as medical conditions, acts of violence, and other behavior problems;

(iv) Statistical data indicating the current capacity of each jail and the quantity and category of offenses charged; (~~and~~)

(v) The ability to communicate directly and immediately with the city and county jails and other criminal justice entities; and

(vi) The date and time that an offender was released or transferred from a local jail;

(b) Develop and amend as needed operational standards for city and county jail booking systems, which at a minimum shall include the type of information collected and transmitted, and the technical requirements needed for the city and county jail booking system to communicate with the state-wide jail booking and reporting system;

(c) Develop and amend as needed standards for allocating grants to city and county jails or law enforcement agencies that will be implementing or reconfiguring electronic jail booking systems.

(5) By January 1, 2001, the standards committee shall complete the initial standards described in subsection (4) of this section, and the standards shall be placed into a report and provided to all Washington state city and county jails, all other criminal justice agencies as defined in RCW 10.97.030, the chair of the Washington state senate human services and corrections committee, and the chair of the Washington state house of representatives criminal justice and corrections committee."

On page 12, beginning on line 25 of the title amendment, after "9A.44.130" strike "and 4.24.550" and insert ", 4.24.550, and 36.28A.040"

There being no objection, the House concurred in the Senate amendment to House Bill No. 1952.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1952 as amended by the Senate.

Representatives Ballasiotes and O'Brien spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1952 as amended by the Senate and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 89.

Excused: Representatives Cox, Delvin, Kirby, Mulliken, Poulsen, Ruderman, Sehlin, Simpson, and Speaker Chopp - 9.

House Bill No. 1952 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 4, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1971, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.335.090 and 1995 c 358 s 1 are each amended to read as follows:

(1) The board of directors of each school district shall have exclusive control of all school property, real or personal, belonging to the district; said board shall have power, subject to RCW 28A.335.120, in the name of the district, to convey by deed all the interest of their district in or to any real property of the district which is no longer required for school purposes. Except as otherwise specially provided by law, and RCW 28A.335.120, the



board of directors of each school district may purchase, lease, receive and hold real and personal property in the name of the district, and rent, lease or sell the same, and all conveyances of real estate made to the district shall vest title in the district.

(2) Any purchase of real property by a school district shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in RCW 74.46.020 or by a general real estate appraiser certified under chapter 18.140 RCW who was selected by the board of directors.

**Sec. 2.** RCW 28A.335.120 and 1995 c 358 s 2 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the appraisal made by the ((professionally-designated)) real estate appraiser: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised and sold for not less than seventy-five percent of the reappraised value with the unanimous consent of the board.

(6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer: PROVIDED, That the terms and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales."

On page 1, line 2 of the title, after "properties;" strike the remainder of the title and insert "and amending

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1971.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1971 as amended by the Senate.

Representatives Cody and Quall spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1971 as amended by the Senate and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 89.

Excused: Representatives Cox, Delvin, Kirby, Mulliken, Poulsen, Ruderman, Sehlin, Simpson, and Speaker Chopp - 9.

Substitute House Bill No. 1971 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 2086, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to amend the lifetime sex offender registration requirement so that it is narrowly tailored to meet the requirements of the Jacob Wetterling act.

**Sec. 2.** RCW 9A.44.140 and 2000 c 91 s 3 are each amended to read as follows:

(1) The duty to register under RCW 9A.44.130 shall end:

(a) For a person convicted of a class A felony or an offense listed in subsection (5) of this section, or a person convicted of any sex offense or kidnapping offense who has one or more prior convictions for a sex offense or kidnapping offense: Such person may only be relieved of the duty to register under subsection (3) or (4) of this section.

(b) For a person convicted of a class B felony, and the person does not have one or more prior convictions for a sex offense or kidnapping offense and the person's current offense is not listed in subsection (5) of this section: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent

fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony, a violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to commit a class C felony, and the person does not have one or more prior convictions for a sex offense or kidnapping offense and the person's current offense is not listed in subsection (5) of this section: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) The provisions of subsection (1) of this section shall apply equally to a person who has been found not guilty by reason of insanity under chapter 10.77 RCW of a sex offense or kidnapping offense.

(3)(a) Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty, if the person has spent ten consecutive years in the community without being convicted of any new offenses. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. Except as provided in subsection (4) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(b)(i) The court may not relieve a person of the duty to register if the person has been determined to be a sexually violent predator as defined in RCW 71.09.020, or has been convicted of a sex offense or kidnapping offense that is a class A felony and that was committed with forcible compulsion on or after June 8, 2000.

(ii) Any person subject to (b)(i) of this subsection or subsection (5) of this section may petition the court to be exempted from any community notification requirements that the person may be subject to fifteen years after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction, if the person has spent the time in the community without being convicted of any new offense.

(4) An offender having a duty to register under RCW 9A.44.130 for a sex offense or kidnapping offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after adjudication, and may consider other factors.

(a) The court may relieve the petitioner of the duty to register for a sex offense or kidnapping offense that was committed while the petitioner was fifteen years of age or older only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(b) The court may relieve the petitioner of the duty to register for a sex offense or kidnapping offense that was committed while the petitioner was under the age of fifteen if the petitioner (i) has not been adjudicated of any additional sex offenses or kidnapping offenses during the twenty-four months following the adjudication for the offense giving rise to the duty to register, and (ii) proves by a preponderance of the evidence that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

This subsection shall not apply to juveniles prosecuted as adults.

(5)(a) A person who has been convicted of an aggravated offense, or has been convicted of one or more prior sexually violent offenses or criminal offenses against a victim who is a minor, as defined in (b) of this subsection may only be relieved of the duty to register under subsection (3) or (4) of this section. This provision shall apply to convictions for crimes committed on or after the effective date of this act.

(b) Unless the context clearly requires otherwise, the following definitions apply only to the federal lifetime registration requirements under this subsection:

(i) "Aggravated offense" means an adult conviction that meets the definition of 18 U.S.C. Sec. 2241, which is limited to the following:

(A) Any sex offense involving sexual intercourse or sexual contact where the victim is under twelve years of age;

(B) RCW 9A.44.040 (rape in the first degree), RCW 9A.44.073 (rape of a child in the first degree), or RCW 9A.44.083 (child molestation in the first degree);

(C) Any of the following offenses when committed by forcible compulsion or by the offender administering by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct: RCW 9A.44.050 (rape in the second degree), RCW 9A.44.100 (indecent liberties), RCW 9A.44.160 (custodial sexual misconduct in the first degree), RCW 9A.64.020 (incest), or RCW 9.68A.040 (sexual exploitation of a minor);

(D) Any of the following offenses when committed by forcible compulsion or by the offender administering by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct, if the victim is twelve years of age or over but under sixteen years of age and the offender is eighteen years of age or over and is more than forty-eight months older than the victim: RCW 9A.44.076 (rape of a child in the second degree), RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086 (child molestation in the second degree), or RCW 9A.44.089 (child molestation in the third degree);

(E) A felony with a finding of sexual motivation under RCW 9.94A.127 where the victim is under twelve years of age or that is committed by forcible compulsion or by the offender administering by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct;

(F) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense;

or

(G) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(i)(A) through (F) of this subsection.

(ii) "Sexually violent offense" means an adult conviction that meets the definition of 42 U.S.C. Sec. 14071(a)(1)(A), which is limited to the following:

(A) An aggravated offense;

(B) An offense that is not an aggravated offense but meets the definition of 18 U.S.C. Sec. 2242, which is limited to RCW 9A.44.050(1) (b) through (f) (rape in the second degree) and RCW 9A.44.100(1) (b) through (f) (indecent liberties);

(C) A felony with a finding of sexual motivation under RCW 9.94A.127 where the victim is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, the conduct;

(D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense;

or

(E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(ii)(A) through (D) of this subsection.

(iii) "Criminal offense against a victim who is a minor" means, in addition to any aggravated offense or sexually violent offense where the victim was under eighteen years of age, an adult conviction for the following offenses where the victim is under eighteen years of age:

(A) RCW 9A.44.060 (rape in the third degree), RCW 9A.44.076 (rape of a child in the second degree), RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086 (child molestation in the second degree), RCW 9A.44.089 (child molestation in the third degree), RCW 9A.44.093 (sexual misconduct with a minor in the first degree), RCW 9A.44.096 (sexual misconduct with a minor in the second degree), RCW 9A.44.160 (custodial sexual misconduct in the first degree), RCW 9A.64.020 (incest), RCW 9.68A.040 (sexual exploitation of a minor), RCW 9.68A.090 (communication with a minor for immoral purposes), or RCW 9.68A.100 (patronizing a juvenile prostitute);

(B) RCW 9A.40.020 (kidnapping in the first degree), RCW 9A.40.030 (kidnapping in the second degree), or RCW 9A.40.040 (unlawful imprisonment), where the victim is a minor and the offender is not the minor's parent;

(C) A felony with a finding of sexual motivation under RCW 9.94A.127 where the victim is a minor;

(D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense;

or

(E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(iii)(A) through (D) of this subsection.

(6) Unless relieved of the duty to register pursuant to this section, a violation of RCW 9A.44.130 is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

~~((6))~~ (7) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130.

(8) For purposes of determining whether a person has been convicted of more than one sex offense, failure to register as a sex offender or kidnapping offender is not a sex or kidnapping offense."

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9A.44.140; and creating a new section."

There being no objection, the House concurred in the Senate amendment to House Bill No. 2086.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2086 as amended by the Senate.

Representatives O'Brien and Ballasiotes spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2086 as amended by the Senate and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, and Speaker Ballard - 89.

Excused: Representatives Cox, Delvin, Kirby, Mulliken, Poulsen, Ruderman, Sehlin, Simpson, and Speaker Chopp - 9.

House Bill No. 2086 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 6, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2184, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to promote fairness in the application of tax. Therefore, for the purposes of excise tax, park model trailers will be taxed in the same manner as mobile homes.

**Sec. 2.** RCW 82.45.032 and 1993 sp.s. c 25 s 504 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Real estate" or "real property" means any interest, estate, or beneficial interest in land or anything affixed to land, including the ownership interest or beneficial interest in any entity which itself owns land or anything affixed to land. The term includes used mobile homes, used park model trailers, used floating homes, and improvements constructed upon leased land.

(2) "Used mobile home" means a mobile home which has been previously sold at retail and has been subjected to tax under chapter 82.08 RCW, or which has been previously used and has been subjected to tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

(3) "Mobile home" means a mobile home as defined by RCW 46.04.302, as now or hereafter amended.

(4) "Park model trailer" means a park model trailer as defined in RCW 46.04.622.

(5) "Used floating home" means a floating home in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

~~((5))~~ (6) "Used park model trailer" means a park model trailer that has been previously sold at retail and has been subjected to tax under chapter 82.08 RCW, or that has been previously used and has been subjected to tax under chapter 82.12 RCW, and that has substantially lost its identity as a mobile unit by virtue of its being permanently sited in location and placed on a foundation of either posts or blocks with connections with sewer, water, or other utilities for the operation of installed fixtures and appliances.

(7) "Floating home" means a building on a float used in whole or in part for human habitation as a single-family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by means of wind, and which is on the property tax rolls of the county in which it is located.

NEW SECTION. **Sec. 3.** A new section is added to chapter 82.08 RCW to read as follows:

The tax imposed by RCW 82.08.020 shall not apply to:

(1) Sales of used park model trailers, as defined in RCW 82.45.032;

(2) The renting or leasing of used park model trailers, as defined in RCW 82.45.032, when the rental agreement or lease exceeds thirty days in duration.

NEW SECTION. **Sec. 4.** A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of used park model trailers, as defined in RCW 82.45.032.

NEW SECTION. **Sec. 5.** This act takes effect August 1, 2001."

On page 1, line 3 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 82.45.032; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2184.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2184 as amended by the Senate.

Representatives Morris and Cairnes spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2184 as amended by the Senate and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 89.

Excused: Representatives Cox, Delvin, Kirby, Mulliken, Poulsen, Ruderman, Sehlin, Simpson and Speaker Chopp - 9.

Substitute House Bill No. 2184 as amended by the Senate having received the necessary constitutional majority, was declared passed.

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

**MOTION**

On motion of Representative Kessler, the House adjourned until 10:00 a.m., April 16, 2001, the 99<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
NINETY NINTH DAY

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MORNING SESSION

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House Chamber, Olympia, Monday, April 16, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Candice Hermanson and David Ballif. Speaker Ballard led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Dave Morell.

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

**MESSAGES FROM THE SENATE**

April 13, 2001

Mr. Speakers:

The Senate has passed the following bills:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5419,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 11, 2001

Mr. Speakers:

The President has signed:

SENATE BILL NO. 5270,  
SENATE BILL NO. 5440,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 12, 2001

Mr. Speakers:

The President has signed:

HOUSE BILL NO. 1855,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1036,  
HOUSE BILL NO. 1045,  
HOUSE BILL NO. 1126,



NINETY NINTH DAY, APRIL 16, 2001

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HOUSE BILL NO. 1369,  
SECOND SUBSTITUTE HOUSE BILL NO. 1445,  
HOUSE BILL NO. 1523,  
HOUSE BILL NO. 1568,  
HOUSE BILL NO. 1584,  
HOUSE BILL NO. 1613,  
SUBSTITUTE HOUSE BILL NO. 1899,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1995,  
SENATE BILL NO. 5270,  
SENATE BILL NO. 5440,

**SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1498, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.15.080 and 2000 c 107 s 233 are each amended to read as follows:

Based upon articulable facts that a person is engaged in fishing or hunting activities, fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title. For licenses purchased over the internet or telephone, fish and wildlife officers may require the person to exhibit a driver's license or other photo identification.

**Sec. 2.** RCW 77.32.420 and 2000 c 107 s 272 are each amended to read as follows:

Recreational licenses are not transferable. Upon request of a fish and wildlife officer, ex officio fish and wildlife officer, or authorized fish and wildlife employee, a person hunting for game animals and furbearers, digging for, fishing for, or possessing shellfish, or seaweed or fishing for or possessing food fish or game fish for personal use shall exhibit the required recreational license and write his or her signature for comparison with the signature on the license. A person who has purchased a license over the internet or by telephone may be required to also exhibit a valid driver's license, or other photo identification. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license."

On page 1, line 2 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 77.15.080 and 77.32.420."

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1498 and asked the Senate to recede therefrom.

**SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286, with the following amendments(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.95.210 and 2000 c 107 s 11 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington after the salmon harvest on surplus salmon has been first maximized by both commercial and recreational fishers.

(2) The department shall not destroy hatchery origin salmon for the purposes of destroying viable eggs that would otherwise be useful for propagation or salmon recovery purposes, as determined by the department and Indian tribes with treaty fishing rights in a collaborative manner, for replenishing fish runs. Eggs deemed surplus by the state must be provided, in the following order of priority, to:

(a) Voluntary cooperative salmon culture programs under the supervision of the department under chapter 77.100 RCW;

(b) Regional fisheries enhancement group salmon culture programs under supervision of the department under this chapter;

(c) Salmon culture programs requested by lead entities and approved by the salmon funding recovery board under chapter 77.85 RCW;

(d) Hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the interlocal cooperation act, chapter 39.34 RCW;

(e) Governmental hatcheries in Washington, Oregon, and Idaho.

The order of priority established in this subsection for distributing surplus eggs does not apply when there is a shortfall in the supply of eggs.

(3) All sales, provisions, distributions, or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs.

**Sec. 2.** RCW 77.95.270 and 1989 c 336 s 6 are each amended to read as follows:

Except as provided in RCW 77.95.210, the department may make available to private contractors salmon eggs in excess of department hatchery needs for the purpose of contract rearing to release the smolts into public waters. However, providing salmon eggs as specified in RCW 77.95.210(2) has the highest priority. The priority of providing eggs surplus after meeting the requirements of RCW 77.95.210(2) to contract rearing ((shall be)) is a higher priority than providing eggs to aquaculture purposes ((which)) that are not destined for release into Washington public waters.

**Sec. 3.** RCW 77.100.050 and 1987 c 505 s 73 are each amended to read as follows:

(1) The department shall:

(a) Encourage and support the establishment of cooperative agreements for the development and operation of cooperative food fish, shellfish, game fish, game bird, game animal, and nongame wildlife projects, and projects which provide an opportunity for volunteer groups to become involved in resource and habitat-oriented activities. All cooperative projects shall be fairly considered in the approval of cooperative agreements;

(b) Identify regions and species or activities that would be particularly suitable for cooperative projects providing benefits compatible with department goals;

(c) Determine the availability of rearing space at operating facilities or of net pens, egg boxes, portable rearing containers, incubators, and any other rearing facilities for use in cooperative projects, and allocate them to volunteer groups as fairly as possible;

(d) Make viable eggs available for replenishing fish runs, and salmon carcasses for nutrient enhancement of streams. If a regional fisheries enhancement group, lead entity, volunteer cooperative group, federally approved tribe in Washington, or a governmental hatchery in Washington, Oregon, or Idaho requests the department for viable eggs, the department must include the request within the brood stock document prepared for review by the regional offices. The eggs shall be distributed in accordance with the priority established in

RCW 77.95.210 if they are available. A request for viable eggs may only be denied if the eggs would not be useful for propagation or salmon recovery purposes, as determined under RCW 77.95.210.

(e) Exempt volunteer groups from payment of fees to the department for activities related to the project;  
 ((e)) (f) Publicize the cooperative program;  
 ((f)) (g) Not substitute a new cooperative project for any part of the department's program unless mutually agreeable to the department and volunteer group;  
 ((g)) (h) Not approve agreements that are incompatible with legally existing land, water, or property rights.

(2) The department may, when requested, provide to volunteer groups its available professional expertise and assist the volunteer group to evaluate its project. The department must conduct annual workshops in each administrative region of the department that has fish stocks listed as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., in order to assist volunteer groups with egg rearing, share information on successful salmon recovery projects accomplished by volunteers within the state, and provide basic training on monitoring efforts that can be accomplished by volunteers in order to help determine if their efforts are successful.

**Sec. 4.** RCW 77.100.060 and 2000 c 107 s 112 are each amended to read as follows:

The commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 77.12.457. The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects. The rules must identify and implement appropriate protocols for brood stock handling, including the outplanting of adult fish, spawning, incubation, rearing, and release and establish a prioritized schedule for implementation of this act, and shall include directives for allowing more hatchery salmon to spawn naturally in areas where progeny of hatchery fish have spawned, in order to increase the number of viable salmon eggs and restore healthy numbers of fish within the state.

(4) The procedure for the director to notify a volunteer group that the agreement for the project is being revoked for cause and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

NEW SECTION. **Sec. 5.** A new section is added to chapter 77.04 RCW to read as follows:

(1) The department shall prepare an annual surplus salmon report. This report shall include the disposition of adult salmonids that have returned to salmonid hatchery facilities operated under the jurisdiction of the state that:

- (a) Have not been harvested; and
- (b) Were not allowed to escape for natural spawning.

(2) The report shall include by species, the number and estimated weight of surplus salmon and steelhead and a description of the disposition of the adult carcasses including, but not limited to, the following categories:

- (a) Disposed in landfills;
- (b) Transferred to another government agency for reproductive purposes;
- (c) Sold to contract buyers in the round;
- (d) Sold to contract buyers after spawning;
- (e) Transferred to Native American tribes;
- (f) Donated to food banks; and
- (g) Used in stream nutrient enrichment programs.

(3) The report shall also include by species, information on the number of requests for viable salmon eggs, the number of these requests that were granted and the number that were denied, the geographic areas for which these requests were granted or denied, and a brief explanation given for each denial of a request for viable salmon eggs.

(4) The report shall also be included in the biennial state of the salmon report required by RCW 77.85.020 and other similar state reports on salmon.

(5) The report shall include an assessment of the infrastructure needs and facility modifications necessary to implement this act.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "eggs;" strike the remainder of the title and insert "amending RCW 77.95.210, 77.95.270, 77.100.050, and 77.100.060; adding a new section to chapter 77.04 RCW; and declaring an emergency."

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 1286 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1042, with the following amendment:

On page 2, after line 34, insert the following:

**"Sec. 5.** RCW 5.40.050 and 1986 c 305 s 901 are each amended to read as follows:

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to electrical fire safety, the use of smoke alarms, sterilization of needles and instruments used in tattooing or electrology as required under section 4 of this act, or driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se."

On page 1, line 2 of the title, after "tattooing;" insert "amending RCW 5.40.050;"

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1042.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1042 as amended by the Senate.

Representatives Campbell and Cody spoke in favor of the passage of the bill.

**MOTIONS**

On motion of Representative Schoesler, Representatives Pennington, Sehlin and Talcott were excused. On motion of Representative Santos, Representatives Dunshee and Sommers were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1042 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Dunshee, Pennington, Sehlin, Sommers and Talcott - 5.

Substitute House Bill No. 1042 as amended by the Senate having received the necessary constitutional majority, was declared passed.

**SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1102, with the following amendment:

Beginning on page 2, line 32, strike all of section 4 and insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 74.13 RCW to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under

contract with, the state; (c) persons licensed to practice law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.13 RCW to read as follows:

(1) When the secretary has reasonable cause to believe that an employee has knowingly violated the conflict of interest provisions in section 4 of this act, notwithstanding any rule adopted under chapter 41.06 RCW, the secretary shall immediately suspend the employee.

(2) The secretary shall immediately institute proceedings to terminate the employment of any person who is found by the department, based upon a preponderance of the evidence, to have knowingly violated the conflict of interest provisions in section 4 of this act.

(3) When the secretary has reasonable cause to believe that the employee of a contractor has knowingly violated the conflict of interest provisions in section 4 of this act, the secretary shall require the employee of a contractor to be immediately removed from any employment position which would permit the employee to make or influence placement decisions.

(4) The secretary shall disqualify for employment with a contractor in any position which would permit the employee to make or influence placement decisions, any person who is found by the department, based upon a preponderance of evidence, to have knowingly violated the conflict of interest provisions of section 4 of this act.

(5) The secretary, when considering the renewal of a contract with a contractor who has taken action under subsection (3) or (4) of this section, shall require the contractor to demonstrate that there has been significant progress made in reducing the likelihood that the contractor's employees would knowingly violate the conflict of interest provisions in section 4 of this act. The secretary shall not renew a contract unless he or she determines that significant progress has been made.

(6) For purposes of RCW 50.20.060, a person terminated under this section shall be considered discharged for misconduct."

On page 1, at the beginning of line 2 of the title, strike "and 74.13.330"

There being no objection, the House concurred in the Senate amendment to House Bill No. 1102.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1102 as amended by the Senate.

Representatives Boldt and Tokuda spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1102 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos,

Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

House Bill No. 1102 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 4, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1135, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) An appointment of a principal's spouse as attorney in fact, including appointment as successor or co-attorney in fact, under a power of attorney shall be revoked upon entry of a decree of dissolution or legal separation or declaration of invalidity of the marriage of the principal and the attorney in fact, unless the power of attorney or the decree provides otherwise. The effect of this revocation shall be as if the spouse resigned as attorney in fact, or if named as successor attorney in fact, renounced the appointment, as of the date of entry of the decree or declaration, and the power of attorney shall otherwise remain in effect with respect to appointments of other persons as attorney in fact for the principal or procedures prescribed in the power of attorney to appoint other persons, and any terms relating to service by persons as attorney in fact.

(2) This section applies to all decrees of dissolution and declarations of invalidity of marriage entered after the effective date of this act.

**Sec. 2.** RCW 11.94.040 and 1985 c 30 s 28 are each amended to read as follows:

(1) Any person acting without negligence and in good faith in reasonable reliance on a power of attorney shall not incur any liability (~~thereby~~).

(2) If the attorney in fact presents the power of attorney to a third person and requests the person to accept the attorney in fact's authority to act for the principal, and also presents to the person an acknowledged affidavit or declaration signed under penalty of perjury in the form designated in RCW 9A.72.085, signed and dated contemporaneously with presenting the power of attorney, which meets the requirements of subsection (3) of this section, and the person accepting the power of attorney has examined the power of attorney and confirmed the identity of the attorney in fact, then the person's reliance on the power of attorney is presumed to be without negligence and in good faith in reasonable reliance, which presumption may be rebutted by clear and convincing evidence that the person accepting the power of attorney knew or should have known that one or more of the material statements in the affidavit is untrue. It shall not be found that an organization knew or should have known of circumstances that would revoke or terminate the power of attorney or limit or modify the authority of the attorney in fact, unless the individual accepting the power of attorney on behalf of the organization knew or should have known of the circumstances.

(3) An affidavit presented pursuant to subsection (2) of this section shall state that:

(a) The person presenting himself or herself as the attorney in fact and signing the affidavit or declaration is the person so named in the power of attorney;

(b) If the attorney in fact is named in the power of attorney as a successor attorney in fact, the circumstances or conditions stated in the power of attorney that would cause that person to become the acting attorney in fact have occurred;

(c) To the best of the attorney in fact's knowledge, the principal is still alive;

(d) To the best of the attorney in fact's knowledge, at the time the power of attorney was signed, the principal was competent to execute the document and was not under undue influence to sign the document;

(e) All events necessary to making the power of attorney effective have occurred;

(f) The attorney in fact does not have actual knowledge of the revocation, termination, limitation, or modification of the power of attorney or of the attorney in fact's authority;

(g) The attorney in fact does not have actual knowledge of the existence of other circumstances that would limit, modify, revoke, or terminate the power of attorney or the attorney in fact's authority to take the proposed action;

(h) If the attorney in fact was married to the principal at the time of execution of the power of attorney, then at the time of signing the affidavit or declaration, the marriage of the principal and the attorney in fact has not been dissolved or declared invalid; and

(i) The attorney in fact is acting in good faith pursuant to the authority given under the power of attorney.

(4) Unless the document contains a time limit, the length of time which has elapsed from its date of execution shall not prevent a party from reasonably relying on the document.

(5) Unless the document contains a requirement that it be filed for record to be effective, a person ~~((shall))~~ may place reasonable reliance on it regardless of whether it is so filed.

**NEW SECTION. Sec. 3.** (1) A person designated in section 4 of this act may file a petition requesting that the court:

(a) Determine whether the power of attorney is in effect or has terminated;

(b) Compel the attorney in fact to submit the attorney in fact's accounts or report the attorney in fact's acts as attorney in fact to the principal, the spouse of the principal, the guardian of the person or the estate of the principal, or to any other person required by the court in its discretion, if the attorney in fact has failed to submit an accounting or report within sixty days after written request from the person filing the petition, however, a government agency charged with the protection of vulnerable adults may file a petition upon the attorney in fact's refusal or failure to submit an accounting upon written request and shall not be required to wait sixty days;

(c) Ratify past acts or approve proposed acts of the attorney in fact;

(d) Order the attorney in fact to exercise or refrain from exercising authority in a power of attorney in a particular manner or for a particular purpose;

(e) Modify the authority of an attorney in fact under a power of attorney;

(f) Remove the attorney in fact on a determination by the court of both of the following:

(i) The attorney in fact has violated or is unfit to perform the fiduciary duties under the power of attorney; and

(ii) The removal of the attorney in fact is in the best interest of the principal;

(g) Approve the resignation of the attorney in fact and approve the final accountings of the resigning attorney in fact if submitted, subject to any orders the court determines are necessary to protect the principal's interests;

(h) Confirm the authority of a successor attorney in fact to act under a power of attorney upon removal or resignation of the previous attorney in fact;

(i) Compel a third person to honor the authority of an attorney in fact, provided that a third person may not be compelled to honor the agent's authority if the principal could not compel the third person to act in the same circumstances;

(j) Order the attorney in fact to furnish a bond in an amount the court determines to be appropriate.

(2) The petition shall contain a statement identifying the principal's known immediate family members, and any other persons known to petitioner to be interested in the principal's welfare or the principal's estate, stating which of said persons have an interest in the action requested in the petition and explaining the determination of who is interested in the petition.

**NEW SECTION. Sec. 4.** (1) A petition may be filed under section 3 of this act by any of the following persons:

(a) The attorney in fact;

(b) The principal;

(c) The spouse of the principal;



(d) The guardian of the estate or person of the principal; or

(e) Any other interested person, as long as the person demonstrates to the court's satisfaction that the person is interested in the welfare of the principal and has a good faith belief that the court's intervention is necessary, and that the principal is incapacitated at the time of filing the petition or otherwise unable to protect his or her own interests.

(2) Notwithstanding section 1 of this act, the principal may specify in the power of attorney by name certain persons who shall have no authority to bring a petition under section 3 of this act with respect to the power of attorney. This provision is enforceable:

(a) If the person so named is not at the time of filing the petition the guardian of the principal;

(b) If at the time of signing the power of attorney the principal was represented by an attorney who advised the principal regarding the power of attorney and who signed a certificate at the time of execution of the power of attorney, stating that the attorney has advised the principal concerning his or her rights, the applicable law, and the effect and consequences of executing the power of attorney; or

(c) If (a) and (b) of this subsection do not apply, unless the person so named can establish that the principal was unduly influenced by another or under mistaken beliefs when excluding the person from the petition process, or unless the person named is a government agency charged with protection of vulnerable adults.

**NEW SECTION. Sec. 5.** In ruling on a petition filed under section 3 of this act and ordering any relief, the court must consider the best interests of the principal and will order relief that is the least restrictive to the exercise of the power of attorney while still adequate in the court's view to serve the principal's best interests. Upon entry of an order ruling on a petition, the court's oversight of the attorney in fact's actions and of the operation of the power of attorney ends unless another petition is filed under this chapter or unless the order specifies further court involvement that is necessary for a resolution of the issues raised in the petition.

**NEW SECTION. Sec. 6.** In any proceeding commenced by the filing of a petition under section 3 of this act by a person other than the attorney in fact, the court may in its discretion award costs, including reasonable attorneys' fees, to any person participating in the proceedings from any other person participating in the proceedings, or from the assets of the principal, as the court determines to be equitable. In determining what is equitable in making the award, the court must consider whether the petition was filed without reasonable cause, and order costs and fees paid by the attorney in fact individually only if the court determines that the attorney in fact has clearly violated his or her fiduciary duties or has refused without justification to cooperate with the principal or the principal's guardian or personal representative. In a proceeding to compel a third party to accept a power of attorney, the court may order costs, including reasonable attorneys' fees, to be paid by the third party only if the court determines that the third party did not have a good faith concern that the attorney in fact's exercise of authority would be improper. To the extent this section is inconsistent with RCW 11.96A.150, this section controls the award of costs and attorneys' fees in proceedings brought under section 3 of this act.

**NEW SECTION. Sec. 7.** The provisions of chapter 11.96A RCW, except for RCW 11.96A.260 through 11.96A.320, are applicable to proceedings commenced by the filing of a petition under section 3 of this act.

**NEW SECTION. Sec. 8.** (1) The following persons are entitled to notice of hearing on any petition under section 3 of this act:

(a) The principal;

(b) The principal's spouse;

(c) The attorney in fact;

(d) The guardian of the estate or person of the principal;

(e) Any other person identified in the petition as being interested in the action requested in the petition, or identified by the court as having a right to notice of the hearing. If a person would be excluded from bringing a petition under section 4(2) of this act, then that person is not entitled to notice of the hearing.

(2) Notwithstanding subsection (1) of this section, if the whereabouts of the principal are unknown or the principal is otherwise unavailable to receive notice, the court may waive the requirement of notice to the principal, and if the principal's spouse is similarly unavailable to receive notice, the court may waive the requirement of notice to the principal's spouse.

(3) Notice must be given as required under chapter 11.96A RCW, except that the parties entitled to notice shall be determined under this section.

**Sec. 9.** RCW 11.96A.040 and 1999 c 42 s 201 are each amended to read as follows:

(1) The superior court of every county has original subject matter jurisdiction over the probate of wills and the administration of estates of incapacitated, missing, and deceased individuals in all instances, including without limitation:

- (a) When a resident of the state dies;
- (b) When a nonresident of the state dies in the state; or
- (c) When a nonresident of the state dies outside the state.

(2) The superior court of every county has original subject matter jurisdiction over trusts and all matters relating to trusts.

(3) The superior courts may: Probate or refuse to probate wills, appoint personal representatives, administer and settle the affairs and the estates of incapacitated, missing, or deceased individuals including but not limited to decedents' nonprobate assets; administer and settle matters that relate to nonprobate assets and arise under chapter 11.18 or 11.42 RCW; administer and settle all matters relating to trusts; administer and settle matters that relate to powers of attorney; award processes and cause to come before them all persons whom the courts deem it necessary to examine; order and cause to be issued all such writs and any other orders as are proper or necessary; and do all other things proper or incident to the exercise of jurisdiction under this section.

(4) The subject matter jurisdiction of the superior court applies without regard to venue. A proceeding or action by or before a superior court is not defective or invalid because of the selected venue if the court has jurisdiction of the subject matter of the action.

**Sec. 10.** RCW 11.96A.050 and 1999 c 42 s 202 are each amended to read as follows:

(1) Venue for proceedings pertaining to trusts shall be:

(a) For testamentary trusts established under wills probated in the state of Washington, in the superior court of the county where letters testamentary were granted to a personal representative of the estate subject to the will or, in the alternative, the superior court of the county of the situs of the trust; and

(b) For all other trusts, in the superior court of the county in which the situs of the trust is located, or, if the situs is not located in the state of Washington, in any county.

(2) Venue for proceedings subject to chapter 11.88 or 11.92 RCW shall be determined under the provisions of those chapters.

(3) Venue for proceedings pertaining to the probate of wills, the administration and disposition of a decedent's property, including nonprobate assets, and any other matter not identified in subsection (1) or (2) of this section, may be in any county in the state of Washington. A party to a proceeding may request that venue be changed if the request is made within four months of the mailing of the notice of appointment and pendency of probate required by RCW 11.28.237, and except for good cause shown, venue must be moved as follows:

(a) If the decedent was a resident of the state of Washington at the time of death, to the county of the decedent's residence; or

(b) If the decedent was not a resident of the state of Washington at the time of death, to any of the following:

- (i) Any county in which any part of the probate estate might be;
- (ii) If there are no probate assets, any county where any nonprobate asset might be; or
- (iii) The county in which the decedent died.

(4) Once letters testamentary or of administration have been granted in the state of Washington, all orders, settlements, trials, and other proceedings under this title shall be had or made in the county in which such letters have been granted unless venue is moved as provided in subsection (2) of this section.

(5) Venue for proceedings pertaining to powers of attorney shall be in the superior court of the county of the principal's residence, except for good cause shown.

(6) If venue is moved, an action taken before venue is changed is not invalid because of the venue.

~~((6))~~ (7) Any request to change venue that is made more than four months after the commencement of the action may be granted in the discretion of the court.

**Sec. 11.** RCW 11.96A.120 and 1999 c 42 s 305 are each amended to read as follows:

(1) This section is intended to adopt the common law concept of virtual representation. This section supplements the common law relating to the doctrine of virtual representation and shall not be construed as limiting the application of that common law doctrine.

(2) Any notice requirement in this title is satisfied if notice is given as follows:

(a) Where an interest in an estate, trust, or nonprobate asset or an interest that may be affected by a power of attorney has been given to persons who comprise a certain class upon the happening of a certain event, notice may be given to the living persons who would constitute the class if the event had happened immediately before the commencement of the proceeding requiring notice, and the persons shall virtually represent all other members of the class;

(b) Where an interest in an estate, trust, or nonprobate asset or an interest that may be affected by a power of attorney has been given to a living person, and the same interest, or a share in it, is to pass to the surviving spouse or to persons who are, or might be, the distributees, heirs, issue, or other kindred of that living person upon the happening of a future event, notice may be given to that living person, and the living person shall virtually represent the surviving spouse, distributees, heirs, issue, or other kindred of the person; and

(c) Except as otherwise provided in this subsection, where an interest in an estate, trust, or nonprobate asset or an interest that may be affected by a power of attorney has been given to a person or a class of persons, or both, upon the happening of any future event, and the same interest or a share of the interest is to pass to another person or class of persons, or both, upon the happening of an additional future event, notice may be given to the living person or persons who would take the interest upon the happening of the first event, and the living person or persons shall virtually represent the persons and classes of persons who might take on the happening of the additional future event.

(3) A party is not virtually represented by a person receiving notice if a conflict of interest involving the matter is known to exist between the notified person and the party.

(4) An action taken by the court is conclusive and binding upon each person receiving actual or constructive notice or who is otherwise virtually represented.

**Sec. 12.** RCW 11.94.050 and 1989 c 87 s 1 are each amended to read as follows:

(1) Although a designated attorney in fact or agent has all powers of absolute ownership of the principal, or the document has language to indicate that the attorney in fact or agent shall have all the powers the principal would have if alive and competent, the attorney in fact or agent shall not have the power to make, amend, alter, or revoke the principal's wills or codicils, and shall not have the power, unless specifically provided otherwise in the document: To make, amend, alter, or revoke any of the principal's ((wills, codicils,)) life insurance, annuity, or similar contract beneficiary designations, employee benefit plan beneficiary designations, trust agreements, registration of the principal's securities in beneficiary form, payable on death or transfer on death beneficiary designations, designation of persons as joint tenants with right of survivorship with the principal with respect to any of the principal's property, community property agreements, or any other provisions for nonprobate transfer at death contained in nontestamentary instruments described in RCW 11.02.091; to make any gifts of property owned by the principal; to make transfers of property to any trust (whether or not created by the principal) unless the trust benefits the principal alone and does not have dispositive provisions which are different from those which would have governed the property had it not been transferred into the trust, or to disclaim property.

(2) Nothing in subsection (1) of this section prohibits an attorney in fact or agent from making any transfer of resources not prohibited under chapter 74.09 RCW when the transfer is for the purpose of qualifying the principal for medical assistance or the limited casualty program for the medically needy.

NEW SECTION. **Sec. 13.** Sections 1 and 3 through 8 of this act are each added to chapter 11.94 RCW."

On page 1, line 1 of the title, after "attorney;" strike the remainder of the title and insert "amending RCW 11.94.040, 11.96A.040, 11.96A.050, 11.96A.120, and 11.94.050; and adding new sections to chapter 11.94 RCW."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1135.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1135 as amended by the Senate.

Representative Lantz spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1135 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

Substitute House Bill No. 1135 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 10, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Each employee benefit plan offered to public employees that provides coverage for hospital, medical, or ambulatory surgery center services must cover general anesthesia services and related facility charges in conjunction with any dental procedure performed in a hospital or ambulatory surgical center if such anesthesia services and related facility charges are medically necessary because the covered person:

(a) Is under the age of seven, or physically or developmentally disabled, with a dental condition that cannot be safely and effectively treated in a dental office; or

(b) Has a medical condition that the person's physician determines would place the person at undue risk if the dental procedure were performed in a dental office. The procedure must be approved by the person's physician.

(2) Each employee benefit plan offered to public employees that provides coverage for dental services must cover general anesthesia services in conjunction with any covered dental procedure performed in a dental office if the general anesthesia services are medically necessary because the covered person is under the age of seven or physically or developmentally disabled.

(3) This section does not prohibit an employee benefit plan from:

(a) Applying cost-sharing requirements, maximum annual benefit limitations, and prior authorization requirements to the services required under this section; or

(b) Covering only those services performed by a health care provider, or in a health care facility, that is part of its provider network; nor does it limit the authority in negotiating rates and contracts with specific providers.

(4) This section does not apply to medicare supplement policies, or supplemental contracts covering a specified disease or other limited benefits.

(5) For the purpose of this section, "general anesthesia services" means services to induce a state of unconsciousness accompanied by a loss of protective reflexes, including the ability to maintain an airway independently and respond purposefully to physical stimulation or verbal command.

(6) This section applies to employee benefit plans issued or renewed on or after January 1, 2002.

**NEW SECTION. Sec. 2.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Each group health benefit plan that provides coverage for hospital, medical, or ambulatory surgery center services must cover general anesthesia services and related facility charges in conjunction with any dental procedure performed in a hospital or ambulatory surgical center if such anesthesia services and related facility charges are medically necessary because the covered person:

(a) Is under the age of seven, or physically or developmentally disabled, with a dental condition that cannot be safely and effectively treated in a dental office; or

(b) Has a medical condition that the person's physician determines would place the person at undue risk if the dental procedure were performed in a dental office. The procedure must be approved by the person's physician.

(2) Each group health benefit plan or group dental plan that provides coverage for dental services must cover medically necessary general anesthesia services in conjunction with any covered dental procedure performed in a dental office if the general anesthesia services are medically necessary because the covered person is under the age of seven or physically or developmentally disabled.

(3) This section does not prohibit a group health benefit plan or group dental plan from:

(a) Applying cost-sharing requirements, maximum annual benefit limitations, and prior authorization requirements to the services required under this section; or

(b) Covering only those services performed by a health care provider, or in a health care facility, that is part of its provider network; nor does it limit the health carrier in negotiating rates and contracts with specific providers.

(4) This section does not apply to medicare supplement policies, or supplemental contracts covering a specified disease or other limited benefits.

(5) For the purpose of this section, "general anesthesia services" means services to induce a state of unconsciousness accompanied by a loss of protective reflexes, including the ability to maintain an airway independently and respond purposefully to physical stimulation or verbal command.

(6) This section applies to group health benefit plans and group dental plans issued or renewed on or after January 1, 2002."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 41.05 RCW; and adding a new section to chapter 48.43 RCW."

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1364.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1364 as amended by the Senate.

Representatives Pflug and Cody spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1364 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

Engrossed Substitute House Bill No. 1364 as amended by the Senate having received the necessary constitutional majority, was declared passed.

**SENATE AMENDMENTS TO HOUSE BILL**

April 9, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371, with the following amendment:

On page 7, after line 9, strike "2001" and insert "1998"

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1371.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1371 as amended by the Senate.

Representatives Morell and O'Brien spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1371 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

Engrossed Substitute House Bill No. 1371 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1545, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 24.06.005 and 2000 c 167 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the term:

- (1) "Corporation" or "domestic corporation" means a mutual corporation or miscellaneous corporation subject to the provisions of this chapter, except a foreign corporation.
- (2) "Foreign corporation" means a mutual or miscellaneous corporation or other corporation organized under laws other than the laws of this state which would be subject to the provisions of this chapter if organized under the laws of this state.
- (3) "Mutual corporation" means a corporation organized to accomplish one or more of its purposes on a mutual basis for members and other persons.
- (4) "Miscellaneous corporation" means any corporation which is organized for a purpose or in a manner not provided for by the Washington business corporation act or by the Washington nonprofit corporation act, and which is not required to be organized under other laws of this state.
- (5) "Articles of incorporation" includes the original articles of incorporation and all amendments thereto, and includes articles of merger.
- (6) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.
- (7) "Member" means one having membership rights in a corporation in accordance with provisions of its articles of incorporation or bylaws.
- (8) "Stock" or "share" means the units into which the proprietary interests of a corporation are divided in a corporation organized with stock.
- (9) "Stockholder" or "shareholder" means one who is a holder of record of one or more shares in a corporation organized with stock.
- (10) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated.
- (11) "Insolvent" means inability of a corporation to pay debts as they become due in the usual course of its affairs.
- (12) "Duplicate originals" means two copies, original or otherwise, each with original signatures, or one original with original signatures and one copy thereof.
- (13) "Conforms to law" as used in connection with duties of the secretary of state in reviewing

documents for filing under this chapter, means the secretary of state has determined the document complies as to form with the applicable requirements of this chapter.

(14) "Effective date" means, in connection with a document filing made by the secretary of state, the date which is shown by affixing a "filed" stamp on the documents. When a document is received for filing by the secretary of state in a form which complies with the requirements of this chapter and which would entitle the document to be filed immediately upon receipt, but the secretary of state's approval action occurs subsequent to the date of receipt, the secretary of state's filing date shall relate back to the date on which the secretary of state first received the document in acceptable form. An applicant may request a specific effective date no more than thirty days later than the receipt date which might otherwise be applied as the effective date.

(15) "Executed by an officer of the corporation," or words of similar import, means that any document signed by such person shall be and is signed by that person under penalties of perjury and in an official and authorized capacity on behalf of the corporation or person making the document submission with the secretary of state.

(16) "An officer of the corporation" means, in connection with the execution of documents submitted for filing with the secretary of state, the president, a vice president, the secretary, or the treasurer of the corporation.

(17) "Electronic transmission" or "electronically transmitted" means any process of electronic communication not directly involving the physical transfer of paper that is suitable for the retention, retrieval, and reproduction of the transmitted information by the recipient. However, such an electronic transmission must either set forth or be submitted with information, including any security or validation controls used, from which it can reasonably be determined that the electronic transmission was authorized by, as applicable, the corporation or shareholder or member by or on behalf of which the electronic transmission was sent.

(18) "Consumer cooperative" means a corporation engaged in the retail sale, to its members and other consumers, of goods or services of a type that are generally for personal, living, or family use.

**Sec. 2.** RCW 24.06.025 and 1987 c 212 s 708 are each amended to read as follows:

The articles of incorporation shall set forth:

- (1) The name of the corporation.
- (2) The period of duration, which may be perpetual or for a stated number of years.
- (3) The purpose or purposes for which the corporation is organized.
- (4) The qualifications and the rights and responsibilities of the members and the manner of their election, appointment or admission to membership and termination of membership; and, if there is more than one class of members or if the members of any one class are not equal, the relative rights and responsibilities of each class or each member.
- (5) If the corporation is to have capital stock:
  - (a) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value; or, if such shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value;
  - (b) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations and relative rights in respect of the shares of each class;
  - (c) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series;
  - (d) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the corporation.
- (6) If the corporation is to distribute surplus funds to its members, stockholders or other persons, provisions for determining the amount and time of the distribution.
- (7) Provisions for distribution of assets on dissolution or final liquidation.
- (8) Whether a dissenting shareholder or member shall be limited to a return of less than the fair value of



his shares or membership.

(9) ~~((Any provisions, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation.~~

~~————(10))~~ The address of its initial registered office, including street and number, and the name of its initial registered agent at such address.

~~((11))~~ (10) The number of directors constituting the initial board of directors, and the names and addresses of the persons who are to serve as the initial directors.

~~((12))~~ (11) The name and address of each incorporator.

~~((13))~~ (12) Any provision, not inconsistent with law, ~~((which the incorporators elect to set forth in the articles of incorporation))~~ for the regulation of the internal affairs of the association, including ~~((provisions regarding))~~:

(a) ~~((Eliminating or limiting the personal liability of a director to the association or its members for monetary damages for conduct as a director: PROVIDED, That such provision shall not eliminate or limit the liability of a director for acts or omissions that involve intentional misconduct by a director or a knowing violation of law by a director, or for any transaction from which the director will personally receive a benefit in money, property, or services to which the director is not legally entitled. No such provision may eliminate or limit the liability of a director for any act or omission occurring before the date when such provision becomes effective))~~ Overriding the release from liability provided in RCW 24.06.035(2); and

(b) Any provision which under this title is required or permitted to be set forth in the bylaws.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this chapter.

Unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment to the articles of incorporation, a change in the number of directors made by amendment to the bylaws shall be controlling. In all other cases, whenever a provision of the articles of incorporation is inconsistent with a bylaw, the provision of the articles of incorporation shall be controlling.

**Sec. 3.** RCW 24.06.030 and 1969 ex.s. c 120 s 6 are each amended to read as follows:

Each corporation shall have power:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(4) To purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, be trustee of, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(6) To lend money to its employees.

(7) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit, associations, partnerships or individuals, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(8) To make contracts and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.

(9) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(10) To conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this chapter, in any state, territory, district, or possession of the United States, or in any foreign country.

(11) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(12) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.

(13) To establish and maintain reserve, equity, surplus or other funds, and to provide for the time, form and manner of distribution of such funds among members, shareholders or other persons with interests therein in accordance with the articles of incorporation.

(14) Unless otherwise provided in the articles of incorporation, to make donations for the public welfare or for charitable, scientific or educational purposes, and in time of war to make donations in aid of the United States and its war activities.

(15) To indemnify any director or officer or former director or officer of the corporation, or any person who may have served at its request as a director or officer of another corporation, against expenses actually and necessarily incurred by him or her in connection with the defense of any action, suit or proceeding in which he or she is made a party by reason of being or having been such director or officer, except ~~((in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty))~~ for acts or omissions that involve intentional misconduct or a knowing violation of law by the director or officer, or that involve a transaction from which the director or officer will personally receive a benefit in money, property, or services to which the director or officer is not legally entitled: PROVIDED, That such indemnification shall not be deemed exclusive of any other rights to which such director or officer may be entitled, under any bylaw, agreement, vote of board of directors or members or shareholders, or otherwise.

(16) To cease its corporate activities and surrender its corporate franchise.

(17) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized and not inconsistent with the articles of incorporation or the provisions of this chapter.

**Sec. 4.** RCW 24.06.035 and 1987 c 212 s 709 are each amended to read as follows:

(1) A corporation subject to the provisions of this chapter shall not engage in any business, trade, a vocation or profession for profit: PROVIDED, That nothing contained herein shall be construed to forbid such a corporation from accumulating reserve, equity, surplus or other funds through subscriptions, fees, dues or assessments, or from charges made its members or other persons for services rendered or supplies or benefits furnished, or from distributing its surplus funds to its members, stockholders or other persons in accordance with the provisions of the articles of incorporation. A member of the board of directors or an officer of such a corporation shall have the same immunity from liability as is granted in RCW 4.24.264.

(2) Unless the articles of incorporation provide otherwise, a member of the board of directors or an officer of the corporation is not individually liable to the corporation or its shareholders or members in their capacity as shareholders or members for conduct within his or her official capacity as a director or officer after the effective date of this subsection except for acts or omissions that involve intentional misconduct or a knowing violation of the law, or that involve a transaction from which the director or officer will personally receive a benefit in money, property, or services to which the director or officer is not legally entitled. Nothing in this subsection may be construed to limit or modify in any manner the power of the attorney general to bring an action on behalf of the public to enjoin, correct, or otherwise remedy a breach of a charitable trust by a corporation or its directors or officers.

**Sec. 5.** RCW 24.06.100 and 1969 ex.s. c 120 s 20 are each amended to read as follows:

Meetings of members and/or shareholders may be held at such place, either within or without this state, as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this state.

An annual meeting of the members and shareholders shall be held at such time as may be provided in the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

Special meetings of the members or shareholders may be called by the president or by the board of

directors. Special meetings of the members or shareholders may also be called by such other officers or persons or number or proportion of members or shareholders as may be provided in the articles of incorporation or the bylaws. In the absence of a provision fixing the number or proportion of members or shareholders entitled to call a meeting, a special meeting of members or shareholders may be called by persons having one-twentieth of the votes entitled to be cast at such meeting. Only business within the purpose or purposes described in the meeting notice required by RCW 24.06.105 may be conducted at a special meeting.

If the articles of incorporation or bylaws so provide, members or shareholders may participate in any meeting of members or shareholders by any means of communication by which all persons participating in the meeting can hear each other during the meeting. A member or shareholder participating in a meeting by this means is deemed to be present in person at the meeting.

**Sec. 6.** RCW 24.06.110 and 2000 c 167 s 4 are each amended to read as follows:

The right of a class or classes of members or shareholders to vote may be limited, enlarged or denied to the extent specified in the articles of incorporation. Unless so limited, enlarged or denied, each member and each outstanding share of each class shall be entitled to one vote on each matter submitted to a vote of members or shareholders. No member of a class may acquire any interest which will entitle him or her to a greater vote than any other member of the same class.

A member or shareholder may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by mail by electronic transmission, or by proxy executed in writing by the member or shareholder or by his or her duly authorized attorney-in-fact: PROVIDED, That no proxy shall be valid for more than eleven months from the date of its execution unless otherwise specified in the proxy.

If a member or shareholder may vote by proxy, the proxy may be given by:

(1) Executing a writing authorizing another person or persons to act for the member or shareholder as proxy. Execution may be accomplished by the member or shareholder or the member's or shareholder's authorized officer, director, employee, or agent signing the writing or causing his or her signature to be affixed to the writing by any reasonable means including, but not limited to, facsimile signature; or

(2) Authorizing another person or persons to act for the member or shareholder as proxy by transmitting or authorizing the transmission of an electronic transmission to the person who will be the holder of the proxy, or to a proxy solicitation firm, proxy support service organization, or like agent duly authorized by the person who will be the holder of the proxy to receive the transmission. If it is determined that the electronic transmissions are valid, the inspector of election or, if there are no inspectors, any other officer or agent of the corporation making that determination on behalf of the corporation shall specify the information upon which they relied. The corporation shall require the holders of proxies received by electronic transmission to provide to the corporation copies of the electronic transmission and the corporation shall retain copies of the electronic transmission for a reasonable period of time.

If specifically permitted by the articles of incorporation (~~may provide that~~) or bylaws, whenever proposals or directors or officers are to be voted upon, such vote may be taken by mail or by electronic transmission if the name of each candidate and the text of each proposal to be so voted upon are set forth in a writing accompanying or contained in the notice of meeting. Persons voting by mail or by electronic transmission shall be deemed present for all purposes of quorum, count of votes and percentages of total voting power voting.

The articles of incorporation or the bylaws may provide that in all elections for directors every person entitled to vote shall have the right to cumulate his or her vote and to give one candidate a number of votes equal to his or her vote multiplied by the number of directors to be elected, or by distributing such votes on the same principle among any number of such candidates.

**Sec. 7.** RCW 24.06.115 and 2000 c 167 s 5 are each amended to read as follows:

The articles of incorporation or the bylaws may provide the number or percentage of votes which members or shareholders are entitled to cast in person by mail by electronic transmission, or by proxy, which shall constitute a quorum at meetings of shareholders or members. However, in no event shall a quorum be less than one-fourth, or in the case of consumer cooperatives, five percent, of the votes which members or

shareholders are entitled to cast in person by mail by electronic transmission, or by proxy, at a meeting considering the adoption of a proposal which is required by the provisions of this chapter to be adopted by at least two-thirds of the votes which members or shareholders present at the meeting in person or by mail by electronic transmission, or represented by proxy are entitled to cast. In all other matters and in the absence of any provision in the articles of incorporation or bylaws, a quorum shall consist of one-fourth, or in the case of consumer cooperatives, five percent, of the votes which members or shareholders are entitled to cast in person by mail by electronic transmission, or by proxy at the meeting. On any proposal on which a class of shareholders or members is entitled to vote as a class, a quorum of the class entitled to vote as such class must also be present in person by mail by electronic transmission, or represented by proxy.

**Sec. 8.** RCW 24.06.150 and 1969 ex.s. c 120 s 30 are each amended to read as follows:

Meetings of the board of directors, regular or special, may be held either within or without this state, and upon such notice as the bylaws may prescribe. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

Unless the articles of incorporation or bylaws provide otherwise, any or all directors may participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating can hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

**NEW SECTION. Sec. 9.** A new section is added to chapter 24.06 RCW to read as follows:

(1) A director shall discharge the duties of a director, including duties as a member of a committee, and an officer with discretionary authority shall discharge the officer's duties under that authority:

(a) In good faith;

(b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(c) In a manner the director or officer reasonably believes to be in the best interests of the corporation.

(2) In discharging the duties of a director or an officer, a director or officer is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(a) One or more officers or employees of the corporation whom the director or officer reasonably believes to be reliable and competent in the matters presented; or

(b) Legal counsel, public accountants, or other persons as to matters the director or officer reasonably believes are within the person's professional or expert competence.

In addition, a director is entitled to rely on a committee of the board of directors of which the director is not a member if the director reasonably believes the committee merits confidence.

(3) A director or an officer is not acting in good faith if the director or officer has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (2) of this section unwarranted.

(4) A director or officer is not liable for any action taken as a director or as an officer, or any failure to take any action, if the director or officer performed the duties of the director's or officer's office in compliance with this section.

**Sec. 10.** RCW 24.06.185 and 1969 ex.s. c 120 s 37 are each amended to read as follows:

A corporation may amend its articles of incorporation from time to time in any and as many respects as may be desired, so long as its articles of incorporation as amended contain only such provisions as are lawful under this chapter. A member or shareholder of a corporation does not have a vested property right resulting from any provision in the articles of incorporation.

**Sec. 11.** RCW 24.06.190 and 2000 c 167 s 6 are each amended to read as follows:

Amendments to the articles of incorporation shall be made in the following manner:

A corporation's board of directors may amend the articles of incorporation to change the name of the corporation, without seeking member or shareholder approval. With respect to amendments other than to change the name of the corporation, the board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members and shareholders, which may be either an annual or a special meeting. Written or printed notice or, if specifically permitted by the articles of incorporation or bylaws of the corporation, notice by electronic transmission, setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member and shareholder entitled to vote at such meeting within the time and in the manner provided in this chapter for the giving of notice of meetings of members and shareholders. The proposed amendment shall be adopted upon receiving at least two-thirds of the votes which members or shareholders present in person or by mail or by electronic transmission at such meeting or represented by proxy are entitled to cast: PROVIDED, That when any class of shares or members is entitled to vote thereon by class, the proposed amendment must receive at least two-thirds of the votes of the members or shareholders of each class entitled to vote thereon as a class, who are present in person by mail by electronic transmission, or represented by proxy at such meeting.

Any number of amendments may be submitted and voted upon at any one meeting.

**Sec. 12.** RCW 24.06.195 and 2000 c 167 s 7 are each amended to read as follows:

The articles of amendment shall be executed in duplicate originals by the corporation by an officer of the corporation, and shall set forth:

- (1) The name of the corporation.
- (2) Any amendment so adopted.

(3) If an amendment was adopted by the board of directors without being submitted for member or shareholder action, a statement to that effect and that member or shareholder action was not required; or a statement setting forth the date of the meeting of members and shareholders at which the amendment was adopted, that a quorum was present at such meeting, and that such amendment received at least two-thirds of the votes which members or shareholders of the corporation, and of each class entitled to vote thereon as a class, present at such meeting in person by mail by electronic transmission, or represented by proxy were entitled to cast, or a statement that such amendment was adopted by a consent in writing signed by all members and shareholders entitled to vote with respect thereto.

**Sec. 13.** RCW 24.06.245 and 1969 ex.s. c 120 s 49 are each amended to read as follows:

Any member or shareholder of a corporation shall have the right to dissent from any of the following corporate actions:

- (1) Any plan of merger or consolidation to which the corporation is a party other than a merger or consolidation in which all members or shareholders of the corporation have the right to continue their membership or shareholder status in the surviving corporation on substantially similar terms; or
- (2) Any sale or exchange of all or substantially all of the property and assets of the corporation not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of sale be distributed to the shareholders in accordance with their respective interests within one year after the date of sale; or
- (3) Any amendment to the articles of incorporation (~~(which changes voting or property rights of members or shareholders other than by changing the number of memberships or shares or classes of either thereof)~~) that materially reduces the number of shares owned by a shareholder to a fraction of a share if the fractional share is to be acquired by the corporation for cash; or
- (4) (~~(Any amendment to the articles of incorporation which reorganizes a corporation under the provisions of this chapter)~~) Any corporate action taken pursuant to a member or shareholder vote to the extent that the articles of incorporation bylaws, or a resolution of the board of directors provides that voting or nonvoting members or shareholders are entitled to dissent and obtain payment for their membership or shares.

A member or shareholder entitled to dissent and obtain payment for the member's or shareholder's

membership interest or shares under this chapter may not challenge the corporate action creating the member's or shareholder's entitlement unless the action fails to comply with the procedural requirements imposed by this title, the articles of incorporation, or the bylaws, or is fraudulent with respect to the member or shareholder or the corporation.

The provisions of this section shall not apply to the members or shareholders of the surviving corporation in a merger if such corporation is on the date of the filing of the articles of merger the owner of all the outstanding shares of the other corporations, domestic or foreign, which are parties to the merger(~~(, or if a vote of the members and shareholders of such corporation is not necessary to authorize such merger)~~).

The meeting notice for any meeting at which a proposed corporate action creating dissenters' rights is submitted to a vote must state that members or shareholders are or may be entitled to assert dissenters' rights and be accompanied by a copy of RCW 24.06.250.

**Sec. 14.** RCW 24.06.250 and 2000 c 167 s 11 are each amended to read as follows:

Any member or shareholder electing to exercise such right of dissent shall file with the corporation, prior to or at the meeting of members and shareholders at which such proposed corporate action is submitted to a vote, a written objection to such proposed corporate action. If such proposed corporate action be approved by the required vote and such member or shareholder shall not have voted in favor thereof, such member or shareholder may, within ten days after the date on which the vote was taken, (~~(or if a corporation is to be merged without a vote of its members and shareholders into another corporation, any other members or shareholders may, within fifteen days after the plan of such merger shall have been mailed or sent by electronic transmission to such members and shareholders,)~~) make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, domestic or foreign, for payment of the fair value of such member's membership or of such shareholder's shares, and, if such proposed corporate action is effected, such corporation shall pay to such member, upon surrender of his or her membership certificate, if any, or to such shareholder, upon surrender of the certificate or certificates representing such shares, the fair value thereof as of the day prior to the date on which the vote was taken approving the proposed corporate action, excluding any appreciation or depreciation in anticipation of such corporate action. Any member or shareholder failing to make demand within the ten day period shall be bound by the terms of the proposed corporate action. Any member or shareholder making such demand shall thereafter be entitled only to payment as in this section provided and shall not be entitled to vote or to exercise any other rights of a member or shareholder.

No such demand shall be withdrawn unless the corporation shall consent thereto. The right of such member or shareholder to be paid the fair value of his or her membership or shares shall cease and his or her status as a member or shareholder shall be restored, without prejudice to any corporate proceedings which may have been taken during the interim, if:

- (1) Such demand shall be withdrawn upon consent; or
- (2) The proposed corporate action shall be abandoned or rescinded or the members or shareholders shall revoke the authority to effect such action; or
- (3) In the case of a merger, on the date of the filing of the articles of merger the surviving corporation is the owner of all the outstanding shares of the other corporations, domestic and foreign, that are parties to the merger; or
- (4) (~~(No demand or petition for the determination of fair value by a court shall have been made or filed within the time provided by this section; or~~
- ~~\_\_\_\_\_~~(5)) A court of competent jurisdiction shall determine that such member or shareholder is not entitled to the relief provided by this section.

Within ten days after such corporate action is effected, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, shall give written notice thereof to each dissenting member or shareholder who has made demand as herein provided, and shall make a written offer to each such member or shareholder to pay for such shares or membership at a specified price deemed by such corporation to be the fair value thereof. Except in cases where the fair value payable to dissenters is fixed in the articles of incorporation or pursuant to RCW 24.06.255, such notice and offer shall be accompanied by a balance sheet of the corporation in which the member ((has)) holds his or her membership or ((the shares of which)) the

dissenting shareholder holds shares, as of the latest available date and not more than twelve months prior to the making of such offer, and a profit and loss statement of such corporation for the twelve months' period ended on the date of such balance sheet.

If the fair value payable to dissenting members or shareholders is fixed in the articles of incorporation or pursuant to RCW 24.06.255, or if within thirty days after the date on which such corporate action was effected the fair value of such shares or membership is agreed upon between any such dissenting member or shareholder and the corporation, payment therefor shall be made within ninety days after the date on which such corporate action was effected, upon surrender of the membership certificate, if any, or upon surrender of the certificate or certificates representing such shares. Upon payment of the agreed value the dissenting member or shareholder shall cease to have any interest in such membership or shares.

If the fair value payable to dissenting members or shareholders is not fixed in the articles of incorporation or pursuant to RCW 24.06.025, and within such period of thirty days a dissenting member or shareholder and the corporation do not so agree, then the dissenting member or shareholder shall be entitled to make written demand to the corporation, ((within thirty days after receipt of written demand from any dissenting member or shareholder given)) within sixty days after the date on which such corporate action was effected, requesting that the corporation petition for a determination of the fair value by a court. If such a demand is not timely made on the corporation, the right of such member or shareholder to demand to be paid the fair value of his or her membership or shares shall be forfeited. Within thirty days after receipt of such a written demand from any dissenting member or shareholder, the corporation shall, or at its election at any time within ((such period of sixty)) ninety days after the date on which such corporate action was effected may, file a petition in any court of competent jurisdiction in the county in this state where the registered office of the corporation is located praying that the fair value of such membership or shares be found and determined. If, in the case of a merger or consolidation, the surviving or new corporation is a foreign corporation without a registered office in this state, such petition shall be filed in the county where the registered office of the domestic corporation was last located. If the corporation shall fail to institute the proceeding as herein provided, any dissenting member or shareholder may do so in the name of the corporation. All dissenting members and shareholders, wherever residing, shall be made parties to the proceeding as an action against their memberships or shares quasi in rem. A copy of the petition shall be served on each dissenting member and shareholder who is a resident of this state and shall be served by registered or certified mail on each dissenting member or shareholder who is a nonresident. Service on nonresidents shall also be made by publication as provided by law. The jurisdiction of the court shall be plenary and exclusive. All members and shareholders who are parties to the proceeding shall be entitled to judgment against the corporation for the amount of the fair value of their shares. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof. The judgment shall be payable only upon and concurrently with the surrender to the corporation of the membership certificate, if any, or of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting shareholder or member shall cease to have any interest in such shares or membership.

The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances, from the date on which the vote was taken on the proposed corporate action to the date of payment.

The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against any or all of the dissenting members and shareholders who are parties to the proceeding to whom the corporation shall have made an offer to pay for membership or shares if the court shall find that the action of such members or shareholders in failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers, but shall exclude the fees and expenses of counsel for and experts employed by any party; but if the fair value of the memberships or shares as determined materially exceeds the amount which the corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to any member or shareholder who is a party to the proceeding such sum as the court may determine to be reasonable compensation

to any expert or experts employed by the member or shareholder in the proceeding.

Within twenty days after demanding payment for his or her shares or membership, each member and shareholder demanding payment shall submit the certificate or certificates representing his or her membership or shares to the corporation for notation thereon that such demand has been made. His or her failure to do so shall, at the option of the corporation, terminate his or her rights under this section unless a court of competent jurisdiction, for good and sufficient cause shown, shall otherwise direct. If membership or shares represented by a certificate on which notation has been so made shall be transferred, each new certificate issued therefor shall bear a similar notation, together with the name of the original dissenting holder of such membership or shares, and a transferee of such membership or shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting member or shareholder had after making demand for payment of the fair value thereof.

**Sec. 15.** RCW 24.06.255 and 1969 ex.s. c 120 s 51 are each amended to read as follows:

Notwithstanding any provision in this chapter for the payment of fair value to a dissenting member or shareholder, (1) the articles of incorporation may provide that a dissenting member or shareholder shall be limited to a return of a lesser amount, but in no event shall a dissenting member or shareholder be limited to a return of less than the consideration paid to the corporation for the membership or shares which he or she holds unless the fair value of the membership or shares is less than the consideration paid to the corporation, and (2) the fair value payable to a dissenting member of a consumer cooperative shall be a fixed amount equal to the consideration paid to the corporation for the member's current membership unless the articles of incorporation expressly provide for a greater or lesser amount."

On page 1, line 1 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 24.06.005, 24.06.025, 24.06.030, 24.06.035, 24.06.100, 24.06.110, 24.06.115, 24.06.150, 24.06.185, 24.06.190, 24.06.195, 24.06.245, 24.06.250, and 24.06.255; and adding a new section to chapter 24.06 RCW."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1545.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1545 as amended by the Senate.

Representative Lantz spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1545 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

Substitute House Bill No. 1545 as amended by the Senate having received the necessary constitutional



majority, was declared passed.

**SENATE AMENDMENTS TO HOUSE BILL**

April 6, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1564, with the following amendment:

On page 1, beginning on line 6, after "*Thomas*," strike all material through "2000)" on line 7, and insert "103 Wn. App. 800"

On page 1, beginning on line 1 of the title, after "Relating to" strike all material through "servants" on line 2 of the title, and insert "obstructing governmental operations"

There being no objection, the House concurred in the Senate amendment to House Bill No. 1564.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1564 as amended by the Senate.

Representatives Casada and Hurst spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1564 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Tsalcott - 4.

House Bill No. 1564 as amended by the Senate having received the necessary constitutional majority, was declared passed.

**SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1578, with the following amendment:

On page 1, beginning on line 10, after "*Thomas*," strike all material through "2000)" on line 11, and insert "103 Wn. App. 800"

There being no objection, the House concurred in the Senate amendment to House Bill No. 1578.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1578 as amended by the Senate.

Representatives Carrell and Hurst spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1578 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

House Bill No. 1578 as amended by the Senate having received the necessary constitutional majority, was declared passed.

**SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1614, with the following amendment:

On page 1, beginning on line 6, after "*Thomas*," strike all material through "2000)" on line 7, and insert "103 Wn. App. 800"

There being no objection, the House concurred in the Senate amendment to House Bill No. 1614.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1614 as amended by the Senate.

Representatives Lovick and Carrell spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1614 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards,

Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

House Bill No. 1614 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1633, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 48.20.025 and 2000 c 79 s 3 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the insurer of health care services, as defined in RCW 48.43.005, provided to a policyholder or paid to or on behalf of the policyholder in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for a policyholder.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) An insurer shall file, for informational purposes only, a notice of its schedule of rates for its individual health benefit plans with the commissioner prior to use.

(3) An insurer shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the insurer's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the insurer's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any insurer (~~(providing)~~) issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered or renewed in the state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is (~~(delivered to)~~) received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the insurer.

(c) Any dispute regarding the calculation of the actual loss ratio shall, upon written demand of either the commissioner or the insurer, be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The insurer shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of (~~(the [this])~~) this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be seventy-four percent minus the premium tax rate applicable to the insurer's individual health benefit plans under RCW 48.14.0201.

**Sec. 2.** RCW 48.41.030 and 2000 c 79 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accounting year" means a twelve-month period determined by the board for purposes of record-keeping and accounting. The first accounting year may be more or less than twelve months and, from time to time in subsequent years, the board may order an accounting year of other than twelve months as may be required for orderly management and accounting of the pool.

(2) "Administrator" means the entity chosen by the board to administer the pool under RCW 48.41.080.

(3) "Board" means the board of directors of the pool.

(4) "Commissioner" means the insurance commissioner.

(5) "Covered person" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(6) "Health care facility" has the same meaning as in RCW 70.38.025.

(7) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.

(8) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

(9) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(10) "Health coverage" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not

include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, ((civilian health and medical program for the uniform services (CHAMPUS), 10 U.S.C. 55,)) limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(11) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health coverage" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health coverage" in subsection (10) of this section.

(12) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

(13) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

(14) "Member" means any commercial insurer which provides disability insurance or stop loss insurance, any health care service contractor, and any health maintenance organization licensed under Title 48 RCW. "Member" also means the Washington state health care authority as issuer of the state uniform medical plan. "Member" shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after May 18, 1987. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products or those products excluded from the definition of "health coverage" set forth in subsection (10) of this section.

(15) "Network provider" means a health care provider who has contracted in writing with the pool administrator or a health carrier contracting with the pool administrator to offer pool coverage to accept payment from and to look solely to the pool or health carrier according to the terms of the pool health plans.

(16) "Plan of operation" means the pool, including articles by-laws, and operating rules, adopted by the board pursuant to RCW 48.41.050.

(17) "Point of service plan" means a benefit plan offered by the pool under which a covered person may elect to receive covered services from network providers, or nonnetwork providers at a reduced rate of benefits.

(18) "Pool" means the Washington state health insurance pool as created in RCW 48.41.040.

**Sec. 3.** RCW 48.41.100 and 2000 c 79 s 12 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer ((regulated)) eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a

requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out one million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

**Sec. 4.** RCW 48.41.110 and 2000 c 80 s 2 are each amended to read as follows:

(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However, the pool may incorporate managed care features into such existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of the pool policy in plain language. After approval by the board, such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance policy issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of illnesses, injuries, and conditions which are not otherwise limited or excluded. Eligible expenses are the reasonable amounts for the health care services and items for which benefits are extended under the pool policy. Such benefits shall at minimum include, but not be limited to, the following services or related items:

- (a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;
- (b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider by a staff of registered or licensed practical nurses, or other health care providers;
- (c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;
- (d) Drugs and contraceptive devices requiring a prescription;
- (e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician;
- (f) Services of a home health agency;
- (g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;
- (h) Oxygen;
- (i) Anesthesia services;
- (j) Prostheses, other than dental;
- (k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;
- (l) Diagnostic x-rays and laboratory tests;
- (m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;
- (n) Maternity care services;
- (o) Services of a physical therapist and services of a speech therapist;
- (p) Hospice services;
- (q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and
- (r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.
- (4) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.
- (5) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner; however, no limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.
- (6) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the

requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection (7) of this section.

(7)(a) Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan (~~(in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan. The pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan)~~). For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

(8) If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

**Sec. 5.** RCW 48.43.005 and 2000 c 79 s 18 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(d).

~~(4)~~ (5) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

~~((4))~~ (5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least five thousand five hundred dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

~~((5))~~ (6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

~~((6))~~ (7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

~~((7))~~ (8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.



~~((8))~~ (9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

~~((9))~~ (10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

~~((10))~~ (11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

~~((11))~~ (12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

~~((12))~~ (13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

~~((13))~~ (14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

~~((14))~~ (15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

~~((15))~~ (16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

~~((16))~~ (17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

~~((17))~~ (18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

~~((18))~~ (19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

- (d) Disability income;
- (e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;
- (f) Workers' compensation coverage;
- (g) Accident only coverage;
- (h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;
- (i) Employer-sponsored self-funded health plans;
- (j) Dental only and vision only coverage; and
- (k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

~~((19))~~ (20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

~~((20))~~ (21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

~~((21))~~ (22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

~~((22))~~ (23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

~~((23))~~ (24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision except school districts, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes a self-employed individual or sole proprietor who derives at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year.

~~((24))~~ (25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

~~((25))~~ (26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**Sec. 6.** RCW 48.43.012 and 2000 c 79 s 19 are each amended to read as follows:

- (1) No carrier may reject an individual for an individual health benefit plan based upon preexisting

conditions of the individual except as provided in RCW 48.43.018.

(2) No carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions except as provided in this section.

(3) For an individual health benefit plan originally issued on or after March 23, 2000, preexisting condition waiting periods imposed upon a person enrolling in an individual health benefit plan shall be no more than nine months for a preexisting condition for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months prior to the effective date of the plan. No carrier may impose a preexisting condition waiting period on an individual health benefit plan issued to an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

(4) Individual health benefit plan preexisting condition waiting periods shall not apply to prenatal care services.

(5) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals who are higher than average health risks. These provisions apply only to individuals who are Washington residents.

**Sec. 7.** RCW 48.43.015 and 2000 c 80 s 3 are each amended to read as follows:

~~(1) ((For a health benefit plan offered to a group other than a small group, every health carrier shall reduce any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three month period immediately preceding the date of application for the new health plan if such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least three months under the immediately preceding health plan, the carrier may not impose a waiting period for coverage of preexisting conditions. If the person was continuously covered for less than three months under the immediately preceding health plan, the carrier must credit any waiting period under the immediately preceding health plan toward the new health plan. For the purposes of this subsection, a preceding health plan includes an employer provided self funded health plan and plans of the Washington state health insurance pool.~~

~~————(2) For a health benefit plan offered to a small group, every health carrier shall reduce any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three month period immediately preceding the date of application for the new health plan if such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least nine months under the immediately preceding health plan, the carrier may not impose a waiting period for coverage of preexisting conditions. If the person was continuously covered for less than nine months under the immediately preceding health plan, the carrier must credit any waiting period under the immediately preceding health plan toward the new health plan. For the purposes of this subsection, a preceding health plan includes an employer provided self funded health plan and plans of the Washington state health insurance pool.~~

~~————(3)) For a health benefit plan offered to a group, every health carrier shall reduce any preexisting condition exclusion, limitation, or waiting period in the group health plan in accordance with the provisions of section 2701 of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg).~~

(2) For a health benefit plan offered to a group other than a small group:

(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for at least three months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.

(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than three months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new

health plan.

(c) For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan and plans of the Washington state health insurance pool.

(3) For a health benefit plan offered to a small group:

(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for at least nine months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.

(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than nine months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new health plan.

(c) For the purpose of this subsection, a preceding health plan includes an employer-provided self-funded health plan and plans of the Washington state health insurance pool.

(4) For a health benefit plan offered to an individual, other than an individual to whom subsection ((4))

(5) of this section applies, every health carrier shall credit any preexisting condition waiting period in that plan for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new health plan in a group health benefit plan or an individual health benefit plan, other than a catastrophic health plan, and (a) the benefits under the previous plan provide equivalent or greater overall benefit coverage than that provided in the health benefit plan the individual seeks to purchase; or (b) the person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, if application for coverage is made within ninety days of relocation; or (c) the person is seeking an individual health benefit plan: (i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and (ii) his or her health care provider is part of another carrier's provider network; and (iii) application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network. The carrier must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection ((3)) (4), a preceding health plan includes an employer-provided self-funded health plan and plans of the Washington state health insurance pool.

((4)) (5) Every health carrier shall waive any preexisting condition waiting period in its individual plans for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b)).

((5)) (6) Subject to the provisions of subsections (1) through ((4)) (5) of this section, nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history.

**Sec. 8.** RCW 48.43.018 and 2000 c 80 s 4 are each amended to read as follows:

(1) Except as provided in (a) through (c) of this subsection, a health carrier may require any person applying for an individual health benefit plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan:

(i) Because a health care provider with whom he or she has an established care relationship and from

whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan; and

(b) Within fifteen business days of receipt of a completed application, the carrier shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier shall accept the person for enrollment if he or she resides within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

**Sec. 9.** RCW 48.43.025 and 2000 c 79 s 23 are each amended to read as follows:

(1) For group health benefit plans for groups other than small groups, no carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual and no carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that a carrier may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment ~~((, or for which a prudent layperson would have sought advice or treatment,))~~ within three months before the effective date of coverage. Any preexisting condition waiting period or limitation relating to pregnancy as a preexisting condition shall be imposed only to the extent allowed in the federal health insurance portability and accountability act of 1996.

(2) For group health benefit plans for small groups, no carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual and no carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions. Except that a carrier may impose a nine-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment ~~((, or for which a prudent layperson would have sought advice or~~

treatment)) within six months before the effective date of coverage. Any preexisting condition waiting period or limitation relating to pregnancy as a preexisting condition shall be imposed only to the extent allowed in the federal health insurance portability and accountability act of 1996.

(3) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. These provisions apply only to individuals who are Washington residents.

**NEW SECTION. Sec. 10.** A new section is added to chapter 48.43 RCW to read as follows:

To the extent required of the federal health insurance portability and accountability act of 1996, the eligibility of an employer or group to purchase a health benefit plan set forth in RCW 48.21.045(1)(b), 48.44.023(1)(b), and 48.46.066(1)(b) must be extended to all small employers and small groups as defined in RCW 48.43.005.

**Sec. 11.** RCW 48.44.017 and 2000 c 79 s 29 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the health care service contractor of health care services, as defined in RCW 48.43.005, provided to a contract holder or paid to or on behalf of a contract holder in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for an enrollee.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) A health care service contractor shall file, for informational purposes only, a notice of its schedule of rates for its individual contracts with the commissioner prior to use.

(3) A health care service contractor shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the health care service contractor's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the health care service contractor's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any health care service contractor (~~providing~~) issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered or renewed in this state in aggregate for the preceding calendar year. The filing shall include aggregate earned

premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is ~~((delivered to))~~ received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health care service contractor.

(c) Any dispute regarding the calculation of the actual loss ratio shall upon written demand of either the commissioner or the health care service contractor be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The health care service contractor shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be seventy-four percent minus the premium tax rate applicable to the health care service contractor's individual health benefit plans under RCW 48.14.0201.

**Sec. 12.** RCW 48.46.062 and 2000 c 79 s 32 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the health maintenance organization of health care services, as defined in RCW 48.43.005, provided to an enrollee or paid to or on behalf of the enrollee in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for an enrollee.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) A health maintenance organization shall file, for informational purposes only, a notice of its schedule of rates for its individual agreements with the commissioner prior to use.

(3) A health maintenance organization shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the health maintenance organization's rate- making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the health maintenance organization's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any health maintenance organization (~~(providing)~~) issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered or renewed in the state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is (~~delivered to~~) received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health maintenance organization.

(c) Any dispute regarding the calculation of the actual loss ratio shall, upon written demand of either the commissioner or the health maintenance organization, be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The health maintenance organization shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be seventy-four percent minus the premium tax rate applicable to the health maintenance organization's individual health benefit plans under RCW 48.14.0201.

**Sec. 13.** RCW 70.47.060 and 2000 c 79 s 34 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven



preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee by arrangement with the enrollee and through a mechanism acceptable to the administrator.

(d) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for either subsidized enrollees, or nonsubsidized enrollees, or both. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit

them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan

wherever possible and consistent with this chapter.

(15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(16) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(17) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

**NEW SECTION. Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "2000;" strike the remainder of the title and insert "amending RCW 48.20.025, 48.41.030, 48.41.100, 48.41.110, 48.43.005, 48.43.012, 48.43.015, 48.43.018, 48.43.025, 48.44.017, 48.46.062, and 70.47.060; adding a new section to chapter 48.43 RCW; and declaring an emergency."

There being no objection, the House concurred in the Senate amendment to House Bill No. 1633.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1633 as amended by the Senate.

Representatives Cody and Campbell spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1633 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

House Bill No. 1633 as amended by the Senate having received the necessary constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1692, with the following amendment:

On page 1, beginning on line 5, after "Thomas," strike all material through "2000)" on line 6, and insert "103 Wn. App. 800"

There being no objection, the House concurred in the Senate amendment to House Bill No. 1692.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1692 as amended by the Senate.

Representatives Boldt and Hurst spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1692 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

House Bill No. 1692 as amended by the Senate having received the necessary constitutional majority, was declared passed.

**SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1694, with the following amendment:

On page 1, beginning on line 6, after "*Thomas*," strike all material through "2000)" on line 7, and insert "103 Wn. App. 800"

There being no objection, the House concurred in the Senate amendment to House Bill No. 1694.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1694 as amended by the Senate.

Representative Boldt spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1694 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson,

Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

House Bill No. 1694 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1821, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.70.400 and 1998 c 245 s 154 are each amended to read as follows:

The department, with input from Dungeness crab--coastal fishery licensees and processors, shall prepare a resource plan to achieve even-flow harvesting and long-term stability of the coastal Dungeness crab resource. The plan may include pot limits, further reduction in the number of vessels, individual quotas, trip limits, area quotas, or other measures as determined by the department. The provisions of such a resource plan that are designed to effect a gear reduction or effort reduction based upon historical landing criteria are subject to the provisions of RCW 77.70.390 with respect to the consideration of extenuating circumstances.

**NEW SECTION. Sec. 2.** For the purposes of determining the number of shellfish pots assigned to a license authorizing commercial harvest of Dungeness crab adjacent to the Washington coast, if the license is held by a person whose vessel designated for use under that license was lost due to sinking in any one of the three qualifying seasons, then the department of fish and wildlife shall use the landings in February 1996 to determine the number of pots granted to the license holder as an exception to WAC 220-52-040(14). A license holder must notify the department of his or her eligibility under this section by September 30, 2001."

On page 1, line 3 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 77.70.400; and creating a new section."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1821.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1821 as amended by the Senate.

Representatives Buck and Rockefeller spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1821 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

Substitute House Bill No. 1821 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 42.17.310 and 2000 c 134 s 3, 2000 c 56 s 1, and 2000 c 6 s 5 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in

no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or predation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the

information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity



shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(xx) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(yy) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental

interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

On page 1, line 2 of the title, after "wildlife;" strike the remainder of the title and insert "and reenacting and amending RCW 42.17.310."

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1996.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1996 as amended by the Senate.

Representatives Lambert and Romero spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1996 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

Engrossed Substitute House Bill No. 1996 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 9, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2041, with the following amendment:

On page 19, beginning on line 16, strike all of section 11.

Re-number the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title after "homes"; strike the remainder of the title and insert the following:

"amending RCW 74.39A.060, 18.20.185, 74.39A.080, 18.20.190, 70.128.160, 70.128.060, and 18.20.050; adding new sections to chapter 70.128 RCW; and adding a new section to chapter 18.20 RCW."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2041.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 2041 as amended by the Senate.

Representatives Cody and Campbell spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2041 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

Substitute House Bill No. 2041 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 6, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2049, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.05.040 and 1995 c 403 s 605 are each amended to read as follows:

(1) The owner and operator shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided for by law is imposed for those violations. A regulatory agency may revisit a facility, business, or other location after a technical assistance visit and a reasonable period of time has passed to correct violations identified by the agency in writing and issue civil penalties as provided for by law for any uncorrected violations.

(2) During a visit under subsection (1) of this section, the regulatory agency may not issue civil penalties for violations not previously identified in a technical assistance visit, unless the violations are of the type for which the agency may issue a citation: (a) During a technical assistance visit under RCW 43.05.050; or (b) under RCW 43.05.090."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "and amending RCW 43.05.040."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2049.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 2049 as amended by the Senate.

Representative Pearson spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2049 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

Substitute House Bill No. 2049 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2105, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 76.13.110 and 2000 c 11 s 12 are each amended to read as follows:

(1) The department of natural resources shall establish and maintain a small forest landowner office. The small forest landowner office shall be a resource and focal point for small forest landowner concerns and policies, and shall have significant expertise regarding the management of small forest holdings, governmental programs applicable to such holdings, and the forestry riparian easement program.

(2) The small forest landowner office shall administer the provisions of the forestry riparian easement program created under RCW 76.13.120. With respect to that program, the office shall have the authority to contract with private consultants that the office finds qualified to perform timber cruises of forestry riparian easements or to lay out streamside buffers and comply with other forest and fish regulatory requirements related to the forest riparian easement program.

(3) The small forest landowner office shall assist in the development of small landowner options through

alternate management plans or alternate harvest restrictions appropriate to small landowners. The small forest landowner office shall develop criteria to be adopted by the forest practices board in rules and a manual for alternate management plans or alternate harvest restrictions. These alternate plans or alternate harvest restrictions shall meet riparian functions while requiring less costly regulatory prescriptions. At the landowner's option, alternate plans or alternate harvest restrictions may be used to further meet riparian functions.

The small forest landowner office shall evaluate the cumulative impact of such alternate management plans or alternate harvest restrictions on essential riparian functions at the subbasin or watershed level. The small forest landowner office shall adjust future alternate management plans or alternate harvest restrictions in a manner that will minimize the negative impacts on essential riparian functions within a subbasin or watershed.

(4) An advisory committee is established to assist the small forest landowner office in developing policy and recommending rules to the forest practices board. The advisory committee shall consist of seven members, including a representative from the department of ecology, the department of fish and wildlife, and a tribal representative. Four additional committee members shall be small forest landowners who shall be appointed by the commissioner of public lands from a list of candidates submitted by the board of directors of the Washington farm forestry association or its successor organization. The association shall submit more than one candidate for each position. Appointees shall serve for a term of four years. The small forest landowner office shall review draft rules or rule concepts with the committee prior to recommending such rules to the forest practices board. The office shall reimburse nongovernmental committee members for reasonable expenses associated with attending committee meetings as provided in RCW 43.03.050 and 43.03.060.

(5) By December 1, (~~2000~~) 2002, the small forest landowner office shall provide a report to the board and the legislature containing:

(a) Estimates of the amounts of nonindustrial forests and woodlands in holdings of twenty acres or less, twenty-one to one hundred acres, one hundred to one thousand acres, and one thousand to five thousand acres, in western Washington and eastern Washington, and the number of persons having total nonindustrial forest and woodland holdings in those size ranges;

(b) Estimates of the number of parcels of nonindustrial forests and woodlands held in contiguous ownerships of twenty acres or less, and the percentages of those parcels containing improvements used: (i) As primary residences for half or more of most years; (ii) as vacation homes or other temporary residences for less than half of most years; and (iii) for other uses;

(c) The watershed administrative units in which significant portions of the riparian areas or total land area are nonindustrial forests and woodlands;

(d) Estimates of the number of forest practices applications and notifications filed per year for forest road construction, silvicultural activities to enhance timber growth, timber harvest not associated with conversion to nonforest land uses, with estimates of the number of acres of nonindustrial forests and woodlands on which forest practices are conducted under those applications and notifications; and

(e) Recommendations on ways the board and the legislature could provide more effective incentives to encourage continued management of nonindustrial forests and woodlands for forestry uses in ways that better protect salmon, other fish and wildlife, water quality, and other environmental values.

(6) By December 1, (~~2002~~) 2004, and every four years thereafter, the small forest landowner office shall provide to the board and the legislature an update of the report described in subsection (5) of this section, containing more recent information and describing:

(a) Trends in the items estimated under subsection (5)(a) through (d) of this section;

(b) Whether, how, and to what extent the forest practices act and rules contributed to those trends; and

(c) Whether, how, and to what extent: (i) The board and legislature implemented recommendations made in the previous report; and (ii) implementation of or failure to implement those recommendations affected those trends.

**Sec. 2.** RCW 76.13.120 and 2000 c 11 s 13 are each amended to read as follows:

(1) The legislature finds that the state should acquire easements along riparian and other sensitive aquatic areas from small forest landowners willing to sell or donate such easements to the state provided that the state will not be required to acquire such easements if they are subject to unacceptable liabilities. The legislature

therefore establishes a forestry riparian easement program.

(2) The definitions in this subsection apply throughout this section and RCW 76.13.100 and 76.13.110 unless the context clearly requires otherwise.

(a) "Forestry riparian easement" means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(b) "Qualifying timber" means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under the rules adopted under RCW 76.09.055 and 76.09.370 or that is made uneconomic to harvest by those rules, and for which the small landowner is willing to grant the state a forestry riparian easement. "Qualifying timber" is timber within or bordering a commercially reasonable harvest unit as determined under rules adopted by the forest practices board, or timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules.

(c) "Small forest landowner" means a landowner meeting all of the following characteristics: (i) A forest landowner as defined in RCW 76.09.020 whose interest in the land and timber is in fee or who has rights to the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is submitted; (ii) an entity that has harvested from its own lands in this state during the three years prior to the year of application an average timber volume that would qualify the owner as a small timber harvester under RCW 84.33.073(1); and (iii) an entity that certifies at the time of application that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.073(1) during the ten years following application. If a landowner's prior three-year average harvest exceeds the limit of RCW 84.33.073(1), or the landowner expects to exceed this limit during the ten years following application, and that landowner establishes to the department of natural resources' reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary medical expenses, the landowner shall be deemed to be a small forest landowner.

For purposes of determining whether a person qualifies as a small forest landowner, the small forest landowner office, created in RCW 76.13.110, shall evaluate the landowner under this definition as of the date that the forest practices application is submitted or the date the landowner notifies the department that the harvest is to begin with which the forestry riparian easement is associated. A small forest landowner can include an individual, partnership, corporate, or other nongovernmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section. If a landowner is unable to obtain an approved forest practices application for timber harvest for any of his or her land because of restrictions under the forest practices rules, the landowner may still qualify as a small forest landowner under this section.

(d) "Completion of harvest" means that the trees have been harvested from an area and that further entry into that area by mechanized logging or slash treating equipment is not expected.

(3) The department of natural resources is authorized and directed to accept and hold in the name of the state of Washington forestry riparian easements granted by small forest landowners covering qualifying timber and to pay compensation to such landowners in accordance with subsections (6) and (7) of this section. The department of natural resources may not transfer the easements to any entity other than another state agency.

(4) Forestry riparian easements shall be effective for fifty years from the date the forest practices application associated with the qualifying timber is submitted to the department of natural resources, unless the easement is terminated earlier by the department of natural resources voluntarily, based on a determination that termination is in the best interest of the state, or under the terms of a termination clause in the easement.

(5) Forestry riparian easements shall be restrictive only, and shall preserve all lawful uses of the easement premises by the landowner that are consistent with the terms of the easement and the requirement to protect riparian functions during the term of the easement, subject to the restriction that the leave trees required by the rules to be left on the easement premises may not be cut during the term of the easement. No right of public access to or across, or any public use of the easement premises is created by this statute or by the easement. Forestry riparian easements shall not be deemed to trigger the compensating tax of or otherwise disqualify land from being taxed under chapter 84.33 or 84.34 RCW.

(6) Upon application of a small forest landowner for a riparian easement that is associated with a forest

practices application and the landowner's marking of the qualifying timber on the qualifying lands, the small forest landowner office shall determine the compensation to be offered to the small forest landowner as provided for in this section. The small forest landowner office shall also determine the compensation to be offered to a small forest landowner for qualifying timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules. The legislature recognizes that there is not readily available market transaction evidence of value for easements of this nature, and thus establishes the following methodology to ascertain the value for forestry riparian easements. Values so determined shall not be considered competent evidence of value for any other purpose.

The small forest landowner office shall establish the volume of the qualifying timber. Based on that volume and using data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091, the small forest landowner office shall attempt to determine the fair market value of the qualifying timber as of the date the forest practices application associated with the qualifying timber was submitted or the date the landowner notifies the department that the harvest is to begin. If, under the forest practices rules adopted under chapter 4, Laws of 1999 sp. sess., some qualifying timber may be removed prior to the expiration of the fifty-year term of the easement, the small forest landowner office shall apply a reduced compensation factor to ascertain the value of those trees based on the proportional economic value, considering income and growth, lost to the landowner.

(7) Except as provided in subsection (8) of this section, the small forest landowner office shall, subject to available funding, offer compensation to the small forest landowner in the amount of fifty percent of the value determined in subsection (6) of this section, plus the compliance costs as determined in accordance with section 3 of this act. If the landowner accepts the offer for qualifying timber that will be harvested pursuant to an approved forest practices application, the department of natural resources shall pay the compensation promptly upon (a) completion of harvest in the area covered by the forestry riparian easement; (b) verification that there has been compliance with the rules requiring leave trees in the easement area; and (c) execution and delivery of the easement to the department of natural resources. If the landowner accepts the offer for qualifying timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules, the department of natural resources shall pay the compensation promptly upon (i) verification that there has been compliance with the rules requiring leave trees in the easement area; and (ii) execution and delivery of the easement to the department of natural resources. Upon donation or payment of compensation, the department of natural resources may record the easement.

(8) For approved forest practices applications where the regulatory impact is greater than the average percentage impact for all small landowners as determined by the department of natural resources analysis under the regulatory fairness act, chapter 19.85 RCW, the compensation offered will be increased to one hundred percent for that portion of the regulatory impact that is in excess of the average. Regulatory impact includes trees left in buffers, special management zones, and those rendered uneconomic to harvest by these rules. A separate average or high impact regulatory threshold shall be established for western and eastern Washington. Criteria for these measurements and payments shall be established by the small forest landowner office.

(9) The forest practices board shall adopt rules under the administrative procedure act, chapter 34.05 RCW, to implement the forestry riparian easement program, including the following:

(a) A standard version or versions of all documents necessary or advisable to create the forestry riparian easements as provided for in this section;

(b) Standards for descriptions of the easement premises with a degree of precision that is reasonable in relation to the values involved;

(c) Methods and standards for cruises and valuation of forestry riparian easements for purposes of establishing the compensation. The department of natural resources shall perform the timber cruises of forestry riparian easements required under this chapter and chapter 76.09 RCW. Any rules concerning the methods and standards for valuations of forestry riparian easements shall apply only to the department of natural resources, small forest landowners, and the small forest landowner office;

(d) A method to determine that a forest practices application involves a commercially reasonable harvest, and adopt criteria for entering into a forest riparian easement where a commercially reasonable harvest is not possible or a forest practices application that has been submitted cannot be approved because of restrictions

under the forest practices rules;

(e) A method to address blowdown of qualified timber falling outside the easement premises;

(f) A formula for sharing of proceeds in relation to the acquisition of qualified timber covered by an easement through the exercise or threats of eminent domain by a federal or state agency with eminent domain authority, based on the present value of the department of natural resources' and the landowner's relative interests in the qualified timber;

(g) High impact regulatory thresholds;

(h) A method to determine timber that is qualifying timber because it is rendered uneconomic to harvest by the rules adopted under RCW 76.09.055 and 76.09.370; and

(i) A method for internal department of natural resources review of small forest landowner office compensation decisions under subsection (7) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 76.13 RCW to read as follows:

In order to assist small forest landowners to remain economically viable, the legislature intends that the small forest landowners be able to net fifty percent of the value of the trees left in the buffer areas. The amount of compensation offered in RCW 76.13.120 shall also include the compliance costs for participation in the riparian easement program. For purposes of this section, "compliance costs" includes the cost of preparing and recording the easement, and any business and occupation tax and real estate excise tax imposed because of entering into the easement."

On page 1, line 1 of the title, after "landowners;" strike the remainder of the title and insert "amending RCW 76.13.110 and 76.13.120; and adding a new section to chapter 76.13 RCW."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2105.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 2105 as amended by the Senate.

Representatives Sump and Doumit spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2105 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

Substitute House Bill No. 2105 as amended by the Senate having received the necessary constitutional majority, was declared passed.



NINETY NINTH DAY, APRIL 16, 2001  
**SENATE AMENDMENTS TO HOUSE BILL**

1583

April 11, 2001

Mr. Speakers:

The Senate has passed HOUSE JOINT RESOLUTION NO. 4202, with the following amendment:

On page 1, beginning on line 8, strike all material through "law." on line 14, and insert the following:

"Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund, industrial insurance trust fund, ((~~or~~)) fund held in trust for the benefit of persons with developmental disabilities, or any other fund or account placed by law under the investment authority of the state investment board may be invested as authorized by law."

There being no objection, the House concurred in the Senate amendment to House Joint Resolution No. 4202 and advanced the joint resolution as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of House Joint Resolution No. 4202 as amended by the Senate.

Representatives Benson and Hatfield spoke in favor of the passage of the resolution.

**ROLL CALL**

The Clerk called the roll on the final passage of House Joint Resolution No. 4202 as amended by the Senate and the joint resolution passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Dunshee, Sehlin, Sommers and Talcott - 4.

House Joint Resolution No. 4202 as amended by the Senate having received the constitutional two-thirds majority, was declared passed.

**MESSAGES FROM THE SENATE**

April 13, 2001

Mr. Speakers:

The Senate has passed the following bills:

ENGROSSED HOUSE BILL NO. 1936,  
and the same is herewith transmitted.

April 16, 2001

Mr. Speakers:

The President has signed:

HOUSE BILL NO. 1036,  
 HOUSE BILL NO. 1045,  
 HOUSE BILL NO. 1126,  
 HOUSE BILL NO. 1369,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1445,  
 HOUSE BILL NO. 1523,  
 HOUSE BILL NO. 1568,  
 HOUSE BILL NO. 1584,  
 HOUSE BILL NO. 1613,  
 SUBSTITUTE HOUSE BILL NO. 1899,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1995,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2001

Mr. Speakers:

The Senate has passed House Bill No. 1103, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 42.52.185 and 1997 c 320 s 1 are each amended to read as follows:

(1) During the twelve-month period beginning on December 1st of the year before a general election for a state legislator's election to office and continuing through November 30th immediately after the general election, the legislator may not ~~((mail, either by regular mail or electronic mail,))~~ by regular mail send to a constituent at public expense a letter, newsletter, brochure, or other piece of literature, except as follows:

(a) The legislator may mail two mailings of newsletters to constituents. All newsletters within each mailing of newsletters must be identical as to their content but not as to the constituent name or address. One such mailing may be mailed no later than thirty days after the start of a regular legislative session, except that a legislator appointed during a regular legislative session to fill a vacant seat may have up to thirty days from the date of appointment to send out the first mailing. The other mailing may be mailed no later than sixty days after the end of a regular legislative session.

(b) The legislator may mail an individual letter to (i) an individual constituent who has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; (ii) an individual constituent who holds a governmental office with jurisdiction over the subject matter of the letter; or (iii) an individual constituent who has received an award or honor of extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person, including, but not limited to: (A) An international or national award such as the Nobel prize or the Pulitzer prize; (B) a state award such as Washington scholar; (C) an Eagle Scout award; and (D) a Medal of Honor.

(2) For purposes of subsection (1) of this section, "legislator" means a legislator who is a "candidate," as defined by RCW 42.17.020, for any public office.

(3) A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.52.180.

(4) The house of representatives and senate shall specifically limit expenditures per member for the total

cost of mailings. Those costs include, but are not limited to, production costs, printing costs, and postage costs. The limits imposed under this subsection apply only to the total expenditures on mailings per member and not to any categorical cost within the total.

(5) For purposes of this section, persons residing outside the legislative district represented by the legislator are not considered to be constituents, but students, military personnel, or others temporarily employed outside of the district who normally reside in the district are considered to be constituents.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.52 RCW to read as follows:

(1) During the twelve-month period beginning on December 1st of the year before a general election for a state legislator's election to office and continuing through November 30th immediately after the general election, the legislator may not send by electronic mail to a constituent at public expense a letter, newsletter, brochure, or other piece of literature, except as follows:

(a) Before the forty-fifth day after the date of adjournment of a regular session, the legislator may send any such correspondence for which the public expense, including any costs associated with drafting, creating, writing, designing, producing, or reviewing the correspondence by any state officer or state employee, is de minimis as defined by the appropriate ethics board under RCW 42.52.160(3);

(b) The legislator may send an individual letter to (i) an individual constituent who has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; or (ii) an individual constituent who holds a governmental office with jurisdiction over the subject matter of the letter.

(2) For purposes of subsection (1) of this section, "legislator" means a legislator who is a "candidate," as defined by RCW 42.17.020, for any public office.

(3) A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.52.180.

(4) For purposes of this section, persons residing outside the legislative district represented by the legislator are not considered to be constituents, but students, military personnel, or others temporarily employed outside of the district who normally reside in the district are considered to be constituents."

In line 1 of the title, after "legislators;" strike the remainder of the title and insert "amending RCW 42.52.185; and adding a new section to chapter 42.52 RCW."

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1103 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1162, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that promoting a financially viable health care system in all parts of the state is a paramount interest. The health care financing administration has recognized the crucial role that hospitals play in providing care in rural areas by creating the critical access hospital program to allow small, rural hospitals that qualify to receive reasonable cost-based reimbursement for medicare services. The legislature further finds that creating a similar reimbursement system for the state's medical assistance programs in small, rural hospitals that qualify will help assure the long-term financial viability of the rural health system in those communities.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:  
Payments for recipients eligible for medical assistance programs under this chapter for services provided

by hospitals, regardless of the beneficiary's managed care enrollment status, shall be made based on allowable costs incurred during the year, when services are provided by a rural hospital certified by the health care financing administration as a critical access hospital. Any additional payments made by the medical assistance administration for the healthy options program shall be no more than the additional amounts per service paid under this section for other medical assistance programs.

For purposes of this section, "medical assistance programs" means the programs defined in RCW 74.09.010 for which federal matching funds are available.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

The department shall implement the program created in section 2 of this act within sixty days of the effective date of this act regardless of the beneficiary's managed care status.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "hospital;" strike the remainder of the title and insert "adding new sections to chapter 74.09 RCW; and creating new sections."

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1162 and asked the Senate to recede therefrom.

#### SENATE AMENDMENTS TO HOUSE BILL

April 5, 2001

Mr. Speakers:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1249, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.20A RCW to read as follows:

(1) All field offices and the administrative office of the children's administration in the department of social and health services shall be fully accredited by the council on accreditation for children and family services. The cost of accreditation shall be accomplished within existing agency resources. The department shall phase in accreditation at a rate of no less than one field office per year, achieving complete agency accreditation by January 30, 2008.

(2) By January 30, 2008, all private child-placing agencies shall be fully accredited by the council on accreditation for children and family services prior to contracting with the department for services to families and children."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and adding a new section to chapter 43.20A RCW."

There being no objection, the House refused to concur in the Senate Amendment(s) to Second Substitute House Bill No. 1249 and asked the Senate to recede therefrom.

#### SENATE AMENDMENTS TO HOUSE BILL

April 10, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1650, with the following amendments(s)

On page 9, beginning on line 1 of the amendment, strike all of section 8 and insert the following:

**"NEW SECTION. Sec. 8.** The legislature finds that in order to comply with the community mental health services act, chapter 71.24 RCW, and the medicaid managed care mental health waiver, and to effectively assist persons with mental illness and consumers of mental health services in the assertion of their civil and human rights, and to improve the quality of services available and promote the rehabilitation, recovery, and reintegration of these persons, an independent mental health ombudsman program should be instituted.

**NEW SECTION. Sec. 9.** As used in this chapter, "mental health provider or facility" means any of the following:

- (1) An agency, individual, or facility that is part of the community mental health service delivery system, as defined in RCW 71.24.025;
- (2) A long-term care facility, as defined in RCW 43.190.020, in which adults or children with mental illness reside;
- (3) A state hospital, as defined in RCW 72.23.010;
- (4) A facility or agency that receives funds from the state of Washington to provide residential or treatment services to adults or children with mental illness; and
- (5) A facility or service licensed under chapter 71.12 RCW to provide care or treatment to adults or children with mental illness.

**NEW SECTION. Sec. 10.** (1) The department of community, trade, and economic development shall contract with a private nonprofit organization to be the office of mental health ombudsman and to provide mental health ombudsman services as specified under, and consistent with, the medicaid managed care mental health waiver, state law, the goals of the state, and the needs of its citizens. The department of community, trade, and economic development shall ensure that all program and staff support necessary to enable the ombudsman to effectively protect the interests of persons with mental illness is provided by the nonprofit organization that contracts to be the office of mental health ombudsman and to provide independent mental health ombudsman services. The department shall designate the organization to be the office of mental health ombudsman and to provide mental health ombudsman services by a competitive bidding process which shall include direct stakeholder participation in the development of the request for proposal, evaluation of bids, and final selection. The department shall ensure that the designated agency has demonstrated financial stability and meets the qualifications for ombudsman identified in section 11 of this act. The department shall undertake an annual review of the designated agency to ensure compliance with the provisions of the contract. The department shall not redesignate the agency serving as the office of mental health ombudsman except upon a showing of good cause for redesignation, and after notice and opportunity for agency and public comment have been made and there has been an opportunity to appeal the redesignation to the director.

(2) The department of community, trade, and economic development shall adopt rules to carry out this chapter.

(3) The office of mental health ombudsman shall have the following powers and duties:

- (a) Provide services for coordinating the activities of mental health ombudsmen throughout the state;
- (b) Carry out such other activities as the department of community, trade, and economic development deems appropriate;
- (c) Establish procedures consistent with section 17 of this act for appropriate access by mental health ombudsmen to mental health providers and facilities and the records of patients, residents, and clients, including procedures to protect the confidentiality of the records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of the complainant or resident, or upon court order;
- (d) Establish a statewide uniform reporting system to collect and analyze data relating to complaints, conditions, and service quality provided by mental health providers and facilities for the purpose of identifying and resolving significant individual problems and analyzing, developing, and advocating remedies in policy,

practice, or legislation for systemic problems, with provision for submission of such data to the department of social and health services, the state block grant mental health advisory committee, and to the federal department of health and human services, or its successor agency, on a regular basis. This reporting system must be compatible with uniform child and adult consumer service outcomes, where such outcome measures are established;

(e) Establish procedures to assure that any files maintained by ombudsman programs shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of a complainant or patient, resident, or client of a mental health provider or facility may not be disclosed by the ombudsman unless:

(i) The complainant or resident, or the complainant or resident's legal representative, consents in writing to such disclosure; or

(ii) Such disclosure is required by court order;

(f) Establish ombudsman services that are available statewide, and at eastern state and western state hospitals; and

(g) Establish the jurisdiction of the mental health ombudsman so that it does not overlap with other state ombudsman offices and allows contact and coordination among the various state ombudsman offices.

**NEW SECTION. Sec. 11.** (1) The agency designated by the department of community, trade, and economic development as the office of mental health ombudsman and any mental health ombudsman authorized by this chapter or a local governmental authority must have training or experience in all of the following areas:

(a) Mental health and other related social services programs;

(b) The legal system;

(c) Advocacy and supporting self-advocacy; and

(d) Dispute or problem resolution techniques, including investigation, mediation, and negotiation.

(2) A mental health ombudsman or quality review team member must not have been employed by a regional support network or any mental health provider or facility within the past three years, except where prior to the adoption of this chapter he or she has been employed by or volunteered for a regional support network or subcontractor thereof or a state hospital to provide mental health ombudsman services pursuant to the requirements of the federal medicaid managed care mental health waiver. The office of mental health ombudsman shall actively recruit persons who provided ombudsman services through a regional support network or subcontractor thereof or a state hospital.

(3) No mental health ombudsman or any member of his or her immediate family may have, or have had within the past three years, any pecuniary interest in the provision of mental health services.

(4) The office of mental health ombudsman shall maintain a toll-free telephone number.

(5) Mental health ombudsmen shall assist and advocate on behalf of patients, residents, and clients of mental health providers and facilities and shall attempt to resolve complaints informally, using complaint and grievance processes and, if applicable, the fair hearing process. Mental health ombudsmen shall attempt to resolve all disputes at the lowest possible level.

(6) The office of mental health ombudsman shall ensure that there are quality review teams established to evaluate quality and consumer satisfaction and provide recommendations for service improvements, as required by the medicaid managed care waiver. Quality review teams shall define, establish, and measure systemic consumer outcomes and report on systemic causes of consumer access barrier service problems.

(7) Where consented to by the patient, resident, or client, ombudsmen shall involve family members and friends in the process of resolving complaints.

(8) The office of mental health ombudsman shall support mental health service recipient participation in treatment planning and delivery, both on an individual basis and systemwide, and shall actively recruit and support the participation of consumers, parents, and guardians of minor children recipients, and family members of adult service recipients as mental health ombudsmen and quality review team members.

**NEW SECTION. Sec. 12.** (1) The office of mental health ombudsman shall provide information relevant to the quality of mental health services, and recommendations for improvements in the quality of mental

health services, to regional support networks and the mental health division.

(2) The mental health division and the regional support networks shall work in cooperation with the office of mental health ombudsman to develop agreements regarding how this quality information will be incorporated into their quality management system. These agreements must ensure that information related to complaints and grievances conforms to a standardized form.

(3) The office of mental health ombudsman shall ensure that its reports and recommendations are broadly distributed and shall report annually regarding its activities, findings, and recommendations to at least the following: The mental health division, the mental health advisory board, the state long-term care ombudsman, the state family and children's ombudsman, the state designated protection and advocacy system, the department of community, trade, and economic development, regional support networks, and mental health advocacy groups.

(4) Regional support networks and the mental health division shall promptly provide the office of mental health ombudsman with demographic information they possess regarding the diversity of individuals applying for, receiving, and denied services in each region, service utilization information, contract and subcontract requirements, the results of all audits and reviews conducted by the regional support networks or the mental health division, and such other information collected or produced by the regional support networks or the mental health division as may be necessary for mental health ombudsman and quality review team members in the performance of their duties.

(5) Regional support networks and the mental health division shall assist mental health ombudsman and quality review team members in obtaining entry and meaningful access to mental health providers and facilities, cooperation from their staff, and access to patients and clients.

(6) Each regional support network and state hospital shall designate at least one liaison to the office of mental health ombudsman who shall be responsible for ensuring that mental health ombudsman and quality review team members are actively included in quality management planning and assessment, for providing assistance in resolving issues regarding access to information and patients or clients, and for resolving individual and systemic issues where requested by the mental health ombudsman or quality review team.

(7) Regional support networks, state hospitals, and their subcontractors shall respond in writing to all recommendations regarding quality improvement made by mental health ombudsmen and quality review teams within thirty days of issuance, and shall identify what action will be taken in response, and if no action or action other than that which is recommended by the mental health ombudsman or quality review team is taken, the reasons for the variance must be explained in writing.

**NEW SECTION. Sec. 13.** The office of mental health ombudsman shall provide the legislature with an annual report that includes:

- (1) An identification of the demographic status of those served by the mental health ombudsman;
- (2) A description of the issues addressed, and a brief description of case scenarios in a form that does not compromise confidentiality;
- (3) An accounting of the monitoring activities of the ombudsman;
- (4) An identification of the results of measurements of consumer satisfaction and other outcome measures;
- (5) An identification of the numbers of volunteers used and in what capacity;
- (6) An identification of deficiencies in the service system and recommendations for remedial action;
- (7) Recommendations for regulatory action by agencies that would improve the quality of service to individuals with mental illness; and
- (8) Recommendations for legislative action that would result in improved services to individuals with mental illness.

**NEW SECTION. Sec. 14.** Every mental health provider and facility shall post in a conspicuous location a notice providing the office of mental health ombudsman's toll-free number, and the name, address, and phone number of the office of the appropriate local mental health ombudsman and quality review team and a brief description of the services provided. The form of the notice must be approved by the office of mental health ombudsman. This information must also be distributed to the patients, residents, and clients, and their

family members and legal guardians, upon application for mental health provider services, and upon admission to a mental health facility.

**NEW SECTION. Sec. 15.** The office of mental health ombudsman shall:

(1) Identify, investigate, and resolve complaints made by or on behalf of patients, residents, clients of mental health providers and facilities, and individuals denied services relating to administrative action, inaction, or decisions, that may adversely affect the rehabilitation, recovery, reintegration, health, safety, welfare, and rights of these individuals;

(2) Monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies with respect to mental health service provision in this state;

(3) Provide information as appropriate to patients, residents, clients, individuals denied services, family members, guardians, resident representatives, employees of mental health providers and facilities, and others regarding the rights of residents, and to public agencies regarding the quality of service, complaints, and problems of individuals receiving or denied services from mental health providers and facilities; and

(4) Provide for the training and certification of paid and volunteer mental health ombudsmen. Paid mental health ombudsmen shall recruit, supervise, and provide ongoing training of certified volunteer mental health ombudsmen. Volunteers may be recruited to otherwise assist with mental health ombudsman and quality review team services.

(5) A trained and certified mental health ombudsman, in accordance with the policies and procedures established by the office of mental health ombudsman, shall inform residents, their representatives, and others about the rights of residents, and may identify, investigate, and resolve complaints and monitor the quality of services provided to patients, residents, and clients of mental health providers and facilities.

**NEW SECTION. Sec. 16.** (1) The office of mental health ombudsman shall develop referral procedures for all mental health ombudsmen to refer any complaint to an appropriate state or local government agency. The department of social and health services shall act as quickly as possible on any complaint referred to them by a mental health ombudsman.

(2) The department of social and health services shall respond to any complaint against a mental health provider or facility that was referred to it by a mental health ombudsman and shall forward to that ombudsman a summary of the results of the investigation and action proposed or taken.

(3) The office of mental health ombudsman, and all local mental health ombudsmen and related volunteers, shall work in cooperation with the state designated protection and advocacy agency, the long-term care ombudsman, and the children and family ombudsman. The office of mental health ombudsman shall develop and implement a working agreement with the protection and advocacy agency, the long-term care ombudsman, and the children and family ombudsman, to ensure efficient, coordinated service.

(4) The office of mental health ombudsman shall develop working agreements with each regional support network, the state psychiatric hospitals, the mental health division, and such other entities as necessary to accomplish the goals of the program.

**NEW SECTION. Sec. 17.** (1) The office of mental health ombudsman shall develop procedures governing the right of entry of all mental health ombudsmen to mental health providers and facilities, jails, and correctional facilities.

(2) Mental health ombudsmen and quality review team members shall have access to patients, residents, and clients of mental health providers and facilities, other entities providing inpatient or outpatient social services, and jails, with provisions made for privacy, for the purpose of hearing, investigating, and resolving complaints and monitoring the quality of services, at any time deemed necessary and reasonable by the office of mental health ombudsman to effectively carry out the provisions of this chapter. Ombudsmen and quality review team members who have passed criminal background checks must have access to inmates at correctional facilities with reasonable notice to the department of corrections, with provisions made for privacy, for the purpose of hearing, investigating, and resolving complaints and monitoring the quality of services, at any time deemed necessary and reasonable by the office of mental health ombudsman to effectively carry out the



provisions of this chapter.

(3) Nothing in this chapter restricts, limits, or increases any existing right of an organization or individual not described in subsections (1) and (2) of this section to enter or provide assistance to patients, residents, or clients of mental health providers or facilities.

(4) Nothing in this chapter restricts any right or privilege of a patient, resident, or client of a mental health provider or facility to receive visitors of his or her choice.

**NEW SECTION. Sec. 18.** (1) No mental health ombudsman, volunteer, or quality review team member is liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against an employee of a mental health provider or facility, or a patient, resident, or client of a mental health provider or facility, or a volunteer, for any communication made, or information given or disclosed, to aid the mental health ombudsman or quality review team in carrying out duties and responsibilities under this chapter, unless the same was done maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by a mental health ombudsman or quality review team member, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged, and that privilege shall serve as a defense to any action in libel or slander.

(4) A representative of the office of mental health ombudsman is exempt from being required to testify in court as to any confidential matters except as the court may deem necessary to enforce this chapter.

**NEW SECTION. Sec. 19.** All records and files of mental health ombudsmen relating to any complaint or investigation made pursuant to carrying out their duties and the identities of complainants, witnesses, patients, or residents shall remain confidential unless disclosure is authorized by the client or his or her guardian or legal representative. No disclosures may be made outside the office without the consent of any named witnesses, resident, patient, client, or complainant unless the disclosure is made without the identity of any of these individuals being disclosed.

**NEW SECTION. Sec. 20.** (1) It is the intent of the legislature that the state mental health ombudsman program make reasonable efforts to maintain and improve the current level and quality of care, taking into account the transition period from the current system of ombudsman programs and quality review teams within the regional support networks and state hospitals.

(2) The legislature intends that federal medicaid requirements be met.

(3) The legislature intends that the implementation and operation of the state mental health ombudsman program shall have no additional fiscal impact for the first two years of the program, and that:

(a) The department of community, trade, and economic development shall expend no more general fund-state dollars than the general fund-state amount annually expended by the department of social and health services, and its contractors and subcontractors, for mental health ombudsman and quality review team services, and related administrative costs, such as training, staff support, monitoring, and oversight.

(b) Costs and expenses, as referenced in this section, must include any and all general fund-state amounts associated with the implementation and operation of the state mental health ombudsman program by the department of community, trade, and economic development, the office of mental health ombudsman, and its contractors or subcontractors. Any general fund-state costs incurred in the planning and implementation of the state mental health ombudsman program while services are still being provided within the regional support networks and state hospitals must be made up out of the next fiscal year's total amount of the interagency agreement between the department of community, trade, and economic development and the department of social and health services, for contracted services and related administrative costs.

(c) Nothing in this section may be construed to prevent the solicitation and use of private funds by the department of community, trade, and economic development or the office of mental health ombudsman. Any funds received from private sources may be expended in excess of the limitations imposed in this section.

NEW SECTION. **Sec. 21.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 22.** Sections 8 through 21 and 23 of this act constitute a new chapter in Title 71 RCW.

NEW SECTION. **Sec. 23.** Sections 8 through 21 of this act take effect July 1, 2002.

NEW SECTION. **Sec. 24.** Sections 1 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 9, line 9 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 71.24.015 and 71.24.035; adding a new chapter to Title 71 RCW; creating new sections; providing an effective date; and declaring an emergency."

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1650 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1759, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 69.50.412 and 1981 c 48 s 2 are each amended to read as follows:

(1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor.

(2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor.

(3) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his junior is guilty of a gross misdemeanor.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

(5) It is lawful for any person over the age of eighteen to possess up to ten hypodermic syringes and needles for the purpose of reducing bloodborne diseases."

On page 1, line 1 of the title, after "syringes;" strike the remainder of the title and insert "and amending RCW 69.50.412."

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1759 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 5, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1259, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.13.031 and 1999 c 267 s 8 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed.

Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(12) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(13) Have authority to provide independent living services to youths, including individuals eighteen through twenty years of age, who are or have been in foster care.

**NEW SECTION.** **Sec. 2.** A new section is added to chapter 74.13 RCW to read as follows:

Independent living services include assistance in achieving basic educational requirements such as a GED, enrollment in vocational and technical training programs offered at the community and vocational colleges, and obtaining and maintaining employment; and accomplishing basic life skills such as money management, nutrition, preparing meals, and cleaning house. A baseline skill level in ability to function productively and independently shall be determined at entry. Performance shall be measured and must demonstrate improvement from involvement in the program. Each recipient shall have a plan for achieving independent living skills by the time the recipient reaches age twenty-one. The plan shall be written within the first thirty days of placement and reviewed every ninety days. A recipient who fails to consistently adhere to the elements of the plan shall be subject to reassessment by the professional staff of the program and may be declared ineligible to receive services."

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.13.031; and adding a new section to chapter 74.13 RCW."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1259.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1259 as amended by the Senate.

Representative Tokuda spoke in favor of the passage of the bill.

There being no objection, Representatives Lisk, Mastin, Murray, Ogden, Poulsen, Sehlin, Sommers and Talcott were excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1259 as amended by the Senate and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody,

Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lovick, Marine, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 90.

Excused: Representatives Lisk, Mastin, Murray, Ogden, Poulsen, Sehlín, Sommers and Talcott - 8.

Substitute House Bill No. 1259 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 4, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1384, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 42.30.110 and 1989 c 238 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee.

However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means

matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(A) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(B) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(C) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.30 RCW to read as follows:

The attorney general's office may provide information, technical assistance, and training on the provisions of this chapter."

On page 1, line 3 of the title, after "litigation;" strike the remainder of the title and insert "amending RCW 42.30.110; and adding a new section to chapter 42.30 RCW."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1384.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1384 as amended by the Senate.

Representative Romero spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1384 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Mastin, Ogden, Sehlin, Sommers and Talcott - 5.

Substitute House Bill No. 1384 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 6, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1365, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that infants and children in Washington are injured, sometimes fatally by unsafe consumer products designed for use by infants and children.

(2) The legislature finds that parents and other persons responsible for the care of infants and children are often unaware that some of these consumer products have been recalled or are unsafe.

(3) The legislature intends to address this lack of awareness by establishing a statewide infant and children product safety campaign across Washington state.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The legislature authorizes the secretary to establish and maintain a product safety education campaign to promote greater awareness of products designed to be used by infants and children, excluding toys, that:

(a) Are recalled by the United States consumer products safety commission;

(b) Do not meet federal safety regulations and voluntary safety standards; or

(c) Are unsafe or illegal to place into the stream of commerce under the infant crib safety act, chapter 70.111 RCW.

(2) The department shall make reasonable efforts to ensure that this infant and children product safety education campaign reaches the target population. The target population for this campaign includes, but is not limited to, parents, foster parents and other caregivers, child care providers, consignment and resale stores selling infant and child products, and charitable and governmental entities serving infants, children, and families.

(3) The secretary may utilize a combination of methods to achieve this outreach and education goal, including but not limited to print and electronic media. The secretary may operate the campaign or may contract with a vendor.

(4) The department shall coordinate this infant and children product safety education campaign with child-serving entities including, but not limited to, hospitals, birthing centers, midwives, pediatricians, obstetricians, family practice physicians, governmental and private entities serving infants, children, and families, and relevant manufacturers.

(5) The department shall coordinate with other agencies and entities to eliminate duplication of effort in disseminating infant and children consumer product safety information.

(6) The department may receive funding for this infant and children product safety education effort from federal, state, and local governmental entities, child-serving foundations, or other private sources."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "adding a new section to chapter 43.70 RCW; and creating a new section."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1365.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No.

1365 as amended by the Senate.

Representatives Doumit and Pflug spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1365 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Mastin, Ogden, Sehlin, Sommers and Talcott - 5.

Substitute House Bill No. 1365 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 4, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1591, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 10.14.080 and 1995 c 246 s 36 are each amended to read as follows:

(1) Upon filing a petition for a civil antiharassment protection order under this chapter, the petitioner may obtain an ex parte temporary antiharassment protection order. An ex parte temporary antiharassment protection order may be granted with or without notice upon the filing of an affidavit which, to the satisfaction of the court, shows reasonable proof of unlawful harassment of the petitioner by the respondent and that great or irreparable harm will result to the petitioner if the temporary antiharassment protection order is not granted.

(2) An ex parte temporary antiharassment protection order shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 10.14.085.

The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication is permitted. Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing. The ex parte order and notice of hearing shall include at a minimum the date and time of the hearing set by the court to determine if the temporary order should be made effective for one year or more, and notice that if the respondent should fail to appear or otherwise not respond, an order for protection will be issued against the respondent pursuant to the provisions of this chapter, for a minimum of one year from the date of the hearing. The notice shall also include a brief statement of the provisions of the ex parte order and notify the respondent that a copy of the ex parte order and notice of hearing has been filed with the clerk of the court.

(3) At the hearing, if the court finds by a preponderance of the evidence that unlawful harassment exists, a civil antiharassment protection order shall issue prohibiting such unlawful harassment.

(4) An order issued under this chapter shall be effective for not more than one year unless the court finds



that the respondent is likely to resume unlawful harassment of the petitioner when the order expires. If so, the court may enter an order for a fixed time exceeding one year or may enter a permanent antiharassment protection order. The court shall not enter an order that is effective for more than one year if the order restrains the respondent from contacting the respondent's minor children. This limitation is not applicable to civil antiharassment protection orders issued under chapter 26.09, 26.10, or 26.26 RCW. If the petitioner seeks relief for a period longer than one year on behalf of the respondent's minor children, the court shall advise the petitioner that the petitioner may apply for renewal of the order as provided in this chapter or if appropriate may seek relief pursuant to chapter 26.09 or 26.10 RCW.

(5) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection (4) of this section.

(6) The court, in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall have broad discretion to grant such relief as the court deems proper, including an order:

- (a) Restraining the respondent from making any attempts to contact the petitioner;
- (b) Restraining the respondent from making any attempts to keep the petitioner under surveillance;
- (c) Requiring the respondent to stay a stated distance from the petitioner's residence and workplace; and
- (d) Considering the provisions of RCW 9.41.800.

(7) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent but has failed to obtain the issuance of a civil antiharassment protection order unless good cause for such failure can be shown.

(8) The court order shall specify the date an order issued pursuant to subsections (4) and (5) of this section expires if any. The court order shall also state whether the court issued the protection order following personal service or service by publication and whether the court has approved service by publication of an order issued under this section.

**Sec. 2.** RCW 10.14.100 and 1992 c 143 s 15 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (5) and (7) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner.

(4) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(5) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been personally served with the temporary order.

(6) Except in cases where the petitioner is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage

authorized by RCW 36.18.040 to be collected by sheriffs.

(7) If the court previously entered an order allowing service by publication of the notice of hearing and temporary order of protection pursuant to RCW 10.14.085, the court may permit service by publication of the order of protection issued under RCW 10.14.080. Service by publication must comply with the requirements of RCW 10.14.085."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "and amending RCW 10.14.080 and 10.14.100."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1591.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1591 as amended by the Senate.

Representative Esser spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1591 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Mastin, Ogden, Sehlin, Sommers and Talcott - 5.

Substitute House Bill No. 1591 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 5, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1895, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.61 RCW under the subchapter heading "miscellaneous rules" to read as follows:

(1) Any person who refuses to pay or evades payment for motor vehicle fuel that is pumped into a motor vehicle is guilty of theft of motor vehicle fuel. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) The court shall order the department to suspend the person's license, permit, or nonresident privilege

to drive for a period specified by the court of up to six months.

**Sec. 2.** RCW 46.20.311 and 2000 c 115 s 7 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law. Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.--- (section 1 of this act), or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(b)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

**Sec. 3.** RCW 46.20.342 and 2000 c 115 s 8 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license;

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.500, relating to reckless driving;

(ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

(x) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xi) A conviction of RCW 46.61.522, relating to vehicular assault;

(xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xv) A conviction of RCW 46.61.--- (section 1 of this act), relating to theft of motor vehicle fuel;

(xvi) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((xvi))~~ (xvii) An administrative action taken by the department under chapter 46.20 RCW; or

~~((xvii))~~ (xviii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction,

failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (i) through (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

**Sec. 4.** RCW 46.63.020 and 1999 c 86 s 6 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;
- (10) RCW 46.20.005 relating to driving without a valid driver's license;
- (11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;
- (12) RCW ~~((46.20.336))~~ 46.20.0921 relating to the unlawful possession and use of a driver's license;
- (13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- ~~((15) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;))~~
- (16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

- (17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (18) RCW 46.25.170 relating to commercial driver's licenses;
- (19) Chapter 46.29 RCW relating to financial responsibility;
- (20) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (21) RCW 46.37.435 relating to wrongful installation of sunscreening material;
- (22) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (23) RCW 46.48.175 relating to the transportation of dangerous articles;
- (24) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (25) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (26) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (27) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (28) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (29) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (30) RCW 46.61.015 relating to obedience to police officers, (~~(flagmen)~~) flaggers, or fire fighters;
- (31) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (32) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (33) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (34) RCW 46.61.500 relating to reckless driving;
- (35) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (36) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;
- (37) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (38) RCW 46.61.522 relating to vehicular assault;
- (39) RCW 46.61.5249 relating to first degree negligent driving;
- (40) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
- (41) RCW 46.61.530 relating to racing of vehicles on highways;
- (42) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (43) RCW 46.61.--- (section 1 of this act) relating to theft of motor vehicle fuel;
- ~~((44))~~ (45) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- ~~((45))~~ (46) Chapter 46.65 RCW relating to habitual traffic offenders;
- ~~((46))~~ (47) RCW 46.68.010 relating to false statements made to obtain a refund;
- ~~((47))~~ (48) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- ~~((48))~~ (49) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- ~~((49))~~ (50) RCW 46.72A.060 relating to limousine carrier insurance;
- ~~((50))~~ (51) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;
- ~~((51))~~ (52) RCW 46.72A.080 relating to false advertising by a limousine carrier;
- ~~((52))~~ (53) Chapter 46.80 RCW relating to motor vehicle wreckers;
- ~~((53))~~ (54) Chapter 46.82 RCW relating to driver's training schools;
- ~~((54))~~ (55) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- ~~((55))~~ (56) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW."

On page 1, line 1 of the title, after "fuel;" strike the remainder of the title and insert "amending RCW

46.20.311, 46.20.342, and 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties."

There being no objection, the House concurred in the Senate amendment to House Bill No. 1895.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 1895 as amended by the Senate.

Representatives Esser and O'Brien spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1895 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Ogden, Sehlin, Sommers and Talcott - 4.

House Bill No. 1895 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

February 23, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 2029, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.12.030 and 1995 c 274 s 1 and 1995 c 256 s 23 are each reenacted and amended to read as follows:

The application for ~~((a))~~ a certificate of ownership shall be upon a form furnished or approved by the department and shall contain:

(1) A full description of the vehicle, which shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(3) Such other information as the department may require. The department may in any instance, in addition to the information required on the application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either. A physical examination of the vehicle is mandatory if ~~((it previously was registered in any other state or country or if))~~ it has been rebuilt after surrender of the certificate of ownership to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total

loss. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the ~~((foreign))~~ title and registration certificate. ~~((If the vehicle is from a jurisdiction that does not issue titles, the inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the registration certificate. The inspection must also confirm that the license plates on the vehicle are those assigned to the vehicle by the jurisdiction in which the vehicle was previously licensed.))~~ The inspection must be made by a member of the Washington state patrol or other person authorized by the department to make such inspections.

The application shall be subscribed by the registered owner and be sworn to by that applicant in the manner described by RCW 9A.72.085. The department shall retain the application in either the original, computer, or photostatic form.

**Sec. 2.** RCW 46.12.040 and 1990 c 238 s 2 are each amended to read as follows:

The application accompanied by a draft, money order, certified bank check, or cash for one dollar and twenty-five cents, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

In addition to the application fee and any other fee for the license registration of a vehicle, ~~((there shall be collected from the applicant an inspection fee whenever a physical examination of the vehicle is required as a part of the vehicle licensing or titling process.~~

~~For vehicles previously registered in any other state or country, the inspection))~~ the department shall collect from the applicant a fee ((shall be)) of fifteen dollars ((and)) for vehicles previously registered in any other state or country. The proceeds from the fee shall be deposited in the motor vehicle fund. For ((all other)) vehicles requiring a physical examination, the inspection fee shall be ((twenty)) fifty dollars and shall be deposited in the motor vehicle fund.

NEW SECTION. **Sec. 3.** A new section is added to chapter 46.12 RCW to read as follows:

The department shall institute software and systems modifications to enable a WACIC/NCIC stolen vehicle search of out-of-state vehicles as part of the title transaction. During the stolen vehicle search, if the information obtained indicates the vehicle is stolen, that information shall be immediately reported to the state patrol and the applicant shall not be permitted to register the vehicle. Vehicles for which the stolen vehicle check is negative shall be registered if the department is satisfied that all other requirements have been met.

**Sec. 4.** RCW 46.12.060 and 1975 c 25 s 10 are each amended to read as follows:

Before the department shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the identification number of which has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vehicle shall file an application with the department, accompanied by a fee of five dollars, upon a form provided, and containing such facts and information as shall be required by the department for the assignment of a special number for such vehicle. Upon receipt of such application, the department, if satisfied the applicant is entitled to the assignment of an identification number, shall designate a special identification number for such vehicle, which shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by the department. This assigned identification number shall be placed or stamped in a conspicuous position upon the vehicle in such manner and form as may be prescribed by the department. Upon receipt by the department of ~~((a certificate by an officer of the Washington state patrol, or other person authorized by the department, that the vehicle has been inspected and that the identification number or the special number plate, has been stamped or securely attached in a conspicuous position upon the vehicle, accompanied by))~~ an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the department shall use such number as the numerical or alpha-numerical identification marks for the vehicle in any certificate of license registration or certificate of ownership that may thereafter be issued therefor.



NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

On page 1, line 1 of the title, after "registration;" strike the remainder of the title and insert "amending RCW 46.12.040 and 46.12.060; reenacting and amending RCW 46.12.030; adding a new section to chapter 46.12 RCW; providing an effective date; and declaring an emergency."

There being no objection, the House concurred in the Senate amendment to House Bill No. 2029.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 2029 as amended by the Senate.

Representatives Hurst, Cairnes and Fisher spoke in favor of the passage of the bill.

Representative Ericksen spoke against passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2029 as amended by the Senate and the bill passed the House by the following vote: Yeas - 81, Nays - 13, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Tokuda, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 81.

Voting nay: Representatives Barlean, Benson, Boldt, G. Chandler, Crouse, Dunn, Ericksen, Esser, Mielke, Mulliken, Schindler, Sump, and Van Luven - 13.

Excused: Representatives Ogden, Sehlin, Sommers and Talcott - 4.

House Bill No. 2029 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 5, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1320, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 70.128.005 and 2000 c 121 s 4 are each amended to read as follows:

The legislature finds that adult family homes are an important part of the state's long-term care system. Adult family homes provide an alternative to institutional care and promote a high degree of independent living for residents. Persons with functional limitations have broadly varying service needs. Adult family homes that can meet those needs are an essential component of a long-term system. The legislature further finds that

different populations living in adult family homes, such as the developmentally disabled and the elderly, often have significantly different needs and capacities from one another.

It is the legislature's intent that department rules and policies relating to the licensing and operation of adult family homes recognize and accommodate the different needs and capacities of the various populations served by the homes. Furthermore, the development and operation of adult family homes that can provide quality personal care and special care services should be encouraged.

The legislature finds that many residents of community-based long-term care facilities are vulnerable and their health and well-being are dependent on their caregivers. The quality, skills, and knowledge of their caregivers are ((often)) the key to good care. The legislature finds that the need for well-trained caregivers is growing as the state's population ages and residents' needs increase. The legislature intends that current training standards be enhanced.

The legislature finds that the state of Washington has a compelling interest in protecting and promoting the health, welfare, and safety of vulnerable adults residing in adult family homes. The health, safety, and well-being of vulnerable adults must be the paramount concern in determining whether to issue a license to an applicant, whether to suspend or revoke a license, or whether to take other licensing actions.

**Sec. 2.** RCW 70.128.010 and 1995 c 260 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a regular family abode in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

(2) "Provider" means any person who is licensed under this chapter to operate an adult family home. For the purposes of this section, "person" means any individual, partnership, corporation, association, or limited liability company.

(3) "Department" means the department of social and health services.

(4) "Resident" means an adult in need of personal or special care in an adult family home who is not related to the provider.

(5) "Adults" means persons who have attained the age of eighteen years.

(6) "Home" means an adult family home.

(7) "Imminent danger" means serious physical harm to or death of a resident has occurred, or there is a serious threat to resident life, health, or safety.

(8) "Special care" means care beyond personal care as defined by the department, in rule.

(9) "Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home and who received special care.

(10) "Resident manager" means a person employed or designated by the provider to manage the adult family home.

**Sec. 3.** RCW 18.52C.020 and 1997 c 392 s 527 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Secretary" means the secretary of the department of health.

(2) "Health care facility" means a nursing home, hospital, hospice care facility, home health care agency, hospice agency, boarding home, ((adult family home,)) group home, or other entity for the delivery of health care or long-term care services, including chore services provided under chapter 74.39A RCW.

(3) "Nursing home" means any nursing home facility licensed pursuant to chapter 18.52 RCW.

(4) "Nursing pool" means any person engaged in the business of providing, procuring, or referring health care or long-term care personnel for temporary employment in health care facilities, such as licensed nurses or practical nurses, nursing assistants, and chore service providers. "Nursing pool" does not include an individual who only engages in providing his or her own services.

(5) "Person" includes an individual, firm, corporation, partnership, or association.

(6) "Adult family home" means a residential home licensed pursuant to chapter 70.128 RCW.

**Sec. 4.** RCW 70.24.017 and 1991 c 3 s 322 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Board" means the state board of health.

(3) "Department" means the department of health, or any successor department with jurisdiction over public health matters.

(4) "Health care provider" means any person who is a member of a profession under RCW 18.130.040 or other person providing medical, nursing, psychological, or other health care services regulated by the department of health.

(5) "Health care facility" means a hospital, nursing home, neuropsychiatric or mental health facility, home health agency, hospice, child care agency, (~~adult family home,~~) group care facility, family foster home, clinic, blood bank, blood center, sperm bank, laboratory, or other social service or health care institution regulated or operated by the department of health.

(6) "HIV-related condition" means any medical condition resulting from infection with HIV including, but not limited to, seropositivity for HIV.

(7) "Human immunodeficiency virus" or "HIV" means all HIV and HIV-related viruses which damage the cellular branch of the human immune or neurological systems and leave the infected person immunodeficient or neurologically impaired.

(8) "Test for a sexually transmitted disease" means a test approved by the board by rule.

(9) "Legal guardian" means a person appointed by a court to assume legal authority for another who has been found incompetent or, in the case of a minor, a person who has legal custody of the child.

(10) "Local public health officer" means the officer directing the county health department or his or her designee who has been given the responsibility and authority to protect the health of the public within his or her jurisdiction.

(11) "Person" includes any natural person, partnership, association, joint venture, trust, public or private corporation, or health facility.

(12) "Release of test results" means a written authorization for disclosure of any sexually transmitted disease test result which is signed, dated, and which specifies to whom disclosure is authorized and the time period during which the release is to be effective.

(13) "Sexually transmitted disease" means a bacterial, viral, fungal, or parasitic disease, determined by the board by rule to be sexually transmitted, to be a threat to the public health and welfare, and to be a disease for which a legitimate public interest will be served by providing for regulation and treatment. The board shall designate chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), trachomitis, genital human papilloma virus infection, syphilis, acquired immunodeficiency syndrome (AIDS), and human immunodeficiency virus (HIV) infection as sexually transmitted diseases, and shall consider the recommendations and classifications of the centers for disease control and other nationally recognized medical authorities in designating other diseases as sexually transmitted.

(14) "State public health officer" means the secretary of health or an officer appointed by the secretary.

**Sec. 5.** RCW 70.128.007 and 1995 1st sp.s. c 18 s 19 are each amended to read as follows:

The purposes of this chapter are to:

(1) Encourage the establishment and maintenance of adult family homes that provide a humane, safe, and (~~home-like~~) residential home environment for persons with functional limitations who need personal and special care;

(2) Establish standards for regulating adult family homes that adequately protect residents;

(3) Encourage consumers, families, providers, and the public to become active in assuring their full

participation in development of adult family homes that provide high quality and cost-effective care;

(4) Provide for appropriate care of residents in adult family homes by requiring that each resident have a care plan that promotes the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice; and

(5) Accord each resident the right to participate in the development of the care plan and in other major decisions involving the resident and their care.

**Sec. 6.** RCW 70.128.010 and 1995 c 260 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a (~~regular family abode~~) residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

(2) "Provider" means any person who is licensed under this chapter to operate an adult family home.

For the purposes of this section, "person" means any individual, partnership, corporation, association, or limited liability company.

(3) "Department" means the department of social and health services.

(4) "Resident" means an adult in need of personal or special care in an adult family home who is not related to the provider.

(5) "Adults" means persons who have attained the age of eighteen years.

(6) "Home" means an adult family home.

(7) "Imminent danger" means serious physical harm to or death of a resident has occurred, or there is a serious threat to resident life, health, or safety.

(8) "Special care" means care beyond personal care as defined by the department, in rule.

(9) "Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home and who received special care.

**Sec. 7.** RCW 70.128.090 and 1995 1st sp.s. c 18 s 24 are each amended to read as follows:

(1) During inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide care or support to residents, including residents' records, accounts, and the physical premises, including the buildings, grounds, and equipment. The personal records of the provider are not subject to department inspection nor is the separate bedroom of the provider, not used in direct care of a client, subject to review. The department may inspect all rooms during the initial licensing of the home. However, during a complaint investigation, the department shall have access to the entire premises and all pertinent records when necessary to conduct official business. The department also shall have the authority to interview the provider and residents of an adult family home.

(2) Whenever an inspection is conducted, the department shall prepare a written report that summarizes all information obtained during the inspection, and if the home is in violation of this chapter, serve a copy of the inspection report upon the provider at the same time as a notice of violation. This notice shall be mailed to the provider within ten working days of the completion of the inspection process. If the home is not in violation of this chapter, a copy of the inspection report shall be mailed to the provider within ten calendar days of the inspection of the home. All inspection reports shall be made available to the public at the department during business hours.

(3) The provider shall develop corrective measures for any violations found by the department's inspection. The department (~~may~~) shall upon request provide consultation and technical assistance to assist the provider in developing effective corrective measures. The department shall include a statement of the provider's corrective measures in the department's inspection report.

**Sec. 8.** RCW 70.128.120 and 2000 c 121 s 5 are each amended to read as follows:

Each adult family home provider and each resident manager shall have the following minimum qualifications:

(1) Twenty-one years of age or older;

(2) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, a high school diploma or general educational development (GED) certificate;

(3) Good moral and responsible character and reputation;

~~((3))~~ (4) Literacy in the English language, however, a person not literate in the English language may meet the requirements of this subsection by assuring that there is a person on staff and available who is able to communicate or make provisions for communicating with the resident in his or her primary language and capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read and understand resident care plans;

~~((4))~~ (5) Management and administrative ability to carry out the requirements of this chapter;

~~((5))~~ (6) Satisfactory completion of department-approved basic training and continuing education training as specified by the department in rule, based on recommendations of the community long-term care training and education steering committee and working in collaboration with providers, consumers, caregivers, advocates, family members, educators, and other interested parties in the rule-making process;

~~((6))~~ (7) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;

~~((7))~~ (8) Not been convicted of any crime listed in RCW 43.43.830 and 43.43.842;~~(and~~

——— (8) ~~Effective July 1, 1996,)~~ (9) Registered with the department of health; and

(10) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, at least three hundred twenty hours of successful, direct caregiving experience obtained after age eighteen to vulnerable adults in a licensed or contracted setting prior to operating or managing an adult family home.

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.128 RCW to read as follows:  
Adult family homes shall comply with the provisions of chapter 70.24 RCW.

**NEW SECTION. Sec. 10.** A new section is added to chapter 70.128 RCW to read as follows:

In order to prevent disruption to current residents, at the request of the current licensed provider, the department shall give processing priority to the application of a person seeking to be licensed as the new provider for the adult family home. The department may issue a provisional license when a currently licensed adult family home provider has applied to be licensed as the new provider for a currently licensed adult family home, the application has been initially processed, and all that remains to complete the application process is an on-site inspection.

**NEW SECTION. Sec. 11.** A new section is added to chapter 70.128 RCW to read as follows:

The department shall implement, as part of the required training and continuing education, food safety training integrated into the curriculum that meets the standards established by the state board of health pursuant to chapter 69.06 RCW. Individual food handler permits are not required for persons who successfully complete the training.

**NEW SECTION. Sec. 12.** A new section is added to chapter 70.128 RCW to read as follows:

The department shall work with the providers and resident communities to develop opportunities for licensing and quality assurance staff to become familiar with the actual environment and the daily hands-on routine of care and services in an adult family home.

**NEW SECTION. Sec. 13.** A new section is added to chapter 74.39A RCW to read as follows:

An employer providing home and community services, including facilities licensed under chapters 18.51, 18.20, and 70.128 RCW, an employer of a program authorized under RCW 71A.12.040(10), or an in-home services agency employer licensed under chapter 70.127 RCW, who discloses information about a former or current employee to a prospective home and community services employer, nursing home employer, or are an

in-home services agency employer, is presumed to be acting in good faith and is immune from civil and criminal liability for such disclosure or its consequences if the disclosed information relates to: (1) The employee's ability to perform his or her job; (2) the diligence, skill, or reliability with which the employee carried out the duties of his or her job; or (3) any illegal or wrongful act committed by the employee when related to his or her ability to care for a vulnerable adult. For purposes of this section, the presumption of good faith may only be rebutted upon a showing by clear and convincing evidence that the information disclosed by the employer was knowingly false or made with reckless disregard for the truth of the information disclosed. Should the employee successfully rebut the presumption of good faith standard in a court of competent jurisdiction, and therefore be the prevailing party, the prevailing party shall be entitled to recover reasonable attorneys' fees against the employer. Nothing in this section shall affect or limit any other state, federal, or constitutional right otherwise available.

NEW SECTION. **Sec. 14.** The following acts or parts of acts are each repealed:

(1) RCW 70.128.061 (Moratorium on authorization of adult family home licenses) and 1997 c 392 s 402;

and

(2) RCW 70.128.062 (Rule-making authority to implement RCW 70.128.061) and 1997 c 392 s 403.

NEW SECTION. **Sec. 15.** Section 11 of this act takes effect March 2, 2002."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 70.128.005, 70.128.010, 18.52C.020, 70.24.017, 70.128.007, 70.128.010, 70.128.090, and 70.128.120; adding new sections to chapter 70.128 RCW; adding a new section to chapter 74.39A RCW; repealing RCW 70.128.061 and 70.128.062; and providing an effective date."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1320.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1320 as amended by the Senate.

Representatives Cody and Skinner spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1320 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 93.

Excused: Representatives Ogden, Sehlin, Sommers, Talcott, and Speaker Chopp - 5.

Substitute House Bill No. 1320 as amended by the Senate having received the necessary constitutional majority, was declared passed.

**MESSAGES FROM THE SENATE**

April 13, 2001

Mr. Speakers:

The Senate has failed:  
and the same is herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1560,

Tony M. Cook, Secretary

April 13, 2001

Mr. Speakers:

The Senate has failed:  
and the same is herewith transmitted.

HOUSE BILL NO. 1911,

Tony M. Cook, Secretary

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

**MOTION**

On motion of Representative DeBolt, the House adjourned until 10:00 a.m., April 17, 2001, 100<sup>th</sup> Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
ONE HUNDREDTH DAY

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MORNING SESSION

---

House Chamber, Olympia, Tuesday, April 17, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Elizabeth Shdo and Tuan Tran. Prayer was offered by Representative Sandra Romero.

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

**MESSAGE FROM THE SENATE**

April 16, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5060,  
SENATE BILL NO. 5063,  
SUBSTITUTE SENATE BILL NO. 5077,  
SUBSTITUTE SENATE BILL NO. 5101,  
SUBSTITUTE SENATE BILL NO. 5123,  
ENGROSSED SENATE BILL NO. 5143,  
SUBSTITUTE SENATE BILL NO. 5182,  
SUBSTITUTE SENATE BILL NO. 5184,  
SENATE BILL NO. 5197,  
SENATE BILL NO. 5256,  
SUBSTITUTE SENATE BILL NO. 5263,  
ENGROSSED SENATE BILL NO. 5289,  
SUBSTITUTE SENATE BILL NO. 5309,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,  
SENATE BILL NO. 5392,  
SENATE BILL NO. 5393,  
SUBSTITUTE SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5417,  
SUBSTITUTE SENATE BILL NO. 5442,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,  
SUBSTITUTE SENATE BILL NO. 5494,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 2234 by Representatives Ahern, Mastin, Mulliken, Roach, Schindler, Sump, Anderson, Jarrett, Armstrong, McMorris, Benson, Morell, Cox, Mielke, Pearson, Mitchell and Alexander



AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on First Reading.

HB 2245 by Representatives Anderson, Pflug, Crouse, Cairnes, Bush, DeBolt, B. Chandler, Mielke, Schmidt, Delvin, Casada, Esser, McMorris, Pennington, Reardon, Berkey, Simpson and Linville

AN ACT Relating to providing tax incentives to promote the production and distribution of electricity from alternative sources of energy; amending RCW 82.08.02567 and 82.12.02567; adding a new section to chapter 82.16 RCW; creating a new section; and providing expiration dates.

Held on First Reading.

HB 2247 by Representatives Crouse, Poulsen and Edwards

AN ACT Relating to the management of state energy supply and demand; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2248 by Representatives Bush, DeBolt, Kenney, Keiser, Lambert, Rockefeller, Ruderman and Santos

AN ACT Relating to prohibiting health carriers from using social security numbers as personal identification numbers; adding a new section to chapter 48.43 RCW; and creating new sections.

Referred to Committee on Financial Institutions & Insurance.

HB 2249 by Representatives Esser, Ruderman, Van Luven, Lambert, Simpson, Darneille, Edwards and O'Brien

AN ACT Relating to limiting publication of personal information of law enforcement-related and court-related employees; and adding new sections to chapter 41.04 RCW.

Referred to Committee on Judiciary.

HB 2250 by Representatives Simpson, DeBolt, Berkey, Poulsen, Hunt, Ogden, Cooper, Ruderman, Santos and Edwards

AN ACT Relating to orders for energy conservation by all citizens during energy supply alerts; and amending RCW 43.21G.040.

Referred to Committee on Technology, Telecommunications & Energy.

SB 5144 by Senators Winsley, Long, Honeyford, Franklin, Carlson, Fraser and Rasmussen

AN ACT Relating to creating a supplemental actuarially reduced survivor benefit for qualified law enforcement officers' and fire fighters' retirement system plan 1 members who choose to actuarially reduce their benefits; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Held on First Reading.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Held on First Reading.

SB 6036 by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.

Held on First Reading.

SCR 8415 by Senators Snyder and West

Amending cutoff dates.

Held on First Reading.

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

### **SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1066,  
 HOUSE BILL NO. 1071,  
 SUBSTITUTE HOUSE BILL NO. 1091,  
 ENGROSSED HOUSE BILL NO. 1099,  
 HOUSE BILL NO. 1102,  
 SUBSTITUTE HOUSE BILL NO. 1135,  
 SUBSTITUTE HOUSE BILL NO. 1202,  
 SUBSTITUTE HOUSE BILL NO. 1212,  
 ENGROSSED HOUSE BILL NO. 1347,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371,  
 ENGROSSED HOUSE BILL NO. 1407,  
 HOUSE BILL NO. 1422,  
 SUBSTITUTE HOUSE BILL NO. 1471,

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SUBSTITUTE HOUSE BILL NO. 1545,  
HOUSE BILL NO. 1564,  
HOUSE BILL NO. 1578,  
HOUSE BILL NO. 1611,  
HOUSE BILL NO. 1614,  
HOUSE BILL NO. 1633,  
SUBSTITUTE HOUSE BILL NO. 1678,  
HOUSE BILL NO. 1692,  
HOUSE BILL NO. 1694,  
HOUSE BILL NO. 1770,  
SUBSTITUTE HOUSE BILL NO. 1821,  
SECOND SUBSTITUTE HOUSE BILL NO. 1835,  
SUBSTITUTE HOUSE BILL NO. 1836,  
HOUSE BILL NO. 1865,  
SUBSTITUTE HOUSE BILL NO. 1892,  
ENGROSSED HOUSE BILL NO. 1936,  
HOUSE BILL NO. 1951,  
HOUSE BILL NO. 1952,  
SUBSTITUTE HOUSE BILL NO. 1971,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996,  
SUBSTITUTE HOUSE BILL NO. 2049,  
HOUSE BILL NO. 2086,  
SUBSTITUTE HOUSE BILL NO. 2105,  
SUBSTITUTE HOUSE BILL NO. 2184,  
HOUSE JOINT RESOLUTION NO. 4202,

Speaker Chopp assumed the chair.

**MESSAGE FROM THE SENATE**

April 17, 2001

Mr. Speakers:

The Senate concurred in the House amendment to following bills, and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5495,  
SUBSTITUTE SENATE BILL NO. 5558,  
SUBSTITUTE SENATE BILL NO. 5565,  
SUBSTITUTE SENATE BILL NO. 5621,  
SUBSTITUTE SENATE BILL NO. 5638,  
SUBSTITUTE SENATE BILL NO. 5862,  
SUBSTITUTE SENATE BILL NO. 5940,

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 1886,  
HOUSE BILL NO. 1906,  
HOUSE BILL NO. 2138,

**SENATE AMENDMENTS TO HOUSE BILL**

Mr. Speakers:

The Senate has passed House Bill No. 1898, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.15.020 and 1999 c 267 s 11 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(f) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

~~((f))~~ (g) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

~~((g))~~ (h) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

~~((h))~~ (i) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

~~((i))~~ (j) "Maternity service" means an agency which provides or arranges for care or services to

expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

~~((j))~~ (k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

~~((k))~~ (l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where:

(i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(j) Licensed physicians or lawyers;

(k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(l) Facilities approved and certified under chapter 71A.22 RCW;

(m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or

trust fund;

(n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary is authorized to license emergency respite centers. The department may adopt rules to specify licensing requirements for emergency respite centers.

**NEW SECTION. Sec. 3.** The legislature intends to increase the likelihood that pregnant women will obtain adequate prenatal care and will provide their newborns with adequate health care during the first few days of their lives. The legislature recognizes that prenatal and postdelivery health care for newborns and their mothers is especially critical to their survival and well-being. The legislature intends that reasonable steps should be taken to remove any barriers to such care, particularly for those parents who may otherwise encounter emotional and/or psychological barriers to obtaining such care by reducing impediments to obtaining prenatal and postdelivery care to newborns while encouraging pregnant women to act responsibly regarding the health of their newborns. The legislature does not intend to encourage the abandonment of newborn children nor to change existing law relating to notification to parents under chapter 13.34 RCW, but rather to assure that abandonment does not occur and that all newborns have an opportunity for adequate health care and a stable home life.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.34 RCW to read as follows:

(1) For purposes of this section:

(a) "Appropriate location" means the emergency department of a hospital licensed under chapter 70.41

RCW during the hours the hospital is in operation.

(b) "Newborn" means a live human being who is less than seventy-two hours old.

(c) "Qualified person" means any person that the parent transferring the newborn reasonably believes is a bona fide employee, volunteer, or medical staff member of the hospital and who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location is not subject to criminal liability under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

(3)(a) The qualified person and the hospital shall not require the parent transferring the newborn to provide any identifying information in order to transfer the newborn.

(b) The qualified person and the hospital shall attempt to protect the anonymity of the parent who transfers the newborn, while providing an opportunity for the parent to anonymously give the hospital such information as the parent knows about the family medical history of the parents and the newborn. The qualified person and the hospital shall provide referral information about adoption options, counseling, appropriate medical and emotional aftercare services, domestic violence, and legal rights to the parent seeking to transfer the newborn.

(c) If a parent of a newborn transfers the newborn to a qualified person at an appropriate location pursuant to this section, the hospital shall cause child protective services to be notified within twenty-four hours after receipt of such a newborn. Child protective services shall assume custody of the newborn within twenty-four hours after receipt of notification and shall arrange for discharge of the newborn from the hospital.

(d) A hospital, its employees, volunteers, and medical staff are immune from any criminal or civil liability for accepting or receiving a newborn under this section.

**Sec. 5.** RCW 9A.42.060 and 1996 c 302 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the first degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or other dependent person any of the basic necessities of life;

(b) The person recklessly abandons the child or other dependent person; and

(c) As a result of being abandoned, the child or other dependent person suffers great bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 4 of this act is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the first degree is a class B felony.

**Sec. 6.** RCW 9A.42.070 and 1996 c 302 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the second degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or other dependent person any of the basic necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

(i) As a result of being abandoned, the child or other dependent person suffers substantial bodily harm; or

(ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other dependent person will die or suffer great bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 4 of this act is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the second degree is a class C felony.

**Sec. 7.** RCW 9A.42.080 and 1996 c 302 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of

a dependent person in the third degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or dependent person any of the basic necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

(i) As a result of being abandoned, the child or other dependent person suffers bodily harm; or

(ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other person will suffer substantial bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 4 of this act is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the third degree is a gross misdemeanor.

**Sec. 8.** RCW 26.20.030 and 1984 c 260 s 26 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any person who has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it is guilty of the crime of family abandonment.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 4 of this act is not subject to criminal liability under this section.

(3) The crime of family abandonment is a class C felony under chapter 9A.20 RCW.

**Sec. 9.** RCW 26.20.035 and 1984 c 260 s 27 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any person who is able to provide support, or has the ability to earn the means to provide support, and who:

(a) Willfully omits to provide necessary food, clothing, shelter, or medical attendance to a child dependent upon him or her; or

(b) Willfully omits to provide necessary food, clothing, shelter, or medical attendance to his or her spouse,  
is guilty of the crime of family nonsupport.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 4 of this act is not subject to criminal liability under this section.

(3) The crime of family nonsupport is a gross misdemeanor under chapter 9A.20 RCW.

**NEW SECTION. Sec. 10.** (1) The secretary of the department of social and health services shall convene a task force to recommend methods of implementing sections 3 through 9 of this act, including how private or public funding may be obtained to support a program of public education regarding the provisions of sections 3 through 9 of this act. The task force shall consider all reasonable methods of educating Washington residents about the need for prenatal and postdelivery health care for a newborn whose parents may otherwise not seek such care and place their newborn at risk as a result. The task force shall also consider, and make recommendations regarding: (a) Ways to meet the medical and emotional needs of the mother and to improve the promotion of adoption as an alternative to placing a newborn in situations that create a serious risk to his or her health; and (b) methods of providing access to (i) the medical history of the parents of a newborn who is transferred to a hospital pursuant to section 4 of this act; and (ii) the medical history of the newborn, consistent with the protection of the anonymity of the parents of the newborn. The task force shall develop model forms of policies and procedures for hospitals to use in receiving newborns under section 4 of this act.

(2) In addition to the secretary, or the secretary's designee, the task force shall include but not be limited to representation from the following: (a) Licensed physicians; (b) public and private agencies which provide adoption services; (c) private attorneys handling adoptions; (d) the licensed nursing community; (e) hospitals; (f) prosecuting attorneys; (g) foster parents; (h) the department of health; (i) the attorney general; (j) advocacy groups concerned with the availability of adoption records; (k) risk managers; and (l) the public. At least three members of the task force shall be public members. The task force may seek input from other experts as needed.

(3) Members of the task force shall serve without compensation.



(4) The task force shall submit its report and recommendations to the governor and legislature not later than December 1, 2001.

(5) This section expires January 1, 2003.

**NEW SECTION. Sec. 11.** Sections 3 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 1 of the title, after "nurseries;" strike the remainder of the title and insert "amending RCW 74.15.020, 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, and 26.20.035; adding a new section to chapter 74.15 RCW; adding a new section to chapter 13.34 RCW; creating new sections; prescribing penalties; providing an expiration date; and declaring an emergency."

Tony M. Cook, Secretary

### POINT OF ORDER

Representative Boldt request a ruling on whether the Senate amendment to House Bill No. 1898 was beyond the scope and object of the bill.

### SPEAKERS' RULING

Speaker Chopp: "The Speakers find that the bill is intended to define crisis nurseries and to add them to the list of agencies that arrange for or provide out of home care for certain persons. The amendment would add the entire text of Substitute Senate Bill No. 5236 which deals with infant abandonment to the bill. The Speakers find that the amendment does go beyond the scope and object of House Bill No. 1898.

Representative Boldt, your Point of Order is well taken. Speaker Ballard concurs in this ruling."

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1898 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed Engrossed Substitute House Bill No. 2137, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by

the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least ~~((twelve))~~ thirteen years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the ~~((county-designated mental health professional for examination and evaluation under chapter 71.05 or 71.34-RCW))~~ person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. ~~((The county-designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW-))~~ Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation~~((;))~~ bond~~((;))~~ or bail, the examination shall occur wherever is appropriate.

The ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation~~((;))~~ bond~~((;))~~ or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall~~((, to the extent permitted by law,))~~ notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network determines it is appropriate, the ~~((county-designated mental health professional))~~ person or

agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(6) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**NEW SECTION.** **Sec. 2.** A new section is added to chapter 9.61 RCW to read as follows:

Upon the arrest of a person at least thirteen years of age and not more than twenty-one years of age for violating RCW 9.61.160 by making a threat to bomb, on public or private elementary or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

The person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this section prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the person or agency designated by the local regional support network determines it is appropriate, the person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9A.48 RCW to read as follows:

Upon the arrest of a person at least thirteen years of age and not more than twenty-one years of age for violating RCW 9A.48.020 relating to arson in the first degree or RCW 9A.48.030 relating to arson in the second degree, on public or private elementary or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

The person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this section prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the person or agency designated by the local regional support network determines it is appropriate, the person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) This subsection (1) shall be implemented to the extent funds are appropriated for its purposes.

(b) A school safety center shall be established in the office of the superintendent of public instruction to provide school districts with: The assistance necessary to create a consistent, comprehensive approach to school safety for every school and every school district; the means to share safety information among school districts; and a process for schools to effectively integrate safe school planning with emergency preparedness personnel, the criminal justice training commission, and local, county, and state law enforcement officers.

(c) The safety center shall disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(2)(a) This subsection (2) shall be implemented to the extent funds are appropriated for its purposes.

(b) The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(c) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel. The criminal justice training commission with assistance of the advisory committee shall develop manuals and curricula for a training program for all school safety personnel. The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

**Sec. 5.** RCW 28A.305.130 and 1997 c 13 s 5 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.

(3) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(4)(a) The state board of education shall adopt rules to allow a teacher certification candidate to fulfill, in

part, teacher preparation program requirements through work experience as a classified teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter.

(b) The state board of education shall require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a classified teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a classified teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

(5) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule (~~or regulation~~) in accordance with RCW 28A.410.010.

(6) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such preaccreditation examination and evaluation processes as may now or hereafter be established by the board.

(7) Make rules (~~and regulations~~) governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(8) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(9) Continuously reevaluate courses and adopt and enforce (~~regulations~~) rules within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapters 28A.315, 28A.323, and 28A.343 RCW (~~(28A.315.010 through 28A.315.680 and 28A.315.900)~~).

(11) By rule (~~or regulation promulgated~~) adopted upon the advice of the chief of the Washington state patrol, through the director of fire protection, provide for instruction of pupils in the (~~public and~~) private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules (~~and regulations~~) shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(12) By rule, following consultation with at least the emergency management division of the state military department and the superintendent of public instruction, provide for instruction of staff and pupils in the public schools carrying out a K through 12 program, or any part thereof, so that in case of a sudden all-hazard emergency they shall be able to leave their particular school building in the shortest possible time or take such

other steps as the particular all-hazard emergency demands, without confusion or panic. The rules shall provide guidance on the development and implementation of all-hazard emergency management plans. The rules shall specify when school districts shall complete their plans. The rules shall be published and distributed to school district officials who shall in turn distribute information about the plans to all employed staff in the district.

(13) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.320 RCW to read as follows:

To the extent funds are appropriated, school districts shall require that schools develop a comprehensive safe school plan. A comprehensive safe school plan is a school-based plan that includes prevention, intervention, all-hazards and crisis response including the all-hazards emergency plan under RCW 28A.305.130, and postcrisis recovery components developed to ensure the maintenance of a safe learning environment for students and adults. Upon completion of the comprehensive safe school plans, and by December 1st of every year thereafter, school districts shall report to the superintendent of public instruction whether schools in its district have developed comprehensive safe school plans. The superintendent of public instruction shall annually report to the state board of education and the education committees of the house of representatives and senate on school districts' comprehensive safe school planning."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "school safety; amending RCW 9.41.280 and 28A.305.130; adding a new section to chapter 9.61 RCW; adding a new section to chapter 9A.48 RCW; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.320 RCW."

Tony M. Cook, Secretary

### POINT OF ORDER

Representative Hunt requested a ruling on whether the Senate amendment to Engrossed Substitute House Bill No. 2137 was beyond the scope and object of the bill.

### SPEAKERS' RULING

Speaker Chopp: "The Speakers find that the bill is intended to include possession of explosives in the category of offenses for which a school student must be expelled for not less than one year. The amendment strikes all of Engrossed Substitute House Bill No. 2137 and deletes all references to explosives, as an alternative, the amendment adds all or parts of five other bills, none of which give exclusive consideration to the presence of explosives in schools. The Speakers find that the amendment does go beyond the scope and object of Engrossed Substitute House Bill No. 2137.

Representative Hunt, your Point of Order is well taken. Speaker Ballard concurs in this ruling."

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 2137 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2001

Mr. Speakers:

The Senate has passed Substitute House Bill No. 1094, with the following amendments(s)

(S-2539.1) On page 2, line 10, after "sanctions" insert ", which must be reported to the federal data bank"

(S-2501.1) On page 2, after line 30, insert the following:

**"NEW SECTION. Sec. I.** A new section is added to chapter 18.130 RCW to read as follows:

(1) No sanction provided for in RCW 18.130.160, including the surrender of a practitioner's license, may be imposed on a person solely for the unlicensed practice of reflexology.

(2) This section expires July 1, 2002."

On page 1, line 2 of the title, after "license;" strike "and" and after "18.130.160" insert "; adding a new section to chapter 18.130 RCW; and providing an expiration date"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate Amendment(s) to page 2, line 10, (S-2539.1).

### POINT OF ORDER

Representative Cody requested a ruling on whether the Senate amendment to page 2, after line 30 (S-2501.1) to Substitute House Bill No. 1094 was beyond the scope and object of the bill.

### SPEAKERS' RULING

Speaker Chopp: "The Speakers find that the bill is intended to allow a health practitioner to surrender their license in lieu of other sanctions under the Uniform Disciplinary Act. The amendment would provide that no sanction may be imposed solely for the practice of reflexology. The Speakers find that the amendment does go beyond the scope and object of Substitute House Bill No. 1094.

Representative Cody, your Point of Order is well taken. Speaker Ballard concurs in this ruling."

There being no objection, the House refused to concur in the Senate Amendment(s) on page 2, after line 30 to Substitute House Bill No. 1094 and asked the Senate to recede therefrom.

Speaker Chopp called upon Representative Ogden to preside.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed Substitute House Bill No. 1450, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 84.33.120 and 1999 sp.s. c 4 s 702 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.



LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
	1	\$141
1	2	136
	3	131
	4	95
	1	118
2	2	114
	3	110
	4	80
	1	93
3	2	90
	3	87
	4	66
	1	70
4	2	68
	3	66
	4	52
	1	51
5	2	48
	3	46
	4	31
	1	26
6	2	25
	3	25
	4	23
	1	12
7	2	12
	3	11
	3	11
8	1	

(2) On or before December 31, 1981, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

- (a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30,

1981 by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980 by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) or (10) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) or (10) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not by itself, result in removal of classification. The signed notice of continuance shall be

attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to (c) or (d) of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of (a), (b), (d), or (e) of this subsection shall apply only to the land affected, and upon occurrence of (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5)(e), (9), or (10) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW:

PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; ~~((e))~~

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(h) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place within two years after the effective date of this section and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purpose of this subsection.

(10) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) An action described in subsection (9) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

(11) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

**Sec. 2.** RCW 84.33.140 and 1999 sp.s. c 4 s 703 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) Such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) or (6) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) or (6) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of (a) through (c) of this subsection shall apply only to the land affected, and upon occurrence of (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation: PROVIDED, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (1)(c), (5), or (6) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in

RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; ~~((or))~~

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(h) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place within two years after the effective date of this section and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purpose of this subsection.

(6) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (3) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (1) of this section resulted solely from:

(a) An action described in subsection (5) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

**Sec. 3.** RCW 84.34.108 and 1999 sp.s. c 4 s 706 and 1999 c 233 s 22 are each reenacted and amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such classification shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in

making a determination whether such land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on such land which shall attach at the time such land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; ~~((o))~~

(j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(k) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993 and the sale or transfer takes place within two years after the effective date of this section and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purpose of this subsection."

On page 1, line 2 of the title, after "owner;" strike the remainder of the title and insert "amending RCW 84.33.120 and 84.33.140; and reenacting and amending RCW 84.34.108."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1450 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed Substitute House Bill No. 1325, with the following amendments(s)

On page 2, after line 28, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 1.20 RCW to read as follows:

(1) Each public entity shall display the national league of families' POW/MIA flag along with the flag of the United States and the flag of the state upon or near the principal building of the public entity on the following days: (a) Armed Forces Day on the third Saturday in May; (b) Memorial Day on the last Monday in May; (c) Flag Day on June 14; (d) Independence Day on July 4; (e) National POW/MIA Recognition Day; and (f) Veterans' Day on November 11. If the designated day falls on a Saturday or Sunday, then the POW/MIA flag will be displayed on the preceding Friday.

(2) The governor's veterans affairs advisory committee shall provide information to public entities regarding the purchase and display of the POW/MIA flag upon request.

(3) As used in this section, "public entity" means every state agency, including each institution of higher education, and every county, city, and town."

On page 1, line 2 of the title, after "RCW;" insert "adding a new section to chapter 1.20 RCW;"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1325 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed House Bill No. 1227, with the following amendments(s)



Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 9A.76.110 and 1982 1st ex.s. c 47 s 23 are each amended to read as follows:

(1) A person is guilty of escape in the first degree if ~~((;))~~ he or she knowingly escapes from custody or a detention facility while being detained pursuant to a conviction of a felony or an equivalent juvenile offense~~((, he escapes from custody or a detention facility))~~.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from remaining in custody or in the detention facility or from returning to custody or to the detention facility, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to remain or return, and that the person returned to custody or the detention facility as soon as such circumstances ceased to exist.

(3) Escape in the first degree is a class B felony.

**Sec. 2.** RCW 9A.76.120 and 1995 c 216 s 15 are each amended to read as follows:

(1) A person is guilty of escape in the second degree if:

(a) He or she knowingly escapes from a detention facility;

(b) Having been charged with a felony or an equivalent juvenile offense, he or she knowingly escapes from custody; ~~((;))~~

(c) Having been found to be a sexually violent predator and being under an order of conditional release, he or she knowingly leaves or remains absent from the state of Washington without prior court authorization; or

(d) Having been committed under chapter 10.77 RCW for a sex, violent, or felony harassment offense and being under an order of conditional release, he or she knowingly leaves or remains absent from the state of Washington without prior court authorization.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from remaining in custody or in the detention facility or from returning to custody or to the detention facility, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to remain or return, and that the person returned to custody or the detention facility as soon as such circumstances ceased to exist.

(3) Escape in the second degree is a class C felony.

**Sec. 3.** RCW 9A.76.170 and 1983 1st ex.s. c 4 s 3 are each amended to read as follows:

(1) Any person having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before any court of this state, or of the requirement to report to a correctional facility for service of sentence, and who ~~((knowingly))~~ fails to appear or who fails to surrender for service of sentence as required is guilty of bail jumping.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;

(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony;

(d) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

**Sec. 4.** RCW 9A.76.010 and 1991 c 181 s 6 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court, or any period of service

on a work crew: PROVIDED, That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and 74.13.031 and chapter 13.32A RCW shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court;

(4) "Uncontrollable circumstances" means an act of nature such as a flood, earthquake, or fire, or a medical condition that requires immediate hospitalization or treatment, or an act of man such as an automobile accident or threats of death, forcible sexual attack, or substantial bodily injury in the immediate future for which there is no time for a complaint to the authorities and no time or opportunity to resort to the courts.

**Sec. 5.** RCW 9.94A.360 and 2000 c 28 s 15 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW

9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction.

(12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for (~~Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or~~) Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

**NEW SECTION. Sec. 6.** A new section is added to chapter 10.88 RCW to read as follows:

A law enforcement agency shall deliver a person in custody to the accredited agent or agents of a demanding state without the governor's warrant provided that:

(1) Such person is alleged to have broken the terms of his or her probation, parole, bail, or any other release of the demanding state; and

(2) The law enforcement agency has received from the demanding state an authenticated copy of a prior waiver of extradition signed by such person as a term of his or her probation, parole, bail, or any other release of the demanding state and photographs or fingerprints or other evidence properly identifying the person as the person who signed the waiver.

**NEW SECTION. Sec. 7.** The following acts or parts of acts are each repealed:

(1) RCW 72.65.070 (Wilfully failing to return--Deemed escapee and fugitive--Penalty) and 1967 c 17 s 7; and

(2) RCW 72.66.060 (Wilfully failing to return--Deemed escapee and fugitive--Penalty) and 1971 ex.s. c 58 s 7.

**NEW SECTION. Sec. 8.** The laws repealed by this act are repealed except with respect to rights and duties which matured, penalties which were incurred, proceedings which were begun prior to the effective date of this act, or proceedings which are initiated after this act for violations committed prior to the effective date of this act."

On page 1, line 1 of the title, after "custody;" strike the remainder of the title and insert "amending RCW 9A.76.110, 9A.76.120, 9A.76.170, 9A.76.010, and 9.94A.360; adding a new section to chapter 10.88 RCW; creating a new section; repealing RCW 72.65.070 and 72.66.060; and prescribing penalties."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1227 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed Second Substitute House Bill No. 2025, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The superintendent of public instruction shall review (1) the criteria used to determine the point at which limited English proficient students are required to take the Washington assessment of student learning and (2) whether the results of the Washington assessment of student learning for students receiving instructional services in the state transitional bilingual instruction program should be included in a school district's and school's assessment results. The review shall be used to determine if the criteria are developmentally appropriate and in the best interest of the students. In conducting the review, the superintendent shall consult with parents, teachers, principals, classroom aides, recognized experts in second-language instruction, and statewide ethnic organizations that represent second-language learners. Preliminary results of the review shall be reported to the education and fiscal committees of the legislature by December 1, 2001. Final results of the review shall be reported to the education and fiscal committees of the legislature by December 1, 2002.

**Sec. 2.** RCW 28A.180.030 and 1990 c 33 s 164 are each amended to read as follows:

As used ~~((in RCW 28A.180.010 through 28A.180.080))~~ throughout this chapter, unless the context ~~((thereof))~~ clearly indicates ~~((to the contrary))~~ otherwise:

(1) "Transitional bilingual instruction" means:

(a) A system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. Concepts and information are introduced in the primary language and reinforced in the second language: PROVIDED, That the program shall include testing in the subject matter in English; or

(b) In those cases in which the use of two languages is not practicable as established by the superintendent of public instruction and unless otherwise prohibited by law, an alternative system of instruction which may include English as a second language and is designed to enable the pupil to achieve competency in English.

(2) "Primary language" means the language most often used by the student for communication in his/her home.

(3) "Eligible pupil" means any enrollee of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning.

**Sec. 3.** RCW 28A.180.040 and 1984 c 124 s 3 are each amended to read as follows:

Every school district board of directors shall:

(1) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction.

(2) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program.

(3) Determine by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases. ~~((If, however, a preliminary interview indicates little or no English-speaking ability, eligibility testing shall not be necessary.))~~

(4) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction.

(5) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models."

On page 1, line 2 of the title, after "English;" strike the remainder of the title and insert "amending RCW 28A.180.030 and 28A.180.040; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Second Substitute House Bill No. 2025 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed House Bill No. 2126, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28B.95.020 and 2000 c 14 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

- (1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between July 1st and June 30th.
- (2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the board from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units.
- (3) "Board" means the higher education coordinating board as defined in chapter 28B.80 RCW.
- (4) "Committee on advanced tuition payment" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the executive director of the higher education coordinating board, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.
- (5) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program.
- (6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase.
- (7) "Eligible beneficiary" means the person for whom the tuition unit will be redeemed for attendance at an institution of higher education. The beneficiary is that person named by the purchaser at the time that a tuition unit contract is accepted by the governing body. With the exception of tuition unit contracts purchased by qualified organizations as future scholarships, the beneficiary must reside in the state of Washington or otherwise be a resident of the state of Washington at the time the tuition unit contract is accepted by the governing body.
- (8) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units for an eligible beneficiary.
- (9) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.
- (10) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.
- (11) "Investment board" means the state investment board as defined in chapter 43.33A RCW.
- (12) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.
- (13) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. The maximum tuition and fees charges recognized for beneficiaries enrolled in a state technical college shall be equal to the tuition and fees for the community college system.
- (14) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units.
- (15) "Unit purchase price" means the minimum cost to purchase one tuition unit for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate weighted average tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.
- (16) "Weighted average tuition" shall be calculated as the sum of the undergraduate tuition and services and activities fees for each four-year state institution of higher education, multiplied by the respective full-time equivalent student enrollment at each institution divided by the sum total of undergraduate full-time equivalent student enrollments of all four-year state institutions of higher education, rounded to the nearest whole dollar.
- (17) "Weighted average tuition unit" is the value of the weighted average tuition and fees divided by one hundred. The weighted average is the basis upon which tuition benefits ~~((are))~~ may be calculated ~~((for graduate~~

~~program enrollments and for attendance at nonstate institutions of higher education and is))~~ as the basis for any refunds provided from the program.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.95 RCW to read as follows:

(1) The committee may establish a college savings program. If such a program is established, the college savings program shall be established, in such form as may be determined by the committee, to be a qualified state tuition program as defined by the internal revenue service under section 529 of the internal revenue code, and shall be administered in a manner consistent with the Washington advanced college tuition payment program. The committee, in planning and devising the program, shall consult with the state investment board, the state treasurer, a qualified actuarial consulting firm with appropriate expertise to evaluate such plans, the legislative fiscal and higher education committees, and the institutions of higher education.

(2) If such a college savings program is established, the college savings program account is created in the custody of the state treasurer for the purpose of administering the college savings program. If created, the account shall be a discrete nontreasury account in the custody of the state treasurer. Interest earnings shall be retained in accordance with RCW 43.79A.040. Disbursements from the account, except for program administration, are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money used for program administration is subject to the allotment provisions, but without appropriation.

(3) The committee, after consultation with the state investment board, shall determine the investment policies for the college savings program. Program contributions may be invested by the state investment board or the committee may contract with an investment company licensed to conduct business in this state to do the investing. The committee shall keep or cause to be kept full and adequate accounts and records of the assets of each individual participant in the college savings program.

(4) Neither the state nor any eligible educational institution may be considered or held to be an insurer of the funds or assets of the individual participant accounts in the college savings program created under this section nor may any such entity be held liable for any shortage of funds in the event that balances in the individual participant accounts are insufficient to meet the educational expenses of the institution chosen by the student for which the individual participant account was intended.

(5) The committee shall adopt rules to implement this section. Such rules shall include but not be limited to administration, investment management, promotion, and marketing; compliance with internal revenue service standards; application procedures and fees; start-up costs; phasing in the savings program and withdrawals therefrom; deterrents to early withdrawals and provisions for hardship withdrawals; and reenrollment in the savings program after withdrawal.

(6) The committee may, at its discretion, determine to cease operation of the college savings program if it determines the continuation is not in the best interest of the state. The committee shall adopt rules to implement this section addressing the orderly distribution of assets.

**Sec. 3.** RCW 28B.95.110 and 2000 c 14 s 8 are each amended to read as follows:

(1) The intent of the Washington advanced college tuition payment program is to redeem tuition units for attendance at an institution of higher education. Refunds shall be issued under specific conditions that may include the following:

(a) Certification that the beneficiary, who is eighteen years of age or older, will not attend an institution of higher education, will result in a refund not to exceed the current weighted average tuition and fees in effect at the time of such certification minus a penalty at the rate established by the internal revenue service under chapter 529 of the internal revenue code. No more than one hundred tuition units may be refunded per year to any individual making this certification. The refund shall be made no sooner than ninety days after such certification, less any administrative processing fees assessed by the governing body;

(b) If there is certification of the death or disability of the beneficiary, the refund shall be equal to one hundred percent of any remaining unused tuition units (~~valued~~) at the current (~~weighted average tuition units~~) value, as determined by the governing body, at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body;

(c) If there is certification by the student of graduation or program completion, the refund shall be as

great as one hundred percent of any remaining unused (~~(weighted average)~~) tuition units at the current value, as determined by the governing body, at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body. The governing body may, at its discretion, impose a penalty if needed to comply with federal tax rules;

(d) If there is certification of other tuition and fee scholarships, which will cover the cost of tuition for the eligible beneficiary. The refund shall be equal to one hundred percent of the current (~~(weighted average)~~) value of tuition units, as determined by the governing body, in effect at the time of the refund request, (~~(plus)~~) less any administrative processing fees assessed by the governing body. The refund under this subsection may not exceed the value of the scholarship;

(e) Incorrect or misleading information provided by the purchaser or beneficiaries may result in a refund of the purchaser's investment, less any administrative processing fees assessed by the governing body. The value of the refund will not exceed the actual dollar value of the purchaser's contributions; and

(f) The governing body may determine other circumstances qualifying for refunds of remaining unused tuition units and may determine the value of that refund.

(2) With the exception of subsection (1)(b), (e), and (f) of this section no refunds may be made before the units have been held for two years.

**Sec. 4.** RCW 43.79A.040 and 2000 c 79 s 45 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility (~~grant~~) account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 5.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."



On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.95.020, 28B.95.110, and 43.79A.040; adding a new section to chapter 28B.95 RCW; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 2126 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1287, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.15.020 and 1999 c 267 s 11 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(f) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

~~((f))~~ (g) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

~~((g))~~ (h) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

~~((h))~~ (i) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

~~((i))~~ (j) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

~~((j))~~ (k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

~~((k))~~ (l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where:

(i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(j) Licensed physicians or lawyers;

(k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(l) Facilities approved and certified under chapter 71A.22 RCW;

(m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary is authorized to license emergency respite centers. The department may adopt rules to specify licensing requirements for emergency respite centers.

**NEW SECTION. Sec. 3.** The legislature intends to increase the likelihood that pregnant women will obtain adequate prenatal care and will provide their newborns with adequate health care during the first few days of their lives. The legislature recognizes that prenatal and postdelivery health care for newborns and their mothers is especially critical to their survival and well-being. The legislature intends that reasonable steps

should be taken to remove any barriers to such care, particularly for those parents who may otherwise encounter emotional and/or psychological barriers to obtaining such care by reducing impediments to obtaining prenatal and postdelivery care to newborns while encouraging pregnant women to act responsibly regarding the health of their newborns. The legislature does not intend to encourage the abandonment of newborn children nor to change existing law relating to notification to parents under chapter 13.34 RCW, but rather to assure that abandonment does not occur and that all newborns have an opportunity for adequate health care and a stable home life.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.34 RCW to read as follows:

(1) For purposes of this section:

(a) "Appropriate location" means the emergency department of a hospital licensed under chapter 70.41 RCW during the hours the hospital is in operation.

(b) "Newborn" means a live human being who is less than seventy-two hours old.

(c) "Qualified person" means any person that the parent transferring the newborn reasonably believes is a bona fide employee, volunteer, or medical staff member of the hospital and who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location is not subject to criminal liability under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

(3)(a) The qualified person and the hospital shall not require the parent transferring the newborn to provide any identifying information in order to transfer the newborn.

(b) The qualified person and the hospital shall attempt to protect the anonymity of the parent who transfers the newborn, while providing an opportunity for the parent to anonymously give the hospital such information as the parent knows about the family medical history of the parents and the newborn. The qualified person and the hospital shall provide referral information about adoption options, counseling, appropriate medical and emotional aftercare services, domestic violence, and legal rights to the parent seeking to transfer the newborn.

(c) If a parent of a newborn transfers the newborn to a qualified person at an appropriate location pursuant to this section, the hospital shall cause child protective services to be notified within twenty-four hours after receipt of such a newborn. Child protective services shall assume custody of the newborn within twenty-four hours after receipt of notification and shall arrange for discharge of the newborn from the hospital.

(d) A hospital, its employees, volunteers, and medical staff are immune from any criminal or civil liability for accepting or receiving a newborn under this section.

**Sec. 5.** RCW 9A.42.060 and 1996 c 302 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the first degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or other dependent person any of the basic necessities of life;

(b) The person recklessly abandons the child or other dependent person; and

(c) As a result of being abandoned, the child or other dependent person suffers great bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 4 of this act is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the first degree is a class B felony.

**Sec. 6.** RCW 9A.42.070 and 1996 c 302 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the second degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or other dependent person any of the basic

necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

(i) As a result of being abandoned, the child or other dependent person suffers substantial bodily harm; or

(ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other dependent person will die or suffer great bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 4 of this act is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the second degree is a class C felony.

**Sec. 7.** RCW 9A.42.080 and 1996 c 302 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the third degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or dependent person any of the basic necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

(i) As a result of being abandoned, the child or other dependent person suffers bodily harm; or

(ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other person will suffer substantial bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 4 of this act is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the third degree is a gross misdemeanor.

**Sec. 8.** RCW 26.20.030 and 1984 c 260 s 26 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any person who has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it is guilty of the crime of family abandonment.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 4 of this act is not subject to criminal liability under this section.

(3) The crime of family abandonment is a class C felony under chapter 9A.20 RCW.

**Sec. 9.** RCW 26.20.035 and 1984 c 260 s 27 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any person who is able to provide support, or has the ability to earn the means to provide support, and who:

(a) Willfully omits to provide necessary food, clothing, shelter, or medical attendance to a child dependent upon him or her; or

(b) Willfully omits to provide necessary food, clothing, shelter, or medical attendance to his or her spouse,  
is guilty of the crime of family nonsupport.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 4 of this act is not subject to criminal liability under this section.

(3) The crime of family nonsupport is a gross misdemeanor under chapter 9A.20 RCW.

**NEW SECTION. Sec. 10.** (1) The secretary of the department of social and health services shall convene a task force to recommend methods of implementing sections 3 through 9 of this act, including how private or public funding may be obtained to support a program of public education regarding the provisions of sections 3 through 9 of this act. The task force shall consider all reasonable methods of educating Washington residents about the need for prenatal and postdelivery health care for a newborn whose parents may otherwise not seek such care and place their newborn at risk as a result. The task force shall also consider, and make recommendations regarding: (a) Ways to meet the medical and emotional needs of the mother and to improve the promotion of adoption as an alternative to placing a newborn in situations that create a serious risk to his or

her health; and (b) methods of providing access to (i) the medical history of the parents of a newborn who is transferred to a hospital pursuant to section 4 of this act; and (ii) the medical history of the newborn, consistent with the protection of the anonymity of the parents of the newborn. The task force shall develop model forms of policies and procedures for hospitals to use in receiving newborns under section 4 of this act.

(2) In addition to the secretary, or the secretary's designee, the task force shall include but not be limited to representation from the following: (a) Licensed physicians; (b) public and private agencies which provide adoption services; (c) private attorneys handling adoptions; (d) the licensed nursing community; (e) hospitals; (f) prosecuting attorneys; (g) foster parents; (h) the department of health; (i) the attorney general; (j) advocacy groups concerned with the availability of adoption records; (k) risk managers; and (l) the public. At least three members of the task force shall be public members. The task force may seek input from other experts as needed.

(3) Members of the task force shall serve without compensation.

(4) The task force shall submit its report and recommendations to the governor and legislature not later than December 1, 2001.

(5) This section expires January 1, 2003.

**NEW SECTION. Sec. 11.** Sections 3 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 1 of the title, after "nurseries;" strike the remainder of the title and insert "amending RCW 74.15.020, 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, and 26.20.035; adding a new section to chapter 74.15 RCW; adding a new section to chapter 13.34 RCW; creating new sections; prescribing penalties; providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Bill No. 1287.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1287 as amended by the Senate.

Representative Crouse spoke in favor of the passage of the bill.

There being no objection, Representatives Casada, Ericksen, Quall, Sommers and Speaker Chopp were excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1287 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 93.

Excused: Representatives Casada, Ericksen, Quall, Sommers, and Speaker Chopp - 5.

House Bill No. 1287 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1658, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 77.60 RCW to read as follows:

(1) The department shall initiate a pilot project to evaluate the feasibility and potential of intensively culturing shellfish on currently nonproductive oyster reserve land in Puget Sound. The pilot program shall include no fewer than three long-term lease agreements with commercial shellfish growers. Except as provided in subsection (4) of this section, revenues from the lease of such lands shall be deposited in the oyster reserve land account created in section 2 of this act.

(2) The department shall form one advisory committee each for the Willapa Bay oyster reserve lands and the Puget Sound oyster reserve lands. The advisory committees shall make recommendations on management practices to conserve, protect, and develop oyster reserve lands. The advisory committees may make recommendations regarding the management practices on oyster reserve lands, in particular to ensure that they are managed in a manner that will: (a) Increase revenue through production of high-value shellfish; (b) not be detrimental to the market for shellfish grown on nonreserve lands; and (c) avoid negative impacts to existing shellfish populations. The advisory committees may also make recommendation on the distribution of funds in section 2(2)(a) of this act. The department shall attempt to structure each advisory committee to include equal representation between shellfish growers that participate in reserve sales and shellfish growers that do not.

(3) The department shall submit a brief progress report on the status of the pilot programs to the appropriate standing committees of the legislature by January 7, 2003.

(4) The department of natural resources, in consultation with the department of fish and wildlife, shall administer the leases for oyster reserves entered into under this chapter. In administering the leases, the department of natural resources shall exercise its authority under RCW 79.96.090. Vacation of state oyster reserves by the department of fish and wildlife shall not be a requirement for the department of natural resources to lease any oyster reserves under this section. The department of natural resources may recover reasonable costs directly associated with the administration of the leases for oyster reserves entered into under this chapter. All administrative fees collected by the department of natural resources pursuant to this section shall be deposited into the resource management cost account established in RCW 79.64.020. The department of fish and wildlife may not assess charges to recover the costs of consulting with the department of natural resources under this subsection.

(5) The Puget Sound pilot program shall not include the culture of geoduck.

NEW SECTION. **Sec. 2.** A new section is added to chapter 77.60 RCW to read as follows:

(1) The oyster reserve land account is created in the state treasury. All receipts from revenues from the lease of land or sale of shellfish from oyster reserve lands must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as provided in this section.

(2) Funds in the account shall be used for the purposes provided for in this subsection:

(a) Up to forty percent for the management expenses incurred by the department that are directly attributable to the management of the oyster reserve lands and for the expenses associated with new research and

development activities at the Pt. Whitney and Nahcotta shellfish laboratories managed by the department. As used in this subsection, "new research and development activities" includes an emphasis on the control of aquatic nuisance species and burrowing shrimp;

(b) Up to ten percent may be deposited into the state general fund; and

(c) All remaining funds in the account shall be used for the shellfish - on-site sewage grant program established in section 3 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.71 RCW to read as follows:

(1) The action team shall establish a shellfish - on-site sewage grant program in Puget Sound and for Pacific and Grays Harbor counties. The action team shall provide funds to local health jurisdictions to be used as grants to individuals for improving their on-site sewage systems. The grants may be provided only in areas that have the potential to adversely affect water quality in commercial and recreational shellfish growing areas. A recipient of a grant shall enter into an agreement with the appropriate local health jurisdiction to maintain the improved on-site sewage system according to specifications required by the local health jurisdiction. The action team shall work closely with local health jurisdictions and shall endeavor to attain geographic equity between Willapa Bay and the Puget Sound when making funds available under this program. For the purposes of this subsection, "geographic equity" means issuing on-site sewage grants at a level that matches the funds generated from the oyster reserve lands in that area.

(2) In the Puget Sound, the action team shall give first priority to areas that are:

(a) Identified as "areas of special concern" under WAC 246-272-01001; or

(b) Included within a shellfish protection district under chapter 90.72 RCW.

(3) In Grays Harbor and Pacific counties, the action team shall give first priority to preventing the deterioration of water quality in areas where commercial or recreational shellfish are grown.

(4) The action team and each participating local health jurisdiction shall enter into a memorandum of understanding that will establish an applicant income eligibility requirement for individual grant applicants from within the jurisdiction and other mutually agreeable terms and conditions of the grant program.

(5) The action team may recover the costs to administer this program not to exceed ten percent of the shellfish - on-site sewage grant program.

(6) For the 2001-2003 biennium, the action team may use up to fifty percent of the shellfish - on-site sewage grant program funds for grants to local health jurisdictions to establish areas of special concern under WAC 246-272-01001, or for operation and maintenance programs therein, where commercial and recreational uses are present.

**Sec. 4.** RCW 79.96.110 and 2000 c 11 s 30 are each amended to read as follows:

(1) In ~~((case the director of))~~ the event that the fish and wildlife commission approves the vacation of the whole or any part of ~~((said))~~ a reserve, the department of natural resources may vacate and offer for lease such parts or all of ~~((said))~~ the reserve as it deems to be for the best interest of the state, and all moneys received for the lease of such lands shall be paid to the department of natural resources ~~((= PROVIDED, That nothing in RCW 79.96.090 through 79.96.110 shall be construed as authorizing the lease of any tidelands which have heretofore, or which may hereafter, be set aside as))~~.

(2) Notwithstanding RCW 77.60.020, subsection (1) of this section, or any other provision of state law, the state oyster reserves in Eld Inlet, Hammersley Inlet, or Totten Inlet, situated in Mason or Thurston counties ~~((= PROVIDED FURTHER, That any portion of Plat 138, Clifton's Oyster Reserve, which has already been vacated, may be leased by the department))~~ shall permanently be designated as state oyster reserve lands.

**Sec. 5.** RCW 43.84.092 and 2000 2nd sp.s. c 4 s 5 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of



interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund

pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 6.** RCW 43.84.092 and 2000 2nd sp.s. c 4 s 6 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the

multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 7.** Section 5 of this act expires March 1, 2002.

NEW SECTION. **Sec. 8.** Section 6 of this act takes effect March 1, 2002."

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "amending RCW 79.96.110, 43.84.092, and 43.84.092; adding new sections to chapter 77.60 RCW; adding a new section to chapter 90.71 RCW; providing an effective date; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Second Substitute House Bill No. 1658.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1658 as amended by the Senate.

Representative Buck spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1658 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 93.

Excused: Representatives Casada, Ericksen, Quall, Sommers, and Speaker Chopp - 5.

Engrossed Second Substitute House Bill No. 1658 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1891, with the following amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that the growing and processing of food and agricultural products is the dominant industry in Washington state and a major employer in rural Washington. The legislature also finds that agriculture is a critical component of Washington's international trade industry, accounting for billions of dollars in exports every year.

The legislature further finds that the export market for Washington's agricultural products has dropped significantly in recent years and that such a drop has negatively impacted the economy in Washington's agricultural regions. Therefore, it is the intent of the legislature to enhance Washington's international trade of agricultural products by increasing funding for the Washington state department of agriculture's international marketing program in an effort to promote marketing of Washington's products and to assist the agricultural industry in efforts to reduce trade barriers that stand in the way of trade in new and emerging markets.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.23 RCW to read as follows:

There is created a market development and promotion matching fund program within the Washington state department of agriculture. The purpose of the program is to allow the department of agriculture and the agricultural industry to combine funds in order to enhance access to markets that are growth sales areas for the industry's product. The goal of the program is to expose buyers to Washington's diverse agricultural products. The agriculture industry may bring in buying missions, perform trade promotions in various markets, hire overseas contractors, and perform other marketing functions that help it target the correct buyer and market for its product.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.23 RCW to read as follows:

(1) The legislature finds that trade barriers have become an increasingly important issue in the agricultural arena. Further, the world trade organization highlighted the need for "a fair and level playing field." The legislature finds that both large and small commodity groups need adequate resources to address trade barrier issues.

(2) There is created within the department of agriculture a trade barrier matching fund program to assist agriculture industries in fighting trade barriers. The purpose of the program is to allow the department of agriculture and the agricultural industry to combine funds in order to address trade barriers issues impacting the agricultural industry.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "agriculture;" strike the remainder of the title and insert "adding new sections to chapter 43.23 RCW; and creating new sections."

And the same are herewith transmitted. Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1891.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1891 as amended by the Senate.

Representatives Mulliken and Veloria spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1891 as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 91.

Voting nay: Representatives Hankins, and Lisk - 2.

Excused: Representatives Casada, Ericksen, Quall, Sommers, and Speaker Chopp - 5.

Substitute House Bill No. 1891 as amended by the Senate having received the necessary constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 36.70B.080 and 1995 c 347 s 410 are each amended to read as follows:

(1) Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods for local government actions on specific project permit applications and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations. The time periods for local government actions on specific complete project permit applications or project types should not exceed one hundred twenty days, unless the local government makes written findings that a specified amount of additional time is needed for processing of specific complete project permit applications or project types.

Such development regulations shall specify the contents of a completed project permit application necessary for the application of such time periods and procedures.

(2)(a) Counties subject to the requirements of RCW 36.70A.215 and the cities within those counties that have populations of at least twenty thousand shall identify the types of project permit applications for which decisions are issued according to the provisions of this chapter. For each type of project permit application identified, these counties and cities shall establish a deadline for issuing a notice of final decision as required by subsection (1) of this section and minimum requirements for applications to be deemed complete under RCW 36.70B.070 as required by subsection (1) of this section. Counties and cities subject to the requirements of this subsection also shall, through September 1, 2003, prepare at least two annual performance reports that include, at a minimum, the following information for each type of project permit application:

(i) Total number of complete applications received during the year;

(ii) Number of complete applications received during the year for which a notice of final decision was issued before the deadline established under this subsection;

(iii) Number of applications received during the year for which a notice of final decision was issued after the deadline established under this subsection;

(iv) Number of applications received during the year for which an extension of time was mutually agreed upon by the applicant and the county or city; and

(v) Variance of actual performance, excluding applications for which mutually agreed time extensions have occurred, to the deadline established under this subsection during the year.

(b) Until July 1, 2003, counties and cities subject to the requirements of this subsection shall provide notice of and access to the annual performance reports required by this subsection through the county's or city's web site. If a county or city subject to the requirements of this subsection does not maintain a web site, notice of the report shall be given by reasonable methods, including but not limited to those methods specified in RCW 36.70B.110(4).

(3) Nothing in this section prohibits a county or city from extending a deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the local government."

On page 1, line 2 of the title, after "applications;" strike the remainder of the title and insert "and amending RCW 36.70B.080." and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1458.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1458 as amended by the Senate.

Representatives Edwards, Mulliken, Jarrett and Dunshee spoke in favor of the passage of the bill.

### COLLOQUY

Representative Mulliken: "Is there anything in this bill that alters the authority of a city or county to "stop the clock" on processing an application when more information is needed and asked for?"

Representative Edwards: "No. That authority currently exists. Local governments may "stop the clock" for such things as completion of an environmental impact study, administrative appeals and time spent waiting for specifically requested information. We do concur with the Senate amendment."

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1458 as amended by the Senate and the bill passed the House by the following vote: Yeas - 88, Nays - 5, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 88.

Voting nay: Representatives Dickerson, Fisher, Kirby, McIntire, and Romero - 5.

Excused: Representatives Casada, Ericksen, Quall, Sommers, and Speaker Chopp - 5.

Engrossed Substitute House Bill No. 1458 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655, with the following amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 77.04 RCW to read as follows:

(1) The commission must appoint an advisory committee to generally represent the interests of disabled hunters and fishers on matters including, but not limited to, special hunts, modified sporting equipment, access to public land, and hunting and fishing opportunities. The advisory committee is composed of seven members, each being a person with a disability. The advisory committee members must represent the entire state. The members must be appointed so that each of the six department administrative regions, as they existed on January 1, 2001, are represented with one resident on the advisory committee. One additional member must be appointed at large. The chair of the advisory committee must be a member of the advisory committee and shall be selected by the members of the advisory committee.

(2) For the purposes of this section, a person with a disability includes but is not limited to:

- (a) A permanently disabled person who is not ambulatory over natural terrain without a prosthesis or assistive device;
- (b) A permanently disabled person who is unable to walk without the use of assistance from a brace, cane, crutch, wheelchair, scooter, walker, or other assistive device;
- (c) A person who has a cardiac condition to the extent that the person's functional limitations are severe;
- (d) A person who is restricted by lung disease to the extent that the person's functional limitations are severe;
- (e) A person who is totally blind or visually impaired; or
- (f) A permanently disabled person with upper or lower extremity impairments who does not have the use of one or both upper or lower extremities.
- (3) The members of the advisory committee are appointed for a four-year term. If a vacancy occurs on the advisory committee prior to the expiration of a term, the commission must appoint a replacement within sixty days to complete the term.
- (4) The advisory committee must meet at least semi-annually, and may meet at other times as requested by a majority of the advisory committee members for any express purpose that directly relates to the duties set forth in subsection (1) of this section. A majority of members currently serving on the advisory committee constitutes a quorum. The department must provide staff support for all official advisory committee meetings.
- (5) Each member of the advisory committee shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.
- (6) The members of the advisory committee, or individuals acting on their behalf, are immune from civil liability for official acts performed in the course of their duties.
- (7) The provisions of this section constitute a pilot program that expires July 1, 2005. On December 1, 2004, the commission shall present a report to the appropriate legislative committees detailing the effectiveness of the advisory committee, including but not limited to, the participation levels, general interest, quality of advice, and recommendations as to the advisory committee's continuance or modification."

On page 1, line 2 of the title, after "individuals;" strike the remainder of the title and insert "and adding a new section to chapter 77.04 RCW."  
and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1655.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1655 as amended by the Senate.

Representatives Pennington and Doumit spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1655 as amended by the Senate and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt,



Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, - 92.

Excused: Representatives Casada, Ericksen, Quall Sommers, Sehlin, Speaker Chopp - 6.

Engrossed Substitute House Bill No. 1655 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 12, 2001

Mr. Speakers:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1752, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.36.005 and 1996 c 54 s 1 are each amended to read as follows:

The legislature finds that:

(1) As the number of people in the state grows and wildlife habitat is altered, people will encounter wildlife more frequently. As a result, conflicts between humans and wildlife will also increase. Wildlife is a public resource of significant value to the people of the state and the responsibility to minimize and resolve these conflicts is shared by all citizens of the state.

(2) In particular, the state recognizes the importance of commercial agricultural and horticultural crop production, rangeland suitable for grazing or browsing of domestic livestock, and the value of healthy deer and elk populations, which can damage such crops. The legislature further finds that damage prevention is key to maintaining healthy deer and elk populations, wildlife-related recreational opportunities, ~~((and))~~ commercially productive agricultural and horticultural crops, and rangeland suitable for grazing or browsing of domestic livestock, and that the state, participants in wildlife recreation, and private landowners and tenants share the responsibility for damage prevention. Toward this end, the legislature encourages landowners and tenants to contribute through their land management practices to healthy wildlife populations and to provide access for related recreation. It is in the best interests of the state for the department of fish and wildlife to respond quickly to wildlife damage complaints and to work with these landowners and tenants to minimize and/or prevent damages and conflicts while maintaining deer and elk populations for enjoyment by all citizens of the state.

(3) A timely and simplified process for resolving claims for damages caused by deer and elk for commercial agricultural or horticultural products, and rangeland used for grazing or browsing of domestic livestock is beneficial to the claimant and the state.

**Sec. 2.** RCW 77.36.010 and 1996 c 54 s 2 are each amended to read as follows:

~~((Unless otherwise specified,))~~ The ((following)) definitions in this section apply throughout this chapter((:)) unless the context clearly requires otherwise.

(1) "Crop" means ~~((a commercially raised horticultural and/or agricultural product and includes growing or harvested product but does not include livestock))~~ (a) a growing or harvested horticultural and/or agricultural product for commercial purposes; or (b) rangeland forage on privately owned land used for grazing or browsing of domestic livestock for at least a portion of the year for commercial purposes. For the purposes of this chapter all parts of horticultural trees shall be considered a crop and shall be eligible for claims.

(2) "Emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, or fowl.

(3) "Immediate family member" means spouse, brother, sister, grandparent, parent, child, or grandchild.

**Sec. 3.** RCW 77.36.080 and 1996 c 54 s 9 are each amended to read as follows:

(1) The department may pay no more than thirty thousand dollars per fiscal year from the general fund

for claims under RCW 77.36.040 and for assessment costs and compromise of claims unless the legislature declares an emergency. Such money shall be used to pay animal damage claims only if the claim meets the conditions of RCW 77.36.040 and the damage occurred in a place where the opportunity to hunt was restricted or prohibited by a county, municipality, or other public entity during the season prior to the occurrence of the damage.

(2) The legislature may declare an emergency, defined for the purposes of this section as any happening arising from weather, other natural conditions, or fire that causes unusually great damage by deer or elk to commercially raised agricultural or horticultural crops ((by deer or elk)), or rangeland forage on privately owned land used for grazing or browsing of domestic livestock for at least a portion of the year. In an emergency, the department may pay as much as may be subsequently appropriated, in addition to the funds authorized under subsection (1) of this section, for claims under RCW 77.36.040 and for assessment and compromise of claims. Such money shall be used to pay animal damage claims only if the claim meets the conditions of RCW 77.36.040 and the department has expended all funds authorized under RCW 77.36.070 or subsection (1) of this section.

(3) Of the total funds available each fiscal year under subsection (1) of this section and RCW 77.36.070, no more than one-third of this total may be used to pay animal damage claims for rangeland forage on privately owned land.

(4) Of the total funds available each fiscal year under subsection (1) of this section and RCW 77.36.070 that remain unspent at the end of the fiscal year, fifty percent shall be utilized as matching grants to enhance habitat for deer and elk on public lands.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.131 RCW to read as follows:

The joint legislative audit and review committee must conduct a program review, as provided in this chapter, of the program to reimburse landowners for damage to rangeland used for grazing or browsing of domestic livestock caused by deer and elk, established in sections 1 through 3, chapter . . ., Laws of 2001 (sections 1 through 3 of this act). The review must be completed by January 1, 2004.

**NEW SECTION. Sec. 5.** The following expire June 30, 2004:

- (1) Section 1, chapter . . ., Laws of 2001 (section 1 of this act);
- (2) Section 2, chapter . . ., Laws of 2001 (section 2 of this act); and
- (3) Section 3, chapter . . ., Laws of 2001 (section 3 of this act).

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

On page 1, line 2 of the title, after "livestock;" strike the remainder of the title and insert "amending RCW 77.36.005, 77.36.010, and 77.36.080; adding a new section to chapter 43.131 RCW; providing an effective date; providing an expiration date; and declaring an emergency." and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Second Substitute House Bill No. 1752.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1752 as amended by the Senate.

Representatives Clements and Linville spoke in favor of the passage of the bill.

There being no objection, Representatives Barlean, Benson, Casada, G. Chandler, DeBolt, Hunt, Keiser,

Kenney, McDermott, Quall, Reardon, Sehlin, Simpson, Sommers, Talcott, and Speaker Chopp were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1752 as amended by the Senate and the bill passed the House by the following vote: Yeas - 80, Nays - 2, Absent - 0, Excused - 16.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Kagi, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 80.

Voting nay: Representatives Fisher, and Romero - 2.

Excused: Representatives Barlean, Benson, Casada, G. Chandler, DeBolt, Hunt, Keiser, Kenney, McDermott, Quall, Reardon, Sehlin, Simpson, Sommers, Talcott, and Speaker Chopp - 16.

Second Substitute House Bill No. 1752 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the amount of overall requests for funding for natural resource-related programs in the capital budget has been steadily growing. The legislature also finds that there is an increasing interest by the public in examining the performance of the projects and programs to determine the return on their investments and that a coordinated and integrated response by state agencies will allow for better targeting of resources. The legislature further finds that there is a need to improve the data and the integration of data that is collected by state agencies and grant and loan recipients in order to better measure the outcomes of projects and programs. The legislature intends to begin implementing the recommendations contained in the joint legislative audit and review committee's report number 01-1 on investing in the environment in order to improve the efficiency, effectiveness, and accountability of these natural resource-related programs funded in the state capital budget.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.41 RCW to read as follows:

(1) The office of financial management shall assist natural resource-related agencies in developing outcome focused performance measures for administering natural resource-related and environmentally based grant and loan programs. These performance measures are to be used in determining grant eligibility, for program management and performance assessment.

(2) The office of financial management and the governor's salmon recovery office shall assist natural resource-related agencies in developing recommendations for a monitoring program to measure outcome focused performance measures required by this section. The recommendations must be consistent with the framework and coordinated monitoring strategy developed by the monitoring oversight committee established in RCW 77.85.--- (section 3, Substitute Senate Bill No. 5637, Laws of 2001).

(3) Natural resource agencies shall consult with grant or loan recipients including local governments, tribes, nongovernmental organizations, and other interested parties, and report to the office of financial management on the implementation of this section. The office of financial management shall report to the appropriate legislative committees of the legislature on the agencies' implementation of this section, including any necessary changes in current law, and funding requirements by July 31, 2002. Natural resource agencies shall assist the office of financial management in preparing the report, including complying with time frames for submitting information established by the office of financial management.

(4) For purposes of this section, "natural resource-related agencies" include the department of ecology, the department of natural resources, the department of fish and wildlife, the state conservation commission, the interagency committee for outdoor recreation, the salmon recovery funding board, and the public works board within the department of community, trade, and economic development.

(5) For purposes of this section, "natural resource-related environmentally based grant and loan programs" includes the conservation reserve enhancement program; dairy nutrient management grants under chapter 90.64 RCW; state conservation commission water quality grants under chapter 89.08 RCW; coordinated prevention grants, public participation grants, and remedial action grants under RCW 70.105D.070; water pollution control facilities financing under chapter 70.146 RCW; aquatic lands enhancement grants under RCW 79.24.580; habitat grants under the Washington wildlife and recreation program under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW; and the public work trust fund program under chapter 43.155 RCW. The term also includes programs administered by the department of fish and wildlife related to protection or recovery of fish stocks which are funded with moneys from the capital budget.

**NEW SECTION. Sec. 3.** A new section is added to chapter 89.08 RCW to read as follows:

In administering grant programs to improve water quality and protect habitat, the commission shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the commission shall utilize the statement of environmental benefit in its grant prioritization and selection process. The commission shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grant program. The commission shall work with the districts to develop uniform performance measures across participating districts. To the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in section 2 of this act. The commission shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.64 RCW to read as follows:

In providing grants to dairy producers, districts shall require grant applicants to incorporate the environmental benefits of the project into their applications, and the districts shall utilize the statement of environmental benefit in their prioritization and selection process. The districts shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the program. The commission shall work with the districts to develop uniform performance measures across participating districts. To the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in section 2 of this act. The commission shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70.105D RCW to read as follows:

In providing grants to local governments, the department shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the department shall utilize the statement of environmental benefit in its prioritization and selection process. The department shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grant program. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in section 2 of this act. The department shall consult with affected interest groups in implementing this section.

**NEW SECTION.** **Sec. 6.** A new section is added to chapter 70.146 RCW to read as follows:

In providing grants and loans to local governments, the department shall require recipients to incorporate the environmental benefits of the project into their applications, and the department shall utilize the statement of environmental benefits in its grant and loan prioritization and selection process. The department shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grant and loan program. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in section 2 of this act. The department shall consult with affected interest groups in implementing this section.

**Sec. 7.** RCW 79.24.580 and 1999 c 309 s 919 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects.

In providing grants for aquatic lands enhancement projects, the department shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the department shall utilize the statement of environmental benefits in its prioritization and selection process. The department shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grants. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in section 2 of this act. The department shall consult with affected interest groups in implementing this section.

During the fiscal biennium ending June 30, 2001, the funds may be appropriated for boating safety, shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

**NEW SECTION.** **Sec. 8.** A new section is added to chapter 79A.15 RCW to read as follows:

In providing grants through the habitat conservation account, the committee shall require grant applicants to incorporate the environmental benefits of the project into their grant applications, and the committee shall utilize the statement of environmental benefits in the grant application and review process. The committee shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grant program. To the extent possible, the committee should coordinate its performance measure system with other natural resource-related agencies as defined in section 2 of this act. The committee shall consult with affected interest groups in implementing this section.

**NEW SECTION.** **Sec. 9.** A new section is added to chapter 77.85 RCW to read as follows:

In providing funding for habitat projects, the salmon recovery funding board shall require recipients to incorporate the environmental benefits of the project into their grant applications, and the board shall utilize the statement of environmental benefits in its prioritization and selection process. The board shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the grant program. To the extent possible, the board should coordinate its performance measure system with other natural resource-related agencies as defined in section 2 of this act. The board shall consult with affected interest groups in implementing this section.

**NEW SECTION.** **Sec. 10.** A new section is added to chapter 43.155 RCW to read as follows:

In providing loans for public works projects, the board shall require recipients to incorporate the environmental benefits of the project into their applications, and the board shall utilize the statement of environmental benefits in its prioritization and selection process. The board shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the loan

program. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in section 2 of this act. The board shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 11.** A new section is added to chapter 77.04 RCW to read as follows:

In administering programs funded with moneys from the capital budget related to protection or recovery of fish stocks, the department shall incorporate the environmental benefits of a project into its prioritization and selection process. The department shall also develop appropriate outcome focused performance measures to be used both for management and performance assessment of the program. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in section 2 of this act. The department shall consult with affected interest groups in implementing this section."

On page 1, line 3 of the title, after "environment;" strike the remainder of the title and insert "amending RCW 79.24.580; adding a new section to chapter 43.41 RCW; adding a new section to chapter 89.08 RCW; adding a new section to chapter 90.64 RCW; adding a new section to chapter 70.105D RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 79A.15 RCW; adding a new section to chapter 77.85 RCW; adding a new section to chapter 43.155 RCW; adding a new section to chapter 77.04 RCW; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1785.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1785 as amended by the Senate.

Representatives Murray and Alexander spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1785 as amended by the Senate and the bill passed the House by the following vote: Yeas - 84, Nays - 0, Absent - 0, Excused - 14.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Kagi, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 84.

Excused: Representatives Barlean, Benson, Casada, G. Chandler, DeBolt, Hunt, Keiser, Kenney, McDermott, Quall, Reardon, Sehlin, Simpson, and Sommers - 14.

Engrossed Substitute House Bill No. 1785 as amended by the Senate having received the necessary constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1846, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 76.01 RCW to read as follows:

Except as provided in section 2 of this act, the department of natural resources may sell or exchange the light industrial facilities and land in Thurston county, known as the Lacey compound, which was acquired as an administrative site. This land and the facilities may be sold or exchanged for other lands and facilities in Thurston county, or counties adjacent to Thurston county, for use as an administrative site. The property may be exchanged for public or private property. The department is authorized to accept cash or expend cash from appropriated funds in order to balance a proposed exchange. Alternatively, the department may sell the Lacey compound at public auction or under RCW 79.01.009. The sale or exchange must be for at least market value. Transactions involving the construction of improvements must be conducted pursuant to Title 39 RCW, as applicable, and must comply with all other applicable laws and rules. Proceeds received from the sale or exchange of the Lacey compound must be deposited into the park land trust revolving fund to be used to acquire a replacement administrative site. Funds received from the exchange or sale that are not used to either replace or construct, or both, the administrative site must be deposited pursuant to RCW 76.01.030 or into the appropriate trust account as determined by the department.

**NEW SECTION. Sec. 2.** A new section is added to chapter 76.01 RCW to read as follows:

Before proceeding with an exchange or sale of the Lacey compound site, the department of natural resources shall submit a proposal for an exchange or sale to the office of financial management for review and approval. The proposal shall include:

- (1) A determination of the ownership by trust of the Lacey compound site;
- (2) A determination of the market value of the Lacey compound site;
- (3) A determination of prospective proportional use of the future site based on function and an assessment of the financial responsibility for the new site based on the functional analysis; and
- (4) A financing plan for the future site based on prospective use.

The location of a future site is subject to the approval of the board of natural resources and the state capitol committee.

Any additional funding requirements shall be submitted for approval by the legislature by January 1, 2002."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "and adding new sections to chapter 76.01 RCW." and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Bill No. 1846.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1846 as amended by the Senate.

Representatives Alexander and Rockefeller spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1846 as amended by the Senate and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 87.

Excused: Representatives Barlean, Benson, Casada, G. Chandler, DeBolt, Hunt, Keiser, McDermott, Quall, Sehlin, and Sommers - 11.

House Bill No. 1846 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410, with the following amendment:

Beginning on page 1, line 1, strike all material through "2002." on page 3, line 18, and insert the following:

"WHEREAS, Congress enacted the forest resources conservation and shortage relief act in 1990 to prevent the export of unprocessed logs from federal lands and the "substitution" of federal timber for private timber that is exported by a company that also buys timber from federal lands for domestic processing; and

WHEREAS, When congress enacted this legislation, it granted the state and its political subdivisions the authority to prohibit substitution of state timber for private timber that is exported; and

WHEREAS, In 1991, the state adopted chapter 240-15 WAC to implement the federal ban on the export of restricted unprocessed timber that prohibits firms that export unprocessed logs from bidding on state timber; and

WHEREAS, Some concerns have been raised that these rules may contribute to the lack of bidders on state and local government timber sales;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the state of Washington, the Senate concurring, That a joint select legislative task force, assisted by an advisory committee, be established to evaluate and make recommendations regarding the state exercise of authority under the forest resources conservation and shortage relief act, and to identify and evaluate factors that contribute to the amount of competition for state and local government timber sales; and

BE IT FURTHER RESOLVED, That the joint select legislative task force be composed of eight members; four from the House of Representatives, two each from the major political caucuses, appointed by the Speakers of the House of Representatives; and four from the Senate, two each from the major political caucuses, appointed by the President of the Senate; and

BE IT FURTHER RESOLVED, That the task force gather information regarding changes in the forest products industry in Washington state since the rules were adopted; the current market for state and local timber; factors that contribute to the sale of, and competition for, state and local government timber, including but not limited to appraisal practices and the processes used by state and local governments for offering timber sales; and other factors that the task force considers appropriate; and

BE IT FURTHER RESOLVED, That the task force may recommend which agency or official of state government should have the authority to review and amend the substitution of timber rules contained in chapter 240-15 WAC; any changes to such rules; changes to state and local government timber appraisal and bidding practices; and related legislation that the legislature should consider during the 2002 session; and



BE IT FURTHER RESOLVED, That an advisory committee be established to provide assistance upon request of the joint select legislative task force; and

BE IT FURTHER RESOLVED, That the advisory committee shall be composed of the following members or their designees: The commissioner of public lands; the superintendent of public instruction; the president of Washington State University; the president of the University of Washington; a representative of a county, selected by the Washington state association of counties; the director of the office of financial management; the director of the department of revenue; a representative of companies that purchase timber sales under current rules from the department of natural resources, selected by representatives of those companies; a representative of companies that operate forest product manufacturing facilities in this state that are currently ineligible under current rules to purchase department of natural resources timber sales, selected by representatives of those companies; a forest products representative from a small business that purchases or processes wood products, chosen by representatives of small forest product businesses; a representative of a labor union representing workers in forest product manufacturing facilities in this state under a collective bargaining agreement, chosen by the state labor council; and a representative of an independent pulp and paper union, chosen by the president of the union; and

BE IT FURTHER RESOLVED, That the advisory committee shall select a chair or cochairs from among its members for the purpose of conducting meetings and transmitting information from the advisory committee as a group to the joint select legislative task force; and

BE IT FURTHER RESOLVED, That in developing its recommendations, the joint select legislative task force shall consult with the advisory committee; and

BE IT FURTHER RESOLVED, That staff support for the joint select legislative task force and the advisory committee shall be provided by senate committee services and the house of representatives office of program research; and

BE IT FURTHER RESOLVED, That the task force shall report its findings and recommendations to the appropriate legislative committees by January 1, 2002."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed House Concurrent Resolution No. 4410 and advanced the concurrent resolution as amended by the Senate to final adoption.

### **FINAL ADOPTION OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final adoption of Engrossed House Concurrent Resolution No. 4410 as amended by the Senate.

Representatives Sump and Doumit spoke in favor of the adoption of the resolution.

### **ROLL CALL**

The Clerk called the roll on the final adoption of Engrossed House Concurrent Resolution No. 4410 as amended by the Senate and the concurrent resolution was adopted the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 88.

Excused: Representatives Barlean, Benson, Casada, G. Chandler, DeBolt, Hunt, Keiser, McDermott,

Sehlin, and Sommers - 10.

Engrossed House Concurrent Resolution No. 4410 as amended by the Senate having received the necessary constitutional majority, was adopted.

Speaker Chopp assumed the chair.

### SENATE AMENDMENTS TO HOUSE BILL

April 5, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1295, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.163.090 and 1998 c 245 s 50 are each amended to read as follows:

The authority shall adopt a general plan of economic development finance objectives to be implemented by the authority during the period of the plan. The authority may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the authority shall consider and set objectives for:

- (1) Employment generation associated with the authority's programs;
- (2) The application of funds to sectors and regions of the state economy evidencing need for improved access to capital markets and funding resources;
- (3) Geographic distribution of funds and programs available through the authority;
- (4) Eligibility criteria for participants in authority programs;
- (5) The use of funds and resources available from or through federal, state, local, and private sources and programs;
- (6) Standards for economic viability and growth opportunities of participants in authority programs;
- (7) New programs which serve a targeted need for financing assistance within the purposes of this chapter; and
- (8) Opportunities to improve capital access as evidenced by programs existent in other states or as they are made possible by results of private capital market circumstances.

The authority shall, as part of the finance plan required under this section, develop an outreach and marketing plan designed to increase its financial services to ~~((distressed))~~ rural counties. As used in this section, "~~((distressed)) rural~~ counties" ~~((has the same meaning as distressed area))~~ means counties smaller than two hundred twenty-five square miles or as defined in RCW 43.168.020.

At least one public hearing shall be conducted by the authority on the plan prior to its adoption. The plan shall be adopted by resolution of the authority no later than November 15, 1990. The authority may periodically update the plan as determined necessary by the authority. The plan or updated plan shall include a report on authority activities conducted since the commencement of authority operation or since the last plan was reported, whichever is more recent, including a statement of results achieved under the purposes of this chapter and the plan. Upon adoption, the authority shall conduct its programs in observance of the objectives established in the plan.

**Sec. 2.** RCW 43.163.130 and 1998 c 48 s 1 are each amended to read as follows:

(1) The authority may issue its nonrecourse revenue bonds in order to obtain the funds to carry out the programs authorized in this chapter. The bonds shall be special obligations of the authority, payable solely out of the special fund or funds established by the authority for their repayment.

(2) Any bonds issued under this chapter may be secured by a financing document between the authority and the purchasers or owners of such bonds or between the authority and a corporate trustee, which may be any

trust company or bank having the powers of a trust company within or without the state.

(a) The financing document may pledge or assign, in whole or in part, the revenues and funds held or to be received by the authority, any present or future contract or other rights to receive the same, and the proceeds thereof.

(b) The financing document may contain such provisions for protecting and enforcing the rights, security, and remedies of bondowners as may be reasonable and proper, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event of default which may include the acceleration of maturities, restrictions on the individual rights of action by bondowners, and covenants setting forth duties of and limitations on the authority in conduct of its programs and the management of its property.

(c) In addition to other security provided in this chapter or otherwise by law, bonds issued by the authority may be secured, in whole or in part by financial guaranties by insurance or by letters of credit issued to the authority or a trustee or any other person by any bank, trust company, insurance or surety company or other financial institution, within or without the state. The authority may pledge or assign, in whole or in part, the revenues and funds held or to be received by the authority, any present or future contract or other rights to receive the same, and the proceeds thereof, as security for such guaranties or insurance or for the reimbursement by the authority to any issuer of such letter of credit of any payments made under such letter of credit.

(3) Without limiting the powers of the authority contained in this chapter, in connection with each issue of its obligation bonds, the authority shall create and establish one or more special funds, including, but not limited to debt service and sinking funds, reserve funds, project funds, and such other special funds as the authority deems necessary, useful, or convenient.

(4) Any security interest created against the unexpended bond proceeds and against the special funds created by the authority shall be immediately valid and binding against the money and any securities in which the money may be invested without authority or trustee possession. The security interest shall be prior to any party having any competing claim against the moneys or securities, without filing or recording under Article 9 of the Uniform Commercial Code, Title 62A RCW, and regardless of whether the party has notice of the security interest.

(5) The bonds may be issued as serial bonds, term bonds or any other type of bond instrument consistent with the provisions of this chapter. The bonds shall bear such date or dates; mature at such time or times; bear interest at such rate or rates, either fixed or variable; be payable at such time or times; be in such denominations; be in such form; bear such privileges of transferability, exchangeability, and interchangeability; be subject to such terms of redemption; and be sold at public or private sale, in such manner, at such time or times, and at such price or prices as the authority shall determine. The bonds shall be executed by the manual or facsimile signatures of the authority's chair and either its secretary or executive director, and may be authenticated by the trustee (if the authority determines to use a trustee) or any registrar which may be designated for the bonds by the authority.

(6) Bonds may be issued by the authority to refund other outstanding authority bonds, at or prior to maturity of, and to pay any redemption premium on, the outstanding bonds. Bonds issued for refunding purposes may be combined with bonds issued for the financing or refinancing of new projects. Pending the application of the proceeds of the refunding bonds to the redemption of the bonds to be redeemed, the authority may enter into an agreement or agreements with a corporate trustee regarding the interim investment of the proceeds and the application of the proceeds and the earnings on the proceeds to the payment of the principal of and interest on, and the redemption of, the bonds to be redeemed.

(7) The bonds of the authority may be negotiable instruments under Title 62A RCW.

(8) Neither the members of the authority, nor its employees or agents, nor any person executing the bonds shall be personally liable on the bonds or be subject to any personal liability or accountability by reason of the issuance of the bonds.

(9) The authority may purchase its bonds with any of its funds available for the purchase. The authority may hold, pledge, cancel or resell the bonds subject to and in accordance with agreements with bondowners.

(10) The authority shall not exceed (~~five~~) seven hundred fifty million dollars in total outstanding debt at any time.

(11) The state finance committee shall be notified in advance of the issuance of bonds by the authority in

order to promote the orderly offering of obligations in the financial markets.

(12) The authority may not issue any bonds after June 30, (~~(2004)~~) 2006.

**Sec. 3.** RCW 43.163.210 and 1998 c 48 s 2 are each amended to read as follows:

For the purpose of facilitating economic development in the state of Washington and encouraging the employment of Washington workers at meaningful wages:

(1) The authority may develop and conduct a program or programs to provide nonrecourse revenue bond financing for the project costs for economic development activities.

(2) The authority may develop and conduct a program that will stimulate and encourage the development of new products within Washington state by the infusion of financial aid for invention and innovation in situations in which the financial aid would not otherwise be reasonably available from commercial sources. The authority is authorized to provide nonrecourse revenue bond financing for this program.

(a) For the purposes of this program, the authority shall have the following powers and duties:

(i) To enter into financing agreements with eligible persons doing business in Washington state, upon terms and on conditions consistent with the purposes of this chapter, for the advancement of financial and other assistance to the persons for the development of specific products, procedures, and techniques, to be developed and produced in this state, and to condition the agreements upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in this state and accrue to it;

(ii) Own, possess, and take license in patents, copyrights, and proprietary processes and negotiate and enter into contracts and establish charges for the use of the patents, copyrights, and proprietary processes when the patents and licenses for products result from assistance provided by the authority;

(iii) Negotiate royalty payments to the authority on patents and licenses for products arising as a result of assistance provided by the authority;

(iv) Negotiate and enter into other types of contracts with eligible persons that assure that public benefits will result from the provision of services by the authority; provided that the contracts are consistent with the state Constitution;

(v) Encourage and provide technical assistance to eligible persons in the process of developing new products;

(vi) Refer eligible persons to researchers or laboratories for the purpose of testing and evaluating new products, processes, or innovations; and

(vii) To the extent permitted under its contract with eligible persons, to consent to a termination, modification, forgiveness, or other change of a term of a contractual right, payment, royalty, contract, or agreement of any kind to which the authority is a party.

(b) Eligible persons seeking financial and other assistance under this program shall forward an application, together with an application fee prescribed by rule, to the authority. An investigation and report concerning the advisability of approving an application for assistance shall be completed by the staff of the authority. The investigation and report may include, but is not limited to, facts about the company under consideration as its history, wage standards, job opportunities, stability of employment, past and present financial condition and structure, pro forma income statements, present and future markets and prospects, integrity of management as well as the feasibility of the proposed product and invention to be granted financial aid, including the state of development of the product as well as the likelihood of its commercial feasibility. After receipt and consideration of the report set out in this subsection and after other action as is deemed appropriate, the application shall be approved or denied by the authority. The applicant shall be promptly notified of action by the authority. In making the decision as to approval or denial of an application, priority shall be given to those persons operating or planning to operate businesses of special importance to Washington's economy, including, but not limited to: (i) Existing resource-based industries of agriculture, forestry, and fisheries; (ii) existing advanced technology industries of electronics, computer and instrument manufacturing, computer software, and information and design; and (iii) emerging industries such as environmental technology, biotechnology, biomedical sciences, materials sciences, and optics.

(3) The authority may also develop and implement, if authorized by the legislature, such other economic development financing programs adopted in future general plans of economic development finance objectives

developed under RCW 43.163.090.

(4) The authority may not issue any bonds for the programs authorized under this section after June 30, ((2004)) 2006.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "amending RCW 43.163.090, 43.163.130, and 43.163.210; and declaring an emergency." and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1295.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1295 as amended by the Senate.

Representatives Dunn and Veloria spoke in favor of the passage of the bill.

There being no objection, Representatives Casada, Hunt, McIntire, Pennington, Rockefeller, Sehlin, and Sommers were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1295 as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Excused: Representatives Casada, Hunt, McIntire, Pennington, Rockefeller, Sehlin, and Sommers - 7.

Substitute House Bill No. 1295 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 12, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1361, with the following amendment:

On page 10, line 6, strike "82.04.280(2)" and insert "82.04.290(2)"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Bill No. 1361.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1361 as amended by the Senate.

Representative Jackley spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1361 as amended by the Senate and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Casada, Hunt, McIntire, Pennington, Rockefeller, and Sommers - 6.

House Bill No. 1361 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

April 13, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5443, and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Substitute Senate Bill No. 5443 was returned to second reading for purpose of amendments.

### **SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5443 by Senate Committee on Natural Resources, Parks & Shorelines**

**Changing required renewal dates in order to validly renew certain commercial fishing licenses.**

Representative Doumit moved the adoption of the following amendment (196):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.65.160 and 2000 c 107 s 37 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 77.70.090 may hold a license listed in this subsection. The licenses and their annual fees and surcharges under RCW 77.95.090 are:

Fishery License	Resident Fee	Nonresident Fee	Surcharge
(a) Salmon Gill Net--Grays Harbor-Columbia River	\$380	\$685	plus \$100
(b) Salmon Gill Net--Puget Sound	\$380	\$685	plus \$100
(c) Salmon Gill Net--Willapa Bay-Columbia river	\$380	\$685	plus \$100
(d) Salmon purse seine	\$530	\$985	plus \$100
(e) Salmon reef net	\$380	\$685	plus \$100
(f) Salmon troll	\$380	\$685	plus \$100

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 77.65.100.

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department ~~((by August 1st))~~ before the third Monday in September of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge before the third Monday in September, in order to be considered a valid renewal and eligible to renew the license the following year.

(7) Notwithstanding the annual license fees and surcharges established in subsection (1) of this section, a person who holds a resident commercial salmon fishery license shall pay an annual license fee of one hundred dollars plus the surcharge if all of the following conditions are met:

(a) The license holder is at least seventy-five years of age;

(b) The license holder owns a fishing vessel and has fished with a resident commercial salmon fishery license for at least thirty years;

and

(c) The commercial salmon fishery license is for a geographical area other than the Puget Sound.

An alternate operator may not be designated for a license renewed at the one hundred dollar annual fee under this subsection (7).

**Sec. 2.** RCW 77.65.030 and 1993 c 340 s 3 are each amended to read as follows:

The application deadline for a commercial license or permit established in this chapter is December 31<sup>st</sup> of the calendar year for which the license or permit is sought. The department shall accept no license or permit applications after December 31<sup>st</sup> of the calendar year for which the license or permit is sought. The application deadline in this section does not apply to a license or permit that has not been renewed because of the death of the license or permit holder. The license or permit holder's surviving spouse, estate, or estate beneficiary must be given a reasonable opportunity to renew the license or permit.

**Sec. 3.** RCW 77.65.070 and 1996 c 267 s 27 are each amended to read as follows:

(1) A commercial license issued under this chapter permits the license holder to engage in the activity for which the license is issued in accordance with this title and the rules of the department.

(2) No security interest or lien of any kind, including tax liens, may be created or enforced in a license issued under this chapter.

(3) Unless otherwise provided in this title or rules of the department, commercial licenses and permits issued under this chapter expire at midnight on December 31<sup>st</sup> of the calendar year for which they are issued. In accordance with this title, licenses may be renewed annually upon application and payment of the prescribed license fees. In accordance with RCW 77.65.030, the department must provide a license or permit holder's surviving spouse, estate, or estate beneficiary a reasonable opportunity to renew the license or permit."

Correct the title.

Representatives Doumit and Sump spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute Senate Bill No. 5443 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5443 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Excused: Representatives Casada, McIntire, Pennington, and Rockefeller - 4.



Substitute Senate Bill No. 5443 as amended by the House having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 13, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5583 and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection,, the rules were suspended and Engrossed Substitute Senate Bill No. 5583 was returned to second reading for purpose of amendment.

### SECOND READING

Representative Cody moved the adoption of the following amendment (195):

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature affirms its support for those recommendations of the performance audit of the public mental health system conducted by the joint legislative audit and review committee relating to: Improving the coordination of services for clients with multiple needs; improving the consistency of client, service, and fiscal data collected by the mental health division; replacing process-oriented accountability activities with a uniform statewide outcome measurement system; and using outcome information to identify and provide incentives for best practices in the provision of public mental health services.

**NEW SECTION. Sec. 2.** The legislature supports recommendations 1 through 10 and 12 through 14 of the mental health system performance audit conducted by the joint legislative audit and review committee. The legislature expects the department of social and health services to work diligently within available funds to implement these recommendations.

**NEW SECTION. Sec. 3.** In addition to any follow-up requirements prescribed by the joint legislative audit and review committee, the department of social and health services shall submit reports to the legislature on the status of the implementation of recommendations 1 through 10 and 12 through 14 of the performance audit report. The implementation status reports must be submitted to appropriate policy and fiscal committees of the legislature by June 1, 2001, and each year thereafter through 2004.

**NEW SECTION. Sec. 4.** The initial implementation status reports must discuss the status of implementing recommendations 1 through 8, which are due to be implemented by June 2001, and must also include a plan for implementing recommendations 9, 10, and 12 through 14, which are due to be implemented subsequent to June 2001. The initial implementation status report must also discuss what actions the department of social and health services has taken and will take in the future in response to recommendation 11 of the performance audit report.

**NEW SECTION. Sec. 5.** The Washington institute for public policy shall conduct a longitudinal study of long-term client outcomes to assess any changes in client status at two, five, and ten years. The measures tracked shall include client change as a result of services, employment and/or education, housing stability, criminal justice involvement, and level of services needed. The institute shall report these long-term outcomes

to the appropriate policy and fiscal committee of the legislature annually beginning not later than December 31, 2005.

**Sec. 6.** RCW 71.24.015 and 1999 c 214 s 7 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide for:

(1) Access to mental health services for adults of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of mentally ill children and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of efficient and effective services through statewide standards for monitoring and reporting of client and system outcome information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based and county-managed mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

**Sec. 7.** RCW 71.24.035 and 1999 c 10 s 4 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers;

(ii) Regional support networks; and

(iii) Residential and inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; and

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter.

(6) The secretary shall use available resources only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified

regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.

(14) The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of

this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section. Incentive payments authorized under subsection (13) of this section may be allocated separately from other available resources.

(d) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(e) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(f) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the health care and corrections committee of the senate and the human services committee of the house of representatives.

(17) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health.

NEW SECTION. Sec. 8. The legislature finds that an excessive amount of public funds are spent on administrative activities in the community mental health system. The department of social and health services shall develop a plan to reduce administrative expenses in the community mental health system, including the mental health division, to no more than ten percent of available funds. The plan shall identify and prioritize core administrative functions that must be continued to comply with federal or state statutes. The department shall submit their plan to the appropriate committees of the senate and house of representatives no later than December 15, 2001. The plan shall assume an implementation date of July 1, 2003.

NEW SECTION. Sec. 9. If specific funding for the purposes of section 5 of this act, referencing section 5 of this act by bill or chapter and section number, is not provided by June 30, 2001, in the omnibus appropriations act, section 5 of this act is null and void.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Cody and Campbell spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Cody, Alexander and Ballasiotes spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute

Senate Bill No. 5583 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5583 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darnelle, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Casada, McIntire, and Rockefeller - 3.

Engrossed Substitute Senate Bill No. 5583 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1886 by Representatives Linville, G. Chandler, Grant, Doumit, B. Chandler and Hatfield**

#### **Reducing the tax on health products for animals.**

The bill was read the second time.

Speaker Chopp announced that House Bill No. 1886 was co-prime sponsored by Representatives Linville and G. Chandler.

Representative Grant moved the adoption of the following amendment (192):

On page 5, beginning on line 10, after "bees," strike all material through "animals" on line 13, and insert "animal pharmaceuticals approved by the United States department of agriculture or by the United States food and drug administration"

Representative Grant spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, G. Chandler, Grant, Morris, Ruderman, Schoesler, Reardon, B. Chandler and Cairnes spoke in favor of passage of the bill.

Representative McIntire spoke against of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No.

1886.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1886 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Voting nay: Representative McIntire - 1.

Excused: Representative Casada - 1.

Engrossed House Bill No. 1886, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1906 by Representatives Linville, G. Chandler, Schoesler, Haigh, B. Chandler, Hunt, Morris, Kirby, Grant, Jackley, Cox, Hatfield, Mielke, Armstrong, Delvin, Mulliken, Sump, McMorris, Barlean, Pflug, Kessler, Pearson and Conway**

**Exempting farming machinery and equipment from the state property tax.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1906 was substituted for House Bill No. 1906 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1906 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, G. Chandler, Conway, Schoesler, Armstrong, Gombosky, Lisk and Miloscia spoke in favor of passage of the bill.

Representative McIntire spoke against of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1906

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1906 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin,

McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Voting nay: Representative McIntire - 1.

Excused: Representative Casada - 1.

Substitute House Bill No. 1906, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2138 by Representatives G. Chandler, Linville, Mulliken, Clements, Ericksen, Hatfield, Sump, Doumit, Morell, Grant, Pearson, Schoesler, Barlean, Buck, B. Chandler, Edwards and Jackley**

**Promoting rural economic development.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2138 was substituted for House Bill No. 2138 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2138 was read the second time.

Representative Grant moved the adoption of the following amendment (191):

Strike everything after the enacting clause and insert the following:

**"PART I: Dairy Products B&O Tax Exemption**

NEW SECTION. **Sec. 1.** The purpose of sections 2 and 3 of this act is to provide a tax rate for persons who manufacture dairy products that is commensurate to the rate imposed on certain other processors of agricultural commodities. This tax rate applies to persons who manufacture dairy products from raw materials such as fluid milk, dehydrated milk, or byproducts of milk such as cream, buttermilk, whey, butter, or casein. It is not the intent of the legislature to provide this tax rate to persons who use dairy products as an ingredient or component of their manufactured product, such as milk-based soups or pizza. It is the intent that persons who manufacture products such as milk, cheese, yogurt, ice cream, whey, or whey products be subject to this rate.

**Sec. 2.** RCW 82.04.260 and 1998 c 312 s 5 and 1998 c 311 s 2 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent; ~~((and))~~

(c) By canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen, processed, or dehydrated multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form



prescribed by the department and retain the statement as a business record; and

(d) Dairy products that as of the effective date of this section are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(8) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(9) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(10) Upon every person engaging within this state in the business of disposing of low-level waste, as

defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(11) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(12) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

## **PART II: Retail Sales Tax Exemption - Poultry Farming**

**NEW SECTION. Sec. 3.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to farmers of propane or natural gas used to heat structures used to house chickens. The propane or natural gas must be used exclusively to heat the structures. The structures must be used exclusively to house chickens that are sold as agricultural products.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection apply to this section and section 4 of this act.

(a) "Structures" means barns, sheds, and other similar buildings in which chickens are housed.

(b) "Farmer" has the same meaning as provided in RCW 82.04.213.

(c) "Agricultural product" has the same meaning as provided in RCW 82.04.213.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use by a farmer of propane or natural gas to heat structures used to house chickens. The propane or natural gas must be used exclusively to heat the structures used to house chickens. The structures must be used exclusively to house chickens that are sold as agricultural products.

(2) The exemption certificate, recordkeeping requirements, and definitions of section 3 of this act apply to this section.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to a farmer of bedding materials used to accumulate and facilitate the removal of chicken manure. The farmer must be raising chickens that are sold as agricultural products.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection apply to this section and section 6 of this act.

(a) "Bedding materials" means wood shavings, straw, sawdust, shredded paper, and other similar materials.

(b) "Farmer" has the same meaning as provided in RCW 82.04.213.

(c) "Agricultural product" has the same meaning as provided in RCW 82.04.213.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use by a farmer of bedding materials used to accumulate and facilitate the removal of chicken manure. The farmer must be raising chickens that are sold as agricultural products.

(2) The exemption certificate, recordkeeping requirements, and definitions of section 5 of this act apply to this section.

NEW SECTION. **Sec. 7.** Part headings used in this act are not any part of the law."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "reenacting and amending RCW 82.04.260; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; and creating new sections."

Representative Grant spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler, Linville, Clements, Kenney, Pennington, Morris and Mulliken spoke in favor of passage of the bill.

Representative McIntire spoke against passage of the bill.

Representative Van Luven demanded for the previous question and the demand was sustained.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2138

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2138 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Voting nay: Representative McIntire - 1.

Excused: Representative Casada - 1.

Engrossed Substitute House Bill No. 2138, having received the necessary constitutional majority, was declared passed.

April 17, 2001

Mr. Speakers:

The President has signed:

- HOUSE BILL NO. 1066,
- HOUSE BILL NO. 1071,
- SUBSTITUTE HOUSE BILL NO. 1091,
- ENGROSSED HOUSE BILL NO. 1099,
- HOUSE BILL NO. 1102,
- SUBSTITUTE HOUSE BILL NO. 1135,
- SUBSTITUTE HOUSE BILL NO. 1202,
- SUBSTITUTE HOUSE BILL NO. 1212,
- ENGROSSED HOUSE BILL NO. 1347,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371,
- ENGROSSED HOUSE BILL NO. 1407,
- HOUSE BILL NO. 1422,
- SUBSTITUTE HOUSE BILL NO. 1471,
- SUBSTITUTE HOUSE BILL NO. 1545,
- HOUSE BILL NO. 1564,
- HOUSE BILL NO. 1578,
- HOUSE BILL NO. 1611,
- HOUSE BILL NO. 1614,
- HOUSE BILL NO. 1633,
- SUBSTITUTE HOUSE BILL NO. 1678,
- HOUSE BILL NO. 1692,
- HOUSE BILL NO. 1694,
- HOUSE BILL NO. 1770,
- SUBSTITUTE HOUSE BILL NO. 1821,
- SECOND SUBSTITUTE HOUSE BILL NO. 1835,
- SUBSTITUTE HOUSE BILL NO. 1836,
- HOUSE BILL NO. 1865,
- SUBSTITUTE HOUSE BILL NO. 1892,
- ENGROSSED HOUSE BILL NO. 1936,
- HOUSE BILL NO. 1951,
- HOUSE BILL NO. 1952,
- SUBSTITUTE HOUSE BILL NO. 1971,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996,
- SUBSTITUTE HOUSE BILL NO. 2049,
- HOUSE BILL NO. 2086,
- SUBSTITUTE HOUSE BILL NO. 2105,
- SUBSTITUTE HOUSE BILL NO. 2184,
- HOUSE JOINT RESOLUTION NO. 4202,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 17, 2001

Mr. Speakers:

The President has signed:

- SUBSTITUTE HOUSE BILL NO. 1001,
- HOUSE BILL NO. 1035,
- HOUSE BILL NO. 1211,

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SUBSTITUTE HOUSE BILL NO. 1256,  
SUBSTITUTE HOUSE BILL NO. 1467,  
SUBSTITUTE HOUSE BILL NO. 1501,  
SUBSTITUTE HOUSE BILL NO. 1884,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., April 18, 2001, the 101<sup>st</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
ONE HUNDRED FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 18, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brandi Marine and Crystal Bauer. Prayer was offered by Representative Dave Schmidt.

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

**MESSAGES FROM THE SENATE**

April 17, 2001

Mr. Speakers:

The Senate has passed:

and the same is herewith transmitted.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1832,

Tony M. Cook, Secretary

April 17, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5114,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,  
ENGROSSED SENATE BILL NO. 5374,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5593,  
SENATE BILL NO. 5604,  
SUBSTITUTE SENATE BILL NO. 5702,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,  
SUBSTITUTE SENATE BILL NO. 5905,  
SUBSTITUTE SENATE BILL NO. 5961,  
SUBSTITUTE SENATE BILL NO. 6055,  
SUBSTITUTE SENATE BILL NO. 6056,  
SUBSTITUTE SENATE BILL NO. 6110,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8016,

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 17, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by

the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5060,  
SENATE BILL NO. 5063,  
SUBSTITUTE SENATE BILL NO. 5077,  
SUBSTITUTE SENATE BILL NO. 5101,  
SUBSTITUTE SENATE BILL NO. 5123,  
ENGROSSED SENATE BILL NO. 5143,  
SUBSTITUTE SENATE BILL NO. 5182,  
SUBSTITUTE SENATE BILL NO. 5184,  
SENATE BILL NO. 5197,  
SENATE BILL NO. 5256,  
SUBSTITUTE SENATE BILL NO. 5263,  
ENGROSSED SENATE BILL NO. 5289,  
SUBSTITUTE SENATE BILL NO. 5309,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,  
SENATE BILL NO. 5392,  
SENATE BILL NO. 5393,  
SUBSTITUTE SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5417,  
SUBSTITUTE SENATE BILL NO. 5442,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,  
SUBSTITUTE SENATE BILL NO. 5494,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 18, 2001

Mr. Speakers:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5114,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,  
ENGROSSED SENATE BILL NO. 5374,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5593,  
SENATE BILL NO. 5604,  
SUBSTITUTE SENATE BILL NO. 5702,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,  
SUBSTITUTE SENATE BILL NO. 5905,  
SUBSTITUTE SENATE BILL NO. 5961,  
SUBSTITUTE SENATE BILL NO. 6055,  
SUBSTITUTE SENATE BILL NO. 6056,  
SUBSTITUTE SENATE BILL NO. 6110,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8016,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### INTRODUCTIONS AND FIRST READING

HB 2234 by Representatives Ahern, Mastin, Mulliken, Roach, Schindler, Sump, Anderson, Jarrett, Armstrong, McMorris, Benson, Morell, Cox, Mielke, Pearson, Mitchell and Alexander

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing

RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on First Reading.

HB 2245 by Representatives Anderson, Pflug, Crouse, Cairnes, Bush, DeBolt, B. Chandler, Mielke, Schmidt, Delvin, Casada, Esser, McMorris, Pennington, Reardon, Berkey, Simpson, Linville, Barlean, Marine and Fromhold

AN ACT Relating to providing tax incentives to promote the production and distribution of electricity from alternative sources of energy; amending RCW 82.08.02567 and 82.12.02567; adding a new section to chapter 82.16 RCW; creating a new section; and providing expiration dates.

Held on First Reading.

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Held on First Reading.

E2SSB 5419 by Senate Committee on Ways & Means

AN ACT Relating to chemical dependency treatment for offenders; amending RCW 9.94A.360; reenacting and amending RCW 9.94A.320; adding a new section to chapter 70.96A RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 43.20A RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Held on First Reading.

ESSB 6151 by Senate Committee on Human Services & Corrections

AN ACT Relating to the management of high-risk sex offenders in the civil commitment and criminal justice systems; amending RCW 71.09.020, 36.70A.103, 36.70A.200, 9.94A.030, 9.94A.715, 9.94A.060, 9.94A.190, 9.94A.390, 9.95.005, 9.95.010, 9.95.011, 9.95.017, 9.95.020, 9.95.032, 9.95.052, 9.95.055, 9.95.064, 9.95.070, 9.95.080, 9.95.090, 9.95.100, 9.95.110, 9.95.115, 9.95.120, 9.95.121, 9.95.122, 9.95.123, 9.95.124, 9.95.125, 9.95.126, 9.95.130, 9.95.140, 9.95.190, 9.95.250, 9.95.280, 9.95.290, 9.95.300, 9.95.310, 9.95.320, 9.95.340, 9.95.350, 9.95.360, 9.95.370, 9.95.900, 9A.28.020, 9A.36.021, 9A.40.030, 9A.44.100, and 72.09.370; reenacting and amending RCW 9.94A.120 and 9.94A.320; adding new sections to chapter 71.09 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 72.09 RCW; adding new sections to chapter 9.95 RCW;



adding a new section to chapter 9A.76 RCW; creating new sections; repealing RCW 9.95.0011 and 9.95.145; repealing 2001 c . . . ss 1, 3, and 4 (Substitute Senate Bill No. 5123); prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SB 6036 by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.

Held on First Reading.

SCR 8415 by Senators Snyder and West

Amending cutoff dates.

Held on First Reading.

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

## RESOLUTIONS

HOUSE RESOLUTION NO. 2001-4646, by Representatives Quall, Morris, Hatfield, Barlean and Sehlin

WHEREAS, It is the policy of the legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Mount Vernon High School Bulldog boys' basketball team, from Mount Vernon, won the 2001 Class AAA State Basketball Championship; and

WHEREAS, The Mount Vernon basketball coaches, players, and managers demonstrated sportsmanship, citizenship, skill, and dedication while accomplishing their goal of winning the State AAA Basketball Championship with a perfect 27-0 record; and

WHEREAS, The senior class student-athletes of Mount Vernon's championship boys' basketball team have a collective 3.28 grade point average, showing a commitment to academic excellence as well as athletic excellence; and

WHEREAS, Head Coach Mac Fraser has led Mount Vernon Bulldog boys' basketball teams to state championships in both the 20th century (1991, 1992) and the 21st century (2001);

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Mount Vernon High School boys' basketball team and Coach Mac Fraser and his assistants for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Coach Mac Fraser; Assistant Coaches Jim Koetje, Jeff Scott, Torey Swanson, and Chad Weyers; Principal Dave Anderson; Athletic Director Eric Monson; the faculty of Mount Vernon High School; and to the student-athletes of Mount Vernon High School who won the AAA State Boys' Basketball Championship for 2001: Seniors Tyler Amaya, Troy DeVries, John Lee, Eric Powell, Josh Reisman, Aaron Roetcisoender, Scott Skjel, and Chris Thompson; Juniors Stanley Johnson, Ben Martin, and Travis Storrer; and Sophomore Kyle Kendrick.

House Resolution No. 4646 was adopted.

HOUSE RESOLUTION NO. 2001-4647, by Representatives Hunt, Ahern, Lovick, Jackley, Berkey, Reardon, Ogden, Miloscia, McDermott, Kagi, Dunn, Schmidt, Mulliken, Schindler, Cairnes, G. Chandler, Armstrong, Conway, Murray, Keiser, Haigh, Linville, Voloria, Cody, Schual-Berke, Dickerson, Rockefeller, Pearson, Morell, Skinner, Buck, Woods, Casada, Roach, Esser, Jarrett, Boldt, Benson, Marine and Darneille

WHEREAS, The indefatigable volunteer spirit of many thousands of women, men, and children in many hundreds of rural, suburban, and urban communities all across the globe are being saluted in this, the International Year of Volunteers 2001; and

WHEREAS, Right here at home, Governor Gary Locke has proclaimed 2001 the Year of the Volunteer in the State of Washington; and

WHEREAS, Our own State of Washington takes much of its strength, beauty, and unique character from countless citizens who volunteer their time, energy, talent, and spirit to bolster the work of numerous private, public, and nonprofit organizations; and

WHEREAS, Food bank services as well as clothing, furniture, prescription, eye care, and education assistance are just a few of the many heartfelt programs and services in which Washingtonians selflessly engage themselves to help their less-fortunate sisters and brothers; and

WHEREAS, Volunteers are a vital component in helping improve the lives of Washington citizens from Neah Bay to Pend Oreille, from Sumas to Camas, from Tonasket to Onalaska, from Gold Bar to Goldendale, and from Adna to Zena; and

WHEREAS, Beyond any doubt, the success of our private, public, and home-school students and their families is greatly advanced by the sincere donation of time and attention from volunteers who represent and reflect every economic background; and

WHEREAS, These women, men, and children who give of themselves so freely ask for no recognition and for no paycheck, and not even for any real thank you in return for their genuine dedication and commitment; and

WHEREAS, It is estimated that volunteer members of the American work force contribute the equivalent of nine million full-time employees at an annual value to the United States economy of 225 billion dollars; and

WHEREAS, United Nations Secretary-General Kofi Annan last November perhaps stated it best in his address officially setting the year 2001 aside to praise and commemorate volunteers when the secretary-general emphasized: "Volunteers do more than provide services. They bring hope to those they help, and so help them find strength to overcome their weakness. Their reward may be new lifelong friendships, a new understanding of other peoples, of other cultures and other countries' problems and perspectives, or simply the knowledge that they have made a difference. Invariably, volunteers will tell you they have received at least as much as they have given";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington salute the tireless, wonderful, and inspiring work of volunteers in every corner of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Washington Library Association, the Washington State Association of Counties, and the Association of Washington Cities so that statewide news of this justified and well-deserved recognition will reach the maximum number of devoted and remarkable volunteers.

House Resolution No. 4647 was adopted.

HOUSE RESOLUTION NO. 2001-4648, by Representative Kessler

WHEREAS, The legislature wishes to give special attention to the importance of quality education in the state of Washington; and

WHEREAS, The legislature wishes to recognize the 120th anniversary of Holy Names Academy, the

oldest continually operating school in Washington; and

WHEREAS, Holy Names Academy is a private, Catholic, college-preparatory school for girls, established in 1880 by the Congregation of the Sisters of the Holy Names of Jesus and Mary; and

WHEREAS, This community of sisters was led by the vision and determination of Mother Marie Rose Durocher, who was dedicated to providing education for young women; and

WHEREAS, Four sisters, led by Sister Mary Francis Xavier arrived in Seattle on November 9, 1880, a date celebrated annually at Holy Names Academy as Foundation Day; and

WHEREAS, This Catholic secondary school seeks to prepare young women for lives of leadership and loving service through excellent academic offerings and meaningful student life programs; and

WHEREAS, Holy Names Academy has continued to provide a well-rounded education, incorporating strong academic, art, athletic, and community service programs for its students; and

WHEREAS, Holy Names Academy has three times earned the United States Department of Education's Blue Ribbon Award of Excellence, honoring the school's continuing success in enhancing its programs and facilities; and

WHEREAS, The Seattle Times 2000 School Guide placed Holy Names Academy first among all private and public schools in Advanced Placement ranking, and second among all private and public schools in college preparation; and

WHEREAS, Holy Names Academy has graduated over 10,000 students, 7,000 of which continue to serve their communities today, both personally and professionally;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize this fine school for its 120 years of continuous education for young women in Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Holy Names Academy.

House Resolution No. 4648 was adopted.

HOUSE RESOLUTION NO. 2001-4652, by Representatives Jarrett and Ballasiotes

WHEREAS, It is the policy of the legislature to honor excellence in every field of endeavor; and

WHEREAS, The Mercer Island High School Boys' Water Polo Team won the 2000 Washington State Water Polo Championship; and

WHEREAS, The 2000 Mercer Island High School Boys' Water Polo Championship team members were Daniel Berglund, Joseph Giovanelli, Keith Jarrett, Trent Kloppenberg, Scott Lawson, Alex Muradin, Maxwell Rainey, Aaron Seeks, Daniel Seetin, Alex Strand, Michael Sturgis, Kevin Tempest, Devin Trowbridge, Ryan Tseng, and Michael Wensman, Jr.; and

WHEREAS, The Mercer Island Water Polo Players have exemplified to their classmates the success that is possible when clear goals are established and when persistent effort is made toward those goals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Mercer Island High School Boys' Water Polo Team for their hard work, dedication, and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That Head Coach Tim Reed and Assistant Coach Sean Cooper be recognized for their dedication, sacrifice, and leadership; and

BE IT FURTHER RESOLVED, That Kevin Tempest be recognized for being named the Washington State Defensive Player of 2000; and

BE IT FURTHER RESOLVED, That Daniel Berglund and Trent Kloppenberg be recognized for being named to the Washington All State Team; and

BE IT FURTHER RESOLVED, That the teachers, classmates, and parents of Daniel Berglund, Joseph Giovanelli, Keith Jarrett, Trent Kloppenberg, Scott Lawson, Alex Muradin, Maxwell Rainey, Aaron Seeks, Daniel Seetin, Alex Strand, Michael Sturgis, Kevin Tempest, Devin Trowbridge, Ryan Tseng, and Michael Wensman, Jr., and other team members be recognized for the important part they played in helping these student athletes excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Mercer Island High School Principal, Athletic Director, and to each of the coaches and members of the Mercer Island High School 2000 Varsity Water Polo Team.

House Resolution No. 4652 was adopted.

### REPORTS OF STANDING COMMITTEES

April 11, 2001

HB 1926 Prime Sponsor, Representative Sehlin: Increasing the surcharge on county auditor recording fees.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Buck, Cody, Cox, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott, and Tokuda.

Excused: Representatives Clements, Dunshee, Kessler, Mastin, and McIntire.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

### SIGNED BY THE SPEAKERS

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 1042,  
HOUSE BILL NO. 1095,  
SUBSTITUTE HOUSE BILL NO. 1259,  
SUBSTITUTE HOUSE BILL NO. 1320,  
SUBSTITUTE HOUSE BILL NO. 1365,  
SUBSTITUTE HOUSE BILL NO. 1384,  
SUBSTITUTE HOUSE BILL NO. 1591,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1658,  
SECOND SUBSTITUTE HOUSE BILL NO. 1752,  
SUBSTITUTE HOUSE BILL NO. 1891,  
HOUSE BILL NO. 1895,  
HOUSE BILL NO. 2029,  
SUBSTITUTE HOUSE BILL NO. 2041,  
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410,

### MESSAGE FROM THE SENATE

April 18, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5468,  
SENATE BILL NO. 5921,  
SUBSTITUTE SENATE BILL NO. 5986,  
SENATE JOINT MEMORIAL NO. 8019,  
ENGROSSED SENATE JOINT RESOLUTION NO. 8208,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5060,  
SENATE BILL NO. 5063,  
SUBSTITUTE SENATE BILL NO. 5077,  
SUBSTITUTE SENATE BILL NO. 5101,  
SUBSTITUTE SENATE BILL NO. 5114,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,  
SUBSTITUTE SENATE BILL NO. 5123,  
ENGROSSED SENATE BILL NO. 5143,  
SUBSTITUTE SENATE BILL NO. 5182,  
SUBSTITUTE SENATE BILL NO. 5184,  
SENATE BILL NO. 5197,  
SENATE BILL NO. 5256,  
SUBSTITUTE SENATE BILL NO. 5263,  
ENGROSSED SENATE BILL NO. 5289,  
SUBSTITUTE SENATE BILL NO. 5309,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,  
ENGROSSED SENATE BILL NO. 5374,  
SENATE BILL NO. 5392,  
SENATE BILL NO. 5393,  
SUBSTITUTE SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5417,  
SUBSTITUTE SENATE BILL NO. 5442,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,  
SUBSTITUTE SENATE BILL NO. 5494,  
ENGROSSED SENATE BILL NO. 5495,  
SUBSTITUTE SENATE BILL NO. 5558,  
SUBSTITUTE SENATE BILL NO. 5565,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5593,  
SENATE BILL NO. 5604,  
SUBSTITUTE SENATE BILL NO. 5621,  
SUBSTITUTE SENATE BILL NO. 5638,  
SUBSTITUTE SENATE BILL NO. 5702,  
SUBSTITUTE SENATE BILL NO. 5862,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,  
SUBSTITUTE SENATE BILL NO. 5905,  
SUBSTITUTE SENATE BILL NO. 5940,  
SUBSTITUTE SENATE BILL NO. 5961,

SUBSTITUTE SENATE BILL NO. 6055,  
SUBSTITUTE SENATE BILL NO. 6056,  
SUBSTITUTE SENATE BILL NO. 6110,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8016,

**MESSAGES FROM THE SENATE**

April 18, 2001

Mr. Speakers:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420, and passed the bill without said amendments, and the same is herewith transmitted.

Tony M. Cook, Secretary

April 17, 2001

Mr. Speakers:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5060,  
SENATE BILL NO. 5063,  
SUBSTITUTE SENATE BILL NO. 5077,  
SUBSTITUTE SENATE BILL NO. 5101,  
SUBSTITUTE SENATE BILL NO. 5123,  
ENGROSSED SENATE BILL NO. 5143,  
SUBSTITUTE SENATE BILL NO. 5182,  
SUBSTITUTE SENATE BILL NO. 5184,  
SENATE BILL NO. 5197,  
SENATE BILL NO. 5256,  
SUBSTITUTE SENATE BILL NO. 5263,  
ENGROSSED SENATE BILL NO. 5289,  
SUBSTITUTE SENATE BILL NO. 5309,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,  
SENATE BILL NO. 5392,  
SENATE BILL NO. 5393,  
SUBSTITUTE SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5417,  
SUBSTITUTE SENATE BILL NO. 5442,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,  
SUBSTITUTE SENATE BILL NO. 5494,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 18, 2001

Mr. Speakers:

The President has signed:

ENGROSSED SENATE BILL NO. 5495,  
SUBSTITUTE SENATE BILL NO. 5558,  
SUBSTITUTE SENATE BILL NO. 5565,  
SUBSTITUTE SENATE BILL NO. 5621,  
SUBSTITUTE SENATE BILL NO. 5638,

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SUBSTITUTE SENATE BILL NO. 5862,  
SUBSTITUTE SENATE BILL NO. 5940,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1120, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.410.010 and 1992 c 159 s 3 and 1992 c 60 s 2 are each reenacted and amended to read as follows:

The state board of education shall establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The rules shall require that the initial application for certification shall require a record check of the applicant through the Washington state patrol criminal identification system and through the federal bureau of investigation at the applicant's expense. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The superintendent of public instruction may waive the record check for any applicant who has had a record check within the two years before application. The rules shall permit a holder of a lapsed certificate but not a revoked or suspended certificate to be employed on a conditional basis by a school district with the requirement that the holder must complete any certificate renewal requirements established by the state board of education within two years of initial reemployment.

In establishing rules pertaining to the qualifications of instructors of American sign language the state board shall consult with the national association of the deaf, "sign instructors guidance network" (s.i.g.n.), and the Washington state association of the deaf for evaluation and certification of sign language instructors.

The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with board rules and regulations."

On page 1, line 2 of the title, after "certifications;" strike the remainder of the title and insert "and reenacting and amending RCW 28A.410.010."

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1120 and asked the Senate to recede therefrom.

Speaker Ballard called upon Representative Pennington to preside.

**SENATE AMENDMENTS TO HOUSE BILL**

April 12, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1579, with the following amendment:

On page 1, beginning on line 6, after "Thomas," strike all material through "2000)" on line 7, and insert "103 Wn. App. 800"

On page 1, line 1 of the title, after "the" strike "crime of unlawful" and insert "wrongful"

There being no objection, the House concurred in the Senate amendment to House Bill No. 1579.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of House Bill No. 1579 as amended by the Senate.

Representatives Carrell and Lantz spoke in favor of the passage of the bill.

There being no objection, Representatives Campbell, McMorris, Morris, Murray, Poulsen, Sehlin, and Ballard were excused.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1579 as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 91.

Excused: Representatives Campbell, McMorris, Morris, Murray, Poulsen, Sehlin, and Speaker Ballard - 7.

House Bill No. 1579 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1581, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.70.005 and 1986 c 241 s 1 are each amended to read as follows:

The legislature finds and declares that the distribution (~~and~~), sale, and lease of vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license vehicle manufacturers, distributors, or wholesalers and factory or distributor representatives, and to regulate and license dealers of vehicles doing business in Washington, in order to prevent frauds, impositions, and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state.

**Sec. 2.** RCW 46.70.011 and 1998 c 46 s 1 are each amended to read as follows:



As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person.

Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or more than one type of these vehicles;

(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term "vehicle dealer" does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which that person is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or an affiliated licensee, who, on behalf of another negotiates the purchase, sale, lease, or exchange of a manufactured or mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the manufactured or mobile home is, or will be, located; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party.

(5) "Vehicle salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of licensing.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle

dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(10) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) "Subagency" means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(12) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures. No more than six temporary subagency licenses may be issued to a licensee in any twelve-month period.

(13) "Wholesale vehicle dealer" means a vehicle dealer who buys and sells other than at retail.

(14) "Retail vehicle dealer" means a vehicle dealer who may buy and sell at both wholesale and retail.

(15) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

(16) "Auction" means a transaction conducted by means of exchanges between an auctioneer and the members of the audience, constituting a series of oral invitations for offers for the purchase of vehicles made by the auctioneer, offers to purchase by members of the audience, and the acceptance of the highest or most favorable offer to purchase.

(17) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity licensed under chapter 18.11 RCW that only sells or offers to sell vehicles at auction or only arranges or sponsors auctions.

(18) "Buyer's agent" means any person, firm, partnership, association, limited liability company, limited liability partnership, or corporation retained or employed by a consumer to arrange for or to negotiate, or both, the purchase or lease of a new motor vehicle on behalf of the consumer, and who is paid a fee or receives other compensation from the consumer for its services.

(19) "New motor vehicle" means any motor vehicle that is self-propelled and is required to be registered and titled under Title 46 RCW, has not been previously titled to a retail purchaser or lessee, and is not a "used vehicle" as defined under RCW 46.04.660.

**Sec. 3.** RCW 46.70.041 and 1993 c 307 s 6 and 1993 c 175 s 2 are each reenacted and amended to read as follows:

(1) Every application for a vehicle dealer license shall contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his or her fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners;

(f) A business telephone with a listing in the local directory;

(g) The name or names of new vehicles the vehicle dealer wishes to sell;

(h) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(i) A certificate by a representative of the department, that the applicant's principal place of business and each subagency business location in the state of Washington meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established;

(j) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his or her established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty. This requirement applies only to applicants seeking to sell, to exchange, to offer, to auction, to solicit, to advertise, or to broker new or current-model vehicles with factory or distributor warranties;

(k) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing (~~with an option to purchase~~), auctioning, soliciting, or advertising, and which classification or classifications the dealer wishes to be designated as;

(l) Effective July 1, 2002, a certificate from the provider of each education program or test showing that the applicant has completed the education programs and passed the test required under section 12 of this act if the applicant is a dealer subject to the education and test requirements;

(m) Any other information the department may reasonably require.

(2) If the applicant is a manufacturer the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

**Sec. 4.** RCW 46.70.051 and 1997 c 432 s 4 are each amended to read as follows:

(1) After the application has been filed, the fee paid, and bond posted, if required, the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.101, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer. Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

(2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers.

(3) At the time the department issues a vehicle dealer license, the department shall provide to the dealer a current, up-to-date vehicle dealer manual that may be provided electronically setting forth the various statutes and rules applicable to vehicle dealers. In addition, at the time any such license is renewed under RCW 46.70.083, the department shall provide the dealer with any updates or current revisions to the vehicle dealer manual. These updates or current revisions may be provided electronically.

(4) The department may contract with responsible private parties to provide them elements of the vehicle data base on a regular basis. The private parties may only disseminate this information to licensed vehicle dealers.

(a) Subject to the disclosure agreement provisions of RCW 46.12.380 and the requirements of Executive Order 97-01, the department may provide to the contracted private parties the following information:

(i) All vehicle and title data necessary to accurately disclose known title defects, brands, or flags and odometer discrepancies;

(ii) All registered and legal owner information necessary to determine true ownership of the vehicle and the existence of any recorded liens, including but not limited to liens of the department of social and health services or its successor; and

(iii) Any data in the department's possession necessary to calculate the motor vehicle excise tax, license, and registration fees including information necessary to determine the applicability of regional transit authority excise and use tax surcharges.

(b) The department may provide this information in any form the contracted private party and the department agree upon, but if the data is to be transmitted over the Internet or similar public network from the department to the contracted private party, it must be encrypted.

(c) The department shall give these contracted private parties advance written notice of any change in the information referred to in (a)(i), (ii), or (iii) of this subsection, including information pertaining to the calculation of motor vehicle excise taxes.

(d) The department shall revoke a contract made under this subsection (4) with a private party who disseminates information from the vehicle data base to anyone other than a licensed vehicle dealer. A private party who obtains information from the vehicle data base under a contract with the department and disseminates any of that information to anyone other than a licensed vehicle dealer is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(e) Nothing in this subsection (4) authorizes a vehicle dealer or any other organization or entity not otherwise appointed as a vehicle licensing subagent under RCW 46.01.140 to perform any of the functions of a vehicle licensing subagent so appointed.

**Sec. 5.** RCW 46.70.090 and 1994 c 262 s 10 are each amended to read as follows:

(1) The department shall issue a vehicle dealer license plate which shall be attached to the rear of the vehicle only and which is capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) The department shall issue to a vehicle dealer up to three vehicle dealer license plates. After the third dealer plate is issued, the department shall limit the number of dealer plates to six percent of the vehicles sold during the preceding license period. For an original license the vehicle dealer license applicant shall estimate the first year's sales or leases. The director or director's designee may waive these dealer plate issuance restrictions for a vehicle dealer if the waiver both serves the purposes of this chapter and is essential to the continuation of the business. The director shall adopt rules to implement this waiver.

(3) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale or lease when operated by an individual holding a valid operator's license, if a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale or lease, and which are in fact available for sale or lease by the firm when operated by an officer of the corporation, partnership, or proprietorship or by their spouses, or by an employee of the firm, if a card so identifying any such individual is carried in the vehicle at all times it is

operated by such individual. Any such vehicle so operated may be used to transport the dealer's own tools, parts, and equipment of a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale or lease.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(4) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle if a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location if the requirements of RCW 46.44.170 and 46.44.175 are met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(5) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: PROVIDED, That:

(i) No such vehicle may be demonstrated on a public highway unless the customer has an appropriate endorsement on his or her driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale, and which are in fact available for sale by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full-time employee of the firm, if a card so identifying such individual is carried in the vehicle at all times it is operated by him or her.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and from places of business of the dealer if such vehicle and such item are purchased or sold as one package.

(6) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) On vehicles being moved to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(7) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer or manufacturer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person, produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in

lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(e) Used on any new vehicle unless the vehicle dealer has provided the department a current service agreement with the manufacturer or distributor of that vehicle as provided in RCW 46.70.041(1)(k).

(8) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as ~~((he))~~ the director deems appropriate.

**Sec. 6.** RCW 46.70.101 and 1998 c 282 s 7 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer or vehicle manufacturer or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his or her application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Has knowingly, or with reason to know, provided the department with false information relating to the number of vehicle sales transacted during the past one year in order to obtain a vehicle dealer license plate;

(v) Does not have an established place of business as required in this chapter;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same, except for sales by wholesale motor vehicle auction dealers to franchise motor vehicle dealers of the same make licensed under Title 46 RCW or franchise motor vehicle dealers of the same make licensed by any other state;

(viii) Is insolvent, either in the sense that their liabilities exceed their assets, or in the sense that they cannot meet their obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(x) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(xi) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180;

(xii) Fails to have a current certificate or registration with the department of revenue.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees

in connection with the sale, lease, or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has willfully failed to deliver to a purchaser or owner a certificate of ownership to a vehicle which he or she has sold or leased;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles, except for sales by wholesale motor vehicle auction dealers to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW or motor vehicle dealers licensed by any other state;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means;

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds; or

(xi) Has sold any vehicle with actual knowledge that:

(A) It has any of the following brands on the title: "SALVAGE/REBUILT," "JUNK," or "DESTROYED"; or

(B) It has been declared totaled out by an insurance carrier and then rebuilt; or

(C) The vehicle title contains the specific comment that the vehicle is "rebuilt"; without clearly disclosing that brand or comment in writing.

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his or her application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale, lease, or transfer of a vehicle;

(e) Has purchased, sold, leased, disposed of, or has in his or her possession, any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale or for lease, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale or for lease unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in

good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold, leased, or distributed in this state or transferred into this state for resale or for lease by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

**Sec. 7.** RCW 46.70.120 and 1996 c 282 s 4 are each amended to read as follows:

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale or lease of all vehicles purchased ~~((or))~~, sold, or leased by him or her. The records shall consist of:

- (1) The license and title numbers of the state in which the last license was issued;
- (2) A description of the vehicle;
- (3) The name and address of the person from whom purchased;
- (4) The name of the legal owner, if any;
- (5) The name and address of the purchaser or lessee;
- (6) If purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;
- (7) The price paid for the vehicle and the method of payment;
- (8) The vehicle odometer disclosure statement given by the seller to the dealer, and the vehicle odometer disclosure statement given by the dealer to the purchaser or lessee;
- (9) The written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;
- (10) Trust account records of receipts, deposits, and withdrawals;
- (11) All sale documents, which shall show the full name of dealer employees involved in the sale or lease; and
- (12) Any additional information the department may require. However, the department may not require a dealer to collect or retain the hardback copy of a temporary license permit after the permanent license plates for a vehicle have been provided to the purchaser or lessee, if the dealer maintains some other copy of the temporary license permit together with a log of the permits issued.

Such records shall be maintained separate from all other business records of the dealer. Records older than two years may be kept at a location other than the dealer's place of business if those records are made available in hard copy for inspection within three calendar days, exclusive of Saturday, Sunday, or a legal holiday, after a request by the director or the director's authorized agent. Records kept at the vehicle dealer's place of business must be available for inspection by the director or the director's authorized agent during normal business hours.

Dealers may maintain their recordkeeping and filing systems in accordance with their own particular business needs and practices. Nothing in this chapter requires dealers to maintain their records in any particular order or manner, as long as the records identified in this section are maintained in the dealership's recordkeeping system.

**Sec. 8.** RCW 46.70.122 and 1990 c 238 s 5 are each amended to read as follows:

(1) If the purchaser or transferee is a dealer he or she shall, on selling, leasing, or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe.

(2) The assignment and warranty shall show any secured party holding a security interest created or reserved at the time of resale or lease, to which shall be attached the assigned certificates of ownership and license registration received by the dealer. The dealer shall mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration. The title certificate issued for a vehicle possessed by a dealer and subject to a security interest shall be delivered to the



secured party who upon request of the dealer's transferee shall, unless the transfer was a breach of the security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new certificate and the required fee, mail or deliver to the department. Failure of a dealer to deliver the title certificate to the secured party does not affect perfection of the security interest.

**Sec. 9.** RCW 46.70.130 and 1996 c 282 s 5 are each amended to read as follows:

(1) Before the execution of a contract or chattel mortgage or the consummation of the sale or lease of any vehicle, the seller must furnish the buyer or lessee an itemization in writing signed by the seller separately disclosing to the buyer or lessee the finance charge, insurance costs, taxes, and other charges which are paid or to be paid by the buyer or lessee.

(2) Notwithstanding subsection (1) of this section, an itemization of the various license and title fees paid or to be paid by the buyer or lessee, which itemization must be the same as that disclosed on the registration/application for title document issued by the department, may be required only on the title application at the time the application is submitted for title transfer. A vehicle dealer may not be required to separately or individually itemize the license and title fees on any other document, including but not limited to the purchase order and lease agreement. No fee itemization may be required on the temporary permit.

**Sec. 10.** RCW 46.70.180 and 1999 c 398 s 10 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer or lessee of a vehicle a written order or offer to purchase or lease, or a contract document signed by the buyer or lessee, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within three calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee, either (i) to deliver to the buyer or lessee the dealer's signed acceptance, or (ii) to void the order, offer, or contract document and tender the return of any initial payment or security made or given by the buyer or lessee, including but not limited to money, check, promissory note,

vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, (~~salesman~~) salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, (~~salesman~~) salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation,

fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase ~~((of))~~, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase ~~((of))~~, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable. ~~((The department of licensing shall by December 31, 1996, in rule, adopt standard disclosure language for buyer's agent agreements under RCW 46.70.011, 46.70.070, and this section.))~~

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless

caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter (~~62A.9~~) 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

**Sec. 11.** RCW 46.70.900 and 1973 1st ex.s. c 132 s 20 are each amended to read as follows:

All provisions of this chapter shall be liberally construed to the end that deceptive practices or commission of fraud or misrepresentation in the sale, lease, barter, or disposition of vehicles in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, leasing, bartering, or otherwise dealing in vehicles in this state and reliable persons may be encouraged to engage in the business of selling, leasing, bartering and otherwise dealing in vehicles in this state: PROVIDED, That this chapter shall not apply to printers, publishers, or broadcasters who in good faith print, publish or broadcast material without knowledge of its deceptive character.

**NEW SECTION. Sec. 12.** A new section is added to chapter 46.70 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the following education requirements apply to an applicant for a vehicle dealer license under RCW 46.70.021:

(a) An applicant for a vehicle dealer license under RCW 46.70.021 must complete a minimum of eight hours of approved education programs described in subsection (3) of this section and pass a test prior to submitting an application for the license; and

(b) An applicant for a renewal of a vehicle dealer license under RCW 46.70.083 must complete a minimum of five hours per year in a licensing period of approved continuing education programs described in subsection (3) of this section prior to submitting an application for the renewal of the vehicle dealer license.

(2) The education and test requirements in subsection (1) of this section do not apply to an applicant for a vehicle dealer license under RCW 46.70.021 if the applicant is:

(a) A franchised dealer of new recreational vehicles;

(b) A nationally franchised or corporate-owned motor vehicle rental company;

(c) A dealer of manufactured dwellings;

(d) A national auction company that holds a vehicle dealer license and a wrecker license whose primary activity in this state is the sale or disposition of totaled vehicles; or

(e) A wholesale auto auction company that holds a vehicle dealer license.

(3) The education programs and test required in subsection (1) of this section shall be developed by motor vehicle industry organizations including, but not limited to, the state independent auto dealers association and the department of licensing.

(4) A new motor vehicle dealer, as defined under RCW 46.96.020, is deemed to have met the education

and test requirements required for applicants for a vehicle dealer license under this section.

**Sec. 13.** RCW 46.70.070 and 1996 c 194 s 2 are each amended to read as follows:

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) ~~((Fifteen))~~ Thirty thousand dollars for motor vehicle dealers;

(b) Thirty thousand dollars for mobile home, park trailer, and travel trailer dealers(~~(:—PROVIDED, That if such dealer does not deal in mobile homes or park trailers such bond shall be fifteen thousand dollars))~~);

(c) Five thousand dollars for miscellaneous dealers,

running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his or her business in conformity with the provisions of this chapter.

Any retail purchaser, consignor who is not a motor vehicle dealer, or a motor vehicle dealer who has purchased from, sold to, or otherwise transacted business with a wholesale dealer, who has suffered any loss or damage by reason of any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. However, under this section, motor vehicle dealers who have purchased from, sold to, or otherwise transacted business with wholesale dealers may only institute actions against wholesale dealers and their surety bonds. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

(3) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies.

**NEW SECTION. Sec. 14.** Section 12 of this act takes effect July 1, 2002."

On page 1, line 2 of the title, after "manufacturers;" strike the remainder of the title and insert "amending RCW 46.70.005, 46.70.011, 46.70.051, 46.70.090, 46.70.101, 46.70.120, 46.70.122, 46.70.130, 46.70.180, 46.70.900, and 46.70.070; reenacting and amending RCW 46.70.041; adding a new section to chapter 46.70 RCW; and providing an effective date."

There being no objection, the House concurred in the Senate amendment to House Bill No. 1581.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of House Bill No. 1581 as amended by the Senate.

Representatives Cooper and Mitchell spoke in favor of the passage of the bill.

Representative Ericksen spoke against passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1581 as amended by the Senate and the bill passed the House by the following vote: Yeas - 73, Nays - 18, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Buck, Cairnes, Carrell, B. Chandler, Clements, Cody, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin,

McDermott, McIntire, Mielke, Miloscia, Mitchell, O'Brien, Ogden, Pennington, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 73.

Voting nay: Representatives Ahern, Benson, Boldt, Bush, Casada, G. Chandler, Conway, Crouse, Dunn, Eickmeyer, Kirby, Lambert, Morell, Mulliken, Pearson, Roach, Schindler and Sump - 18.

Excused: Representatives Campbell, McMorris, Morris, Murray, Poulsen, Sehlin, and Speaker Ballard - 7.

House Bill No. 1581 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1341, with the following amendment:

On page 2, at the beginning of line 35, insert "(1)"

On page 3, after line 12, insert the following:

"(2) If a nursing facility resident becomes eligible for home and community-based waiver service alternatives to nursing facility care, but chooses to continue to reside in a nursing facility, the department must allow that choice. However, if the resident is a medicaid recipient, the resident must require a nursing facility level of care.

(3) If a recipient of home and community-based waiver services may continue to receive home and community-based waiver services, despite an otherwise disqualifying level of income, but chooses to seek admission to a nursing facility, the department must allow that choice. However, if the resident is a medicaid recipient, the resident must require a nursing facility level of care.

(4) The department will fully disclose to all individuals eligible for waiver services under this section the services available in different long-term care settings."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1341.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1341 as amended by the Senate.

Representative Cody spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1341 as amended by the Senate and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington,

Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Campbell, McMorris, Morris, Murray, Poulsen, and Sehlin - 6.

Substitute House Bill No. 1341 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 12, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1394, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that projects that remove impediments to fish passage can greatly increase access to spawning and rearing habitat for depressed, threatened, and endangered fish stocks. Although counties are authorized to use county road funds to replace culverts and other barriers to fish passage, and may conduct streambed and stream bank restoration and stabilization work in conjunction with removal of these fish barriers, counties are reluctant to spend county road funds beyond the county right-of-way because it is unclear whether the use of road funds for this purpose is authorized. The purpose of this act is to clarify that streambed and stream bank restoration and stabilization activities conducted in conjunction with removal of existing barriers to fish passage within county rights-of-way constitute a county road purpose even if this work extends beyond the county right-of-way. The legislature intends this act to be permissive legislation. Nothing in this act is intended to create or impose a legal duty upon counties for salmon recovery work beyond the county right-of-way.

**Sec. 2.** RCW 36.79.140 and 1997 c 81 s 6 are each amended to read as follows:

At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including removal of barriers to fish passage and accompanying streambed and stream bank repair as specified in RCW 36.82.070, and including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account: PROVIDED HOWEVER, That counties with a population of less than eight thousand are exempt from this eligibility restriction: AND PROVIDED FURTHER, That counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are also exempt from this eligibility restriction. The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW

**Sec. 3.** RCW 36.82.070 and 1997 c 189 s 1 are each amended to read as follows:

Any money paid to any county road fund may be used for the construction, alteration, repair, improvement, or maintenance of county roads and bridges thereon and for wharves necessary for ferriage of motor vehicle traffic, and for ferries, and for the acquiring, operating, and maintaining of machinery, equipment, quarries, or pits for the extraction of materials, and for the cost of establishing county roads, acquiring rights-of-way therefor, and expenses for the operation of the county engineering office, and for any of the following programs when directly related to county road purposes: (1) Insurance; (2) self-insurance programs; and (3) risk management programs; and for any other proper county road purpose. Such expenditure may be made either independently or in conjunction with the state or any city, town, or tax district within the county. County road purposes also include the removal of barriers to fish passage related to county roads, and include but are not limited to the following activities associated with the removal of these barriers: Engineering and technical services; stream bank stabilization; streambed restoration; the placement of weirs, rock, or woody debris; planting; and channel modification. County road funds may be used beyond the county right-of-way for activities clearly associated with removal of fish passage barriers that are the responsibility of the county. Activities related to the removal of barriers to fish passage performed beyond the county right-of-way must not exceed twenty-five percent of the total cost of activities related to fish barrier removal on any one project, and the total annual cost of activities related to the removal of barriers to fish passage performed beyond the county rights-of-way must not exceed one-half of one percent of a county's annual road construction budget. The use of county road funds beyond the county right-of-way for activities associated with the removal of fish barriers is permissive, and wholly within the discretion of the county legislative authority. The use of county road funds beyond the county right-of-way for such activities does not create or impose a legal duty upon a county for salmon recovery work beyond the county right-of-way.

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 36.79.140 and 36.82.070; and creating a new section."

There being no objection, the House concurred in the Senate amendment to House Bill No. 1394.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of House Bill No. 1394 as amended by the Senate.

Representatives Eickmeyer and Mitchell spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1394 as amended by the Senate and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Campbell, McMorris, Morris, Murray, Poulsen, and Sehlin - 6.



House Bill No. 1394 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1567, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.52.130 and 1998 c 165 s 11 are each amended to read as follows:

A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer or prospective employer or an agent acting on behalf of an employer or prospective employer, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies. Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual named in the abstract or to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; whether the accident resulted in any fatality; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer. Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(b)(i).

The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall include convictions for RCW 46.61.5249 and 46.61.525 except that the abstract shall report them only as negligent driving without reference to whether they are for first or second degree negligent driving. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own

underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

Any employer or prospective employer or an agent acting on behalf of an employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Release of a certified abstract of the driving record of an employee or prospective employee requires a statement signed by: (1) The employee or prospective employee that authorizes the release of the record, and (2) the employer attesting that the information is necessary to determine whether the licensee should be employed to operate a commercial vehicle or school bus upon the public highways of this state. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

Any negligent violation of this section is a gross misdemeanor.

Any intentional violation of this section is a class C felony."

In line 2 of the title, after "records;" strike the remainder of the title and insert "amending RCW 46.52.130; and prescribing penalties."

There being no objection, the House concurred in the Senate amendment to House Bill No. 1567.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of House Bill No. 1567 as amended by the Senate.

Representatives Fisher and Mitchell spoke in favor of the passage of the bill.

There being no objection, Speaker Ballard was excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1567 as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and

Speaker Chopp - 91.

Excused: Representatives Campbell, McMorris, Morris, Murray, Poulsen, Sehlin, and Speaker Ballard - 7.

House Bill No. 1567 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 1750, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.79.030 and 1987 c 228 s 1 are each amended to read as follows:

The hearing on such petition may be held before the legislative authority, or before a committee thereof upon the date fixed by resolution or at the time said hearing may be adjourned to. If the hearing is before such a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If such hearing be held before such a committee it shall not be necessary to hold a hearing on the petition before such legislative authority. If the legislative authority determines to grant said petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated(~~(, except in the event the subject property or portions thereof were acquired at public expense, compensation may be required in an amount equal to the full appraised value of the vacation: PROVIDED, That such~~)). If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated. The ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services. A certified copy of such ordinance shall be recorded by the clerk of the legislative authority and in the office of the auditor of the county in which the vacated land is located. One-half of the revenue received by the city or town as compensation for the area vacated, must be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city or town."

In line 1 of the title, after "vacations;" strike the remainder of the title and insert "and amending RCW 35.79.030."

There being no objection, the House concurred in the Senate amendment to House Bill No. 1750.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of House Bill No. 1750 as amended by the Senate.

Representatives Fisher and Mitchell spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1750 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Chopp - 93.

Excused: Representatives Morris, Murray, Poulsen, Sehlin, and Speaker Ballard - 5.

House Bill No. 1750 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 13, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5413 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection,, the rules were suspended and Engrossed Substitute Senate Bill No. 5413 was returned to second reading for purposes of amendment.

### SECOND READING

Representative Kagi moved the adoption of the following amendment (199):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 13.34 RCW to read as follows:

(1) Following shelter care and no later than twenty-five days prior to fact-finding, the department, upon the parent's request or counsel for the parent's request, shall facilitate a conference to develop and specify in a written service agreement the expectations of both the department and the parent regarding the care and placement of the child.

The department shall invite to the conference the parent, counsel for the parent, the foster parent or other out-of-home care provider, caseworker, guardian ad litem, counselor, or other relevant health care provider, and any other person connected to the development and well-being of the child.

The initial written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific criteria that enables the court to measure the performance of both the department and the parent, and must be updated throughout the dependency process to reflect changes in expectations. The service agreement must serve as the unifying document for all expectations established in the department's various case planning and case management documents and the findings and orders of the court during dependency proceedings.

The court shall review the written service agreement at each stage of the dependency proceedings and evaluate the performance of both the department and the parent for consistent, measurable progress in complying with the expectations identified in the agreement.

The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department, upon the parent's request, shall facilitate a case conference.

**Sec. 2.** RCW 13.34.062 and 2000 c 122 s 5 are each amended to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number) .

5. You may request that the department facilitate a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, prognostic staffing, or case conference be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be

present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(6) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

**Sec. 3.** RCW 13.34.065 and 2000 c 122 s 7 are each amended to read as follows:

(1) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department.

(2) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child;

or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of

the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

(3) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent and give weight to that fact before ordering return of the child to shelter care.

(4) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(5) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

**Sec. 4.** RCW 13.34.180 and 2000 c 122 s 25 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32

RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge. You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

**Sec. 5.** RCW 13.34.138 and 2000 c 122 s 19 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;



- (iii) Whether there is a continuing need for placement and whether the placement is appropriate;
  - (iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;
  - (v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;
  - (vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;
  - (vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and
  - (viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.
- (c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

**NEW SECTION. Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows:

The department shall, within existing resources, provide to parents requesting a multidisciplinary team, family group conference, prognostic staffing, or case conference, information that describes these processes prior to the processes being undertaken.

**Sec. 7.** RCW 13.34.110 and 2000 c 122 s 11 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

(2)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department of social and health services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

(b) Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

(c) Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must appear before the court and the court within available resources must inquire and establish on the record that:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required

by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection. A parent, guardian, or legal custodian may choose to waive his or her presence at the in-court hearing for entry of the stipulated or agreed order of dependency by submitting to the court through counsel a completed stipulated or agreed dependency fact-finding/disposition statement in a form determined by the Washington state supreme court pursuant to General Rule GR 9.

(3) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: ~~((1))~~ (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; ~~((2))~~ (b) are known to the department as having been in contact with the family or child within the past twelve months; and ~~((3))~~ (c) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

~~The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. ~~((The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.))~~~~

NEW SECTION. Sec. 8. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services shall promulgate rules that create good cause exceptions to the establishment and enforcement of child support from parents of children in out-of-home placement under chapter 13.34 or 13.32A RCW that do not violate federal funding requirements. The department shall present the rules and the department's plan for implementation of the rules to the appropriate committees of the legislature prior to the 2002 legislative session."

Correct the title.

Representatives Kagi and Boldt spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Tokuda and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5413 as amended by the House.

There being no objection, Representatives Kessler, Sommers and Speaker Chopp were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5413 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, and Speaker Ballard - 91.

Excused: Representatives Kessler, Morris, Murray, Poulsen, Sehlin, Sommers, and Speaker Chopp - 7.

Engrossed Substitute Senate Bill No. 5413 as amended by the House, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 16, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5438 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection,, the rules were suspended and Substitute Senate Bill No. 5438 was returned to second reading for purposes of amendment.

### SECOND READING

Representative Doumit moved the adoption of the following amendment (182):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.32.380 and 2000 c 107 s 271 are each amended to read as follows:

(1) Persons who enter upon or use clearly identified department improved access facilities with a motor vehicle may be required to display a current annual fish and wildlife lands vehicle use permit on the motor vehicle while within or while using an improved access facility. An "improved access facility" is a clearly identified area specifically created for motor vehicle parking, and includes any boat launch or boat ramp associated with the parking area, but does not include the department parking facilities at the Gorge Concert Center near George, Washington. ~~((The vehicle use permit is issued in the form of a decal.))~~ One ~~((decal))~~ vehicle use permit shall be issued at no charge with ~~((each))~~ an initial purchase of either an annual saltwater, freshwater,

combination, small game hunting, big game hunting, ~~((and))~~ or trapping license issued by the department. The annual fee for a fish and wildlife lands vehicle use permit, if purchased separately, is ten dollars. A person to whom the department has issued a ~~((decals))~~ vehicle use permit or who has purchased a vehicle use permit separately may purchase ~~((a decal))~~ additional vehicle use permits from the department ~~((for each additional vehicle owned by the person))~~ at a cost of five dollars per ~~((decal upon a showing of proof to the department that the person owns the additional vehicle or vehicles))~~ vehicle use permit. Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities.

Youth groups may use department improved access facilities without possessing a vehicle use permit when accompanied by a vehicle use permit holder.

The department may accept contributions into the state wildlife fund for the sound stewardship of fish and wildlife. Contributors shall be known as "conservation patrons" and, for contributions of twenty dollars or more, shall receive a fish and wildlife lands vehicle use permit free of charge.

(2) The ~~((decals))~~ vehicle use permit must be ~~((affixed in a permanent manner to))~~ displayed from the interior of the motor vehicle so that it is clearly visible from outside of the motor vehicle before entering upon or using the motor vehicle on a department improved access facility~~((, and must be displayed on the rear window of the motor vehicle, or, if the motor vehicle does not have a rear window, on the rear of the motor vehicle))~~. The vehicle use permit can be transferred between two vehicles and must contain space for the vehicle license numbers of each vehicle.

(3) Failure to display the fish and wildlife lands vehicle use permit if required by this section is an infraction under chapter 7.84 RCW, and department employees are authorized to issue a notice of infraction to the registered owner of any motor vehicle entering upon or using a department improved access facility without such a ~~((decals))~~ vehicle use permit. The penalty for failure to clearly display ~~((or improper display of))~~ the ~~((decals))~~ vehicle use permit is sixty-six dollars. This penalty is reduced to thirty dollars if the registered owner provides proof to the court that he or she purchased a decal within fifteen days after the issuance of the notice of violation.

Representative Doumit moved the adoption of the following amendment (194) to the striking amendment:

On page 2, line 20 of the amendment, after "a" strike "decal" and insert "vehicle use permit"

Representative Doumit spoke in favor of adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

The question before the House was the adoption of the striking amendment as amended. Representative Doumit spoke in favor of the adoption of the striking amendment as amended.

The striking amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Doumit spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5438 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5438 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 91.

Excused: Representatives Kessler, Morris, Murray, Poulsen, Sehlin, Sommers, and Speaker Chopp - 7.

Substitute Senate Bill No. 5438 as amended by the House, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 13, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5637 and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection,, the rules were suspended and Substitute Senate Bill No. 5637 was returned to second reading for purposes of amendment.

### SECOND READING

Representative Doumit moved the adoption of the following amendment (198):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that a comprehensive program of monitoring is fundamental to making sound public policy and programmatic decisions regarding salmon recovery and watershed health. Monitoring provides accountability for results of management actions and provides the data upon which an adaptive management framework can lead to improvement of strategies and programs. Monitoring is also a required element of any salmon recovery plan submitted to the federal government for approval. While numerous agencies and citizen organizations are engaged in monitoring a wide range of salmon recovery and watershed health parameters, there is a greater need for coordination of monitoring efforts, for using limited monitoring resources to obtain information most useful for achieving relevant local, state, and federal requirements regarding watershed health and salmon recovery, and for making the information more accessible to those agencies and organizations implementing watershed health programs and projects. Regarding salmon recovery monitoring, the state independent science panel has concluded that many programs already monitor indicators relevant to salmonids, but the efforts are largely uncoordinated or unlinked among programs, have different objectives, use different indicators, lack support for sharing data, and lack shared statistical designs to address specific issues raised by listing of salmonid species under the federal endangered species act.

Therefore, it is the intent of the legislature to encourage the refocusing of existing agency monitoring activities necessary to implement a comprehensive watershed health monitoring program, with a focus on salmon

recovery. The program should: Be based on a framework of greater coordination of existing monitoring activities; require monitoring activities most relevant to adopted local, state, and federal watershed health objectives; and facilitate the exchange of monitoring information with agencies and organizations carrying out watershed health, salmon recovery, and water resources management planning and programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.82 RCW to read as follows:

In conducting assessments and other studies that include monitoring components or recommendations, the department and planning units shall implement the monitoring recommendations developed under section 3 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.85 RCW to read as follows:

(1) The monitoring oversight committee is hereby established. The committee shall be comprised of the directors or their designated representatives of:

- (a) The salmon recovery office;
- (b) The department of ecology;
- (c) The department of fish and wildlife;
- (d) The conservation commission;
- (e) The Puget Sound action team;
- (f) The department of natural resources;
- (g) The department of transportation; and
- (h) The interagency committee for outdoor recreation.

(2) The director of the salmon recovery office and the chair of the salmon recovery funding board, or their designees, shall cochair the committee. The cochairs shall convene the committee as necessary to develop, for the consideration of the governor and legislature, a comprehensive and coordinated monitoring strategy and action plan on watershed health with a focus on salmon recovery. The committee shall invite representation from the treaty tribes to participate in the committee's efforts. In addition, the committee shall invite participation by other state, local, and federal agencies and other entities as appropriate. The committee shall address the monitoring recommendations of the independent science panel provided under RCW 77.85.040(7) and of the joint legislative audit and review committee in its report number 01-1 on investing in the environment.

(3) The independent science panel shall act as an advisor to the monitoring oversight committee and shall review all work products developed by the committee and make recommendations to the committee cochairs.

(4) A legislative steering committee is created consisting of four legislators. Two of the legislators shall be members of the house of representatives, each representing different major political parties, appointed by the co-speakers of the house of representatives. The other two legislators shall be members of the senate, each representing different major political parties, appointed by the president of the senate. The monitoring oversight committee shall provide briefings to the legislative steering committee on a quarterly basis on the progress that the oversight committee is making on the development of the coordinated monitoring strategy and action plan, and the establishment of an adaptive management framework. The briefings shall include information on how the monitoring strategy will be coordinated with other government efforts, expected benefits and efficiencies that will be achieved, recommended funding sources and funding levels that will ensure stable sources of funding for monitoring, and the efforts and cooperation provided by agencies to improve coordination of their activities.

(5) The committee shall make recommendations to individual agencies to improve coordination of monitoring activities.

(6) The committee shall:

- (a) Define the monitoring goals, objectives, and questions that must be addressed as part of a comprehensive statewide salmon recovery monitoring and adaptive management framework;
- (b) Identify and evaluate existing monitoring activities for inclusion in the framework, while ensuring data consistency and coordination and the filling of monitoring gaps;
- (c) Recommend statistical designs appropriate to the objectives;
- (d) Recommend performance measures appropriate to the objectives and targeted to the appropriate geographical, temporal, and biological scales;

- (e) Recommend standardized monitoring protocols for salmon recovery and watershed health;
- (f) Recommend procedures to ensure quality assurance and quality control of all relevant data;
- (g) Recommend data transfer protocols to support easy access, sharing, and coordination among different collectors and users;
- (h) Recommend ways to integrate monitoring information into decision making;
- (i) Recommend organizational and governance structures for oversight and implementation of the coordinated monitoring framework;
- (j) Recommend stable sources of funding that will ensure the continued operation and maintenance of the state's salmon recovery and watershed health monitoring programs, once established; and
- (k) Identify administrative actions that will be undertaken by state agencies to implement elements of the coordinated monitoring program.

(7) In developing the coordinated monitoring strategy, the committee shall coordinate with other appropriate state, federal, local, and tribal monitoring efforts, including but not limited to the Northwest power planning council, the Northwest Indian fisheries commission, the national marine fisheries service, and the United States fish and wildlife service. The committee shall also consult with watershed planning units under chapter 90.82 RCW, lead entities under this chapter, professional organizations, and other appropriate groups.

(8) The cochairs shall provide an interim report to the governor and the members of the appropriate legislative committees by March 1, 2002, on the progress made in implementing this section. By December 1, 2002, the committee shall provide a monitoring strategy and action plan to the governor, and the members of the appropriate legislative committees for achieving a comprehensive watershed health monitoring program with a focus on salmon recovery. The strategy and action plan shall document the results of the committee's actions in addressing the responsibilities described in subsection (6) of this section. In addition, the monitoring strategy and action plan shall include an assessment of existing state agency operations related to monitoring, evaluation, and adaptive management of watershed health and salmon recovery, and shall recommend any operational or statutory changes and funding necessary to fully implement the enhanced coordination program developed under this section. The plan shall make recommendations based upon the goal of fully realizing an enhanced and coordinated monitoring program by June 30, 2007.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Doumit spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the House deferred action on Substitute Senate Bill No. 5637, and the bill held its place on the Second Reading calendar.

#### MESSAGE FROM THE SENATE

April 13, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5695 and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Engrossed Second Substitute Senate Bill No. 5695 was returned to second reading for purposes of amendment.

**SECOND READING**

Representative Anderson moved the adoption of the following amendment (200):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares:

- (1) Teacher qualifications and effectiveness are the most important influences on student learning in schools.
- (2) Preparation of individuals to become well-qualified, effective teachers must be high quality.
- (3) Teachers who complete high-quality alternative route programs with intensive field-based experience, adequate coursework, and strong mentorship do as well or better than teachers who complete traditional preparation programs.
- (4) High-quality alternative route programs can provide more flexibility and expedience for individuals to transition from their current career to teaching.
- (5) High-quality alternative route programs can help school districts fill subject matter shortage areas and areas with shortages due to geographic location.
- (6) Regardless of route, all candidates for residency teacher certification must meet the high standards required by the state.

The legislature recognizes widespread concerns about the potential for teacher shortages and finds that classified instructional staff in public schools represent a great untapped resource for recruiting the teachers of the future.

**NEW SECTION. Sec. 2.** There is hereby created a statewide partnership grant program to provide new high-quality alternative routes to residency teacher certification. To the extent funds are appropriated for this specific purpose, funds provided under this partnership grant program shall be used solely for school districts, or consortia of school districts, to partner with state-approved higher education teacher preparation programs to provide one or more of three alternative route programs in section 5 of this act, aimed at recruiting candidates to teaching in subject matter shortage areas and areas with shortages due to geographic location. Districts, or consortia of districts, may also include their educational service districts in their partnership grant program. Partnership programs receiving grants may enroll candidates as early as January 2002.

**NEW SECTION. Sec. 3.** (1) Each district or consortia of school districts applying for state funds through this program shall submit a proposal to the Washington professional educator standards board specifying:

- (a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;
- (b) The number of candidates that will be enrolled per route;
- (c) An identification, indication of commitment, and description of the role of approved teacher preparation programs that are partnering with the district or consortia of districts;
- (d) An assurance of district provision of adequate training for mentor teachers either through participation in a state mentor training academy or district-provided training that meets state-established mentor-training standards specific to the mentoring of alternative route candidates;
- (e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;
- (f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in section 5 of this act; and
- (g) The design and use of a teacher development plan for each candidate. The plan shall specify the



alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. For route one and two candidates, before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision. For route three candidates, the mentor of the teacher candidate shall make the decision;

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the state board of education;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; and

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program.

(2) Districts may apply for program funds to pay stipends to both mentor teachers and interns during their mentored internship. For both intern stipends and accompanying mentor stipends, the per intern district request for funds may not exceed the amount designated by the BA+0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships and mentorships that last less than a full school year. Interns in the program for a full year shall be provided a stipend of at least eighty percent of the amount generated by the BA+0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships that last less than a full school year.

**NEW SECTION. Sec. 4.** (1) The professional educator standards board, with support from the office of the superintendent of public instruction, shall select school districts and consortia of school districts to receive partnership grants from funds appropriated by the legislature for this purpose. Factors to be considered in selecting proposals include:

(a) The degree to which the district, or consortia of districts in partnership, are currently experiencing teacher shortages;

(b) The degree to which the proposal addresses criteria specified in section 3 of this act and is in keeping with specifications of program routes in section 5 of this act;

(c) The cost-effectiveness of the proposed program; and

(d) Any demonstrated district and in-kind contributions to the program.

(2) Selection of proposals shall also take into consideration the need to ensure an adequate number of candidates for each type of route in order to evaluate their success.

(3) Funds appropriated for the partnership grant program in this chapter shall be administered by the office of the superintendent of public instruction.

**NEW SECTION. Sec. 5.** Partnership grants funded under this chapter shall operate one to three specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. For route one and two candidates, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate has successfully completed the program. For route three candidates, the mentor of the teacher candidate shall make the determination that the candidate has successfully completed the program.

(1) Partnership grant programs seeking funds to operate route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is

anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

- (a) District or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee;
- (b) Successful passage of the statewide basic skills exam, when available; and
- (c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) Partnership grant programs seeking funds to operate route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via video-conference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

- (a) District or building validation of qualifications, including three years of successful student interaction and leadership as classified staff;
- (b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;
- (c) Successful completion of the content test, once the state content test is available;
- (d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and
- (e) Successful passage of the statewide basic skills exam, when available.

(3) Partnership grant programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application, or who hold emergency substitute certificates. When selecting candidates for certification through route three, districts shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. For route three only, the districts may include additional candidates in nonshortage subject areas if the candidates are seeking endorsements with a secondary grade level designation as defined by rule by the state board of education. The districts shall disclose to candidates in nonshortage subject areas available information on the demand in those subject areas. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

- (a) Five years' experience in the work force;
- (b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;
- (c) Successful completion of the content test, once the state content test is available;
- (d) External validation of qualifications, including demonstrated successful experience with students or children, such as references letters and letters of support from previous employers;
- (e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and
- (f) Successful passage of statewide basic skills exams, when available.

**NEW SECTION. Sec. 6.** The alternative route conditional scholarship program is created under the following guidelines:

- (1) The program shall be administered by the higher education coordinating board. In administering the program, the higher education coordinating board has the following powers and duties:
  - (a) To adopt necessary rules and develop guidelines to administer the program;
  - (b) To collect and manage repayments from participants who do not meet their service obligations; and
  - (c) To accept grants and donations from public and private sources for the program.

(2) Participation in the alternative route conditional scholarship program is limited to classified staff in routes one and two of the partnership grant programs under section 5 of this act. The Washington professional educator standards board shall select classified staff to receive conditional scholarships.

(3) In order to receive conditional scholarship awards, recipients shall be accepted and maintain enrollment in alternative certification routes through the partnership grant program, as provided in section 5 of this act. Recipients must continue to make satisfactory progress towards completion of the alternative route certification program and receipt of a residency teaching certificate.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients that fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) To the extent funds are appropriated for this specific purpose, the annual amount of the scholarship is the annual cost of tuition for the alternative route certification program in which the recipient is enrolled, not to exceed four thousand dollars. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(7) The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in the student loan account authorized in RCW 28B.102.060.

NEW SECTION. **Sec. 7.** This chapter expires June 30, 2005.

NEW SECTION. **Sec. 8.** The Washington state institute for public policy shall submit to the education and fiscal committees of the legislature, the governor, the state board of education, and the Washington professional educator standards board, an interim evaluation of partnership grant programs funded under this chapter by December 1, 2002, and a final evaluation by December 1, 2004. If specific funding for the purposes of this section, referencing this section and this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this section is null and void.

NEW SECTION. **Sec. 9.** Sections 1 through 8 and 10 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. **Sec. 10.** School districts or approved private schools' ability to employ personnel under certification for emergency or temporary, substitute, or provisional duty as authorized by chapter 28A.410 RCW are not affected by the provisions of this act."

On page 1, line 2 of the title, after "certification;" strike the remainder of the title and insert "adding a new chapter to Title 28A RCW; creating a new section; and providing an expiration date."

Representatives Anderson, Haigh, Talcott, Haigh (again), and Schual-Berke spoke in favor of adoption of the amendment.

Representatives Cox, Benson and Bush spoke against adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Anderson and Quall spoke in favor of passage of the bill.

Representative Bush spoke against passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5695 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5695 as amended by the House and the bill passed the House by the following vote: Yeas - 75, Nays - 14, Absent - 0, Excused - 9.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Berkey, Buck, Cairnes, Carrell, Casada, B. Chandler, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 75.

Voting nay: Representatives Ahern, Armstrong, Benson, Boldt, Bush, G. Chandler, Cox, Crouse, Dunn, McMorris, Mielke, Mulliken, Schindler and Sump - 14.

Excused: Representatives Campbell, Clements, Cody, Kessler, Morris, Poulsen, Sehlin, Sommers, and Speaker Chopp - 9.

Engrossed Second Substitute Senate Bill No. 5695 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on Engrossed Second Substitute Senate Bill No. 5695.

JIM CLEMENTS, 14<sup>th</sup> District

There being no objection, the House returned to consideration on SUBSTITUTE SENATE BILL NO. 5637.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Doumit spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5637 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5637 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody,

Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 92.

Excused: Representatives Kessler, Morris, Poulsen, Sehlin, Sommers, and Speaker Chopp - 6.

Substitute Senate Bill No. 5637 as amended by the House, having received the necessary constitutional majority, was declared passed.

**MESSAGES FROM THE SENATE**

April 18, 2001

Mr. Speakers:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1042,  
HOUSE BILL NO. 1095,  
SUBSTITUTE HOUSE BILL NO. 1259,  
SUBSTITUTE HOUSE BILL NO. 1320,  
SUBSTITUTE HOUSE BILL NO. 1365,  
SUBSTITUTE HOUSE BILL NO. 1384,  
SUBSTITUTE HOUSE BILL NO. 1591,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1658,  
SECOND SUBSTITUTE HOUSE BILL NO. 1752,  
SUBSTITUTE HOUSE BILL NO. 1891,  
HOUSE BILL NO. 1895,  
HOUSE BILL NO. 2029,  
SUBSTITUTE HOUSE BILL NO. 2041,  
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 18, 2001

Mr. Speakers:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5468,  
SENATE BILL NO. 5921,  
SUBSTITUTE SENATE BILL NO. 5986,  
SENATE JOINT MEMORIAL NO. 8019,  
ENGROSSED SENATE JOINT RESOLUTION NO. 8208,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1287,  
SUBSTITUTE HOUSE BILL NO. 1295,  
HOUSE BILL NO. 1361,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1832,  
HOUSE BILL NO. 1846,

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

There being no objection, the House adjourned until 10:00 a.m., April 19, 2001, the 102<sup>nd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Thursday, April 19, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heather Fakkema and Dash Miller. Prayer was offered by Representative Phyllis Kenney.

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

**MESSAGES FROM THE SENATE**

April 18, 2001

Mr. Speakers:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1498, and passed the bill without said amendments, and the same is herewith transmitted.

Tony M. Cook, Secretary

April 18, 2001

Mr. Speakers:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997, and passed the bill without said amendments, and the same is herewith transmitted.

Tony M. Cook, Secretary

April 18, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5443,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5583,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5703,  
ENGROSSED SENATE BILL NO. 5790,  
SUBSTITUTE SENATE BILL NO. 5910,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE SENATE BILL NO. 5468,  
SENATE BILL NO. 5921,  
SUBSTITUTE SENATE BILL NO. 5986,

**MESSAGE FROM THE SENATE**

April 18, 2001

Mr. Speakers:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5443,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5583,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5703,  
ENGROSSED SENATE BILL NO. 5790,  
SUBSTITUTE SENATE BILL NO. 5910,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5443,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5583,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5703,  
ENGROSSED SENATE BILL NO. 5790,  
SUBSTITUTE SENATE BILL NO. 5910,

**MESSAGE FROM THE SENATE**

April 19, 2001

Mr. Speakers:

The President has signed:

HOUSE BILL NO. 1287,  
SUBSTITUTE HOUSE BILL NO. 1295,  
HOUSE BILL NO. 1361,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1832,  
HOUSE BILL NO. 1846,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Ogden presiding) introduced to the Chamber, The Honorable Mr. Jorge Madrazo, the new Consul of Mexico. Joining Mr. Madrazo was Mr. Roberto Caldera Arroyo, Deputy Consul. Mr. Madrazo addressed the body.



April 17, 2001

Mr. Speakers:

The Senate receded from the amendment by Senators Spanel, Honeyford, Zarelli and Fairly to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625. Under suspension of the rules Engrossed Substitute House Bill No. 1625, was returned to second reading for purpose of amendment. The Senate adopted amendment 1625-S.E AAS 04/17/01 S-2695.1, and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 1999 c 379 s 112 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Development Loan Fund (88-2-006) (00-2-004)

Reappropriation:

State Building Construction Account--State .....	\$	558,716	
Washington State Development Loan Account--( <del>State</del> ) <u>Federal</u> .....	\$	2,439,932	
		-----	
..... Subtotal Reappropriation	\$		2,99

Appropriation:

Washington State Development Loan Account--( <del>State</del> ) <u>Federal</u> .....	\$	3,500,000	
Prior Biennia (Expenditures) .....	\$	805,237	
Future Biennia (Projected Costs).....	\$	18,000,000	
		-----	
..... TOTAL	\$		25,3

**Sec. 2.** 1999 c 379 s 758 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works: Program (00-1-130)

The appropriation in this section are subject to the following conditions and limitations:

(1) \$350,000 is provided for technical engineering analysis and financial planning regarding the conversion to digital transmission for Washington public broadcast stations. The financial plan shall assess state, federal, nonprofit foundations, viewer donations, and other sources of revenue to implement the conversion from analog to digital transmission. The provision of these study funds do not imply a further commitment of funding by the state of Washington.

(2) Funding is provided (~~from the state building construction account~~) as capital project matching funds to the following colleges: Wenatchee Valley, \$250,000; Clark, \$250,000; Lake Washington, \$300,000; Bellevue, \$500,000; Walla Walla, \$500,000; Grays Harbor, \$400,000. State funds shall be matched by an equal or greater amount of nonstate moneys.

(3) Following the allocation of funds for the projects in subsections (1) and (2) of this section, the appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State .....	\$	15,050,000
Community and Technical Colleges Capital Projects Account--State .....	\$	1,800,000
		-----

.....	Subtotal Appropriation	\$	16,8
Prior Biennia (Expenditures) .....		\$	0
Future Biennia (Projected Costs).....		\$	0
.....	TOTAL	-----	\$

**Sec. 3.** 2000 2nd sp.s. c 1 s 1008 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building Renovation

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) (~~(\$2,000,000)~~) \$4,500,000 of the appropriation in this section is provided for design of the interior rehabilitation and exterior preservation ~~((of))~~ and earthquake-related costs associated with the state legislative building ~~((consistent with the recommendations of the commission on legislative building preservation and renovation)).~~ Funds in this subsection are also provided for planning ~~((and development of)),~~ developing, and securing relocation space for current and future construction projects related to the capitol historic district ~~((as well as access))~~ and site improvements ~~((to the south portico area)).~~

(3) The department, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;

(b) The goal shall be to reoccupy the building in time for the 2004 legislative session;

(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pritchard building, the Cherberg building, and the Newhouse building;

(d) The department shall temporarily move the state library to the Sunset Life building by June 30, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

(i) The office of the insurance commissioner shall be moved to leased space in Thurston county;

(ii) The office of the governor shall be moved to the Insurance building;

(iii) The office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus; and

(iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;

(f) The state legislative building shall be completely vacated by September 15, 2001, to make it available for renovation by the contractor; and

(g) State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(4) \$1,000,000 of the appropriation in this section is provided for associated studies including:

(a) A private financing feasibility study;

(b) An investigation of exterior sandstone attachment; and

(c) A space use programming study to include:

(i) A prioritization of uses within the legislative building based on functional affiliation with the legislative process and the ceremonial functions of state-wide office holders that takes into consideration emerging telecommunication capabilities;

(ii) An analysis of space efficiency and space use related to legislative and state-wide ceremonial functions in the following buildings: Cherberg, O'Brien, Pritchard, Newhouse, the governor's mansion, and insurance;

(iii) A review of alternative uses and expansion capabilities for buildings on the capitol campus; and

(iv) By November 30, 2000, the department shall submit a report to the appropriate committees of the legislature on the recommendations of the space use programming study. These recommendations shall be the basis for the planning and development of relocation space for the capitol historic district (~~as specified in subsection (2) of this section~~).

~~((4))~~ (5) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall:

(a) Develop criteria and guidelines for the space programming study; and

(b) Periodically advise the department regarding the renovation under subsection (3) of this section, the receipt and use of private funds, and other issues that may arise.

~~((5))~~ (6) From the appropriation in this section, up to \$10,000 or an amount based on an appraised value may be expended to acquire a photo and document collection of historic significance that depicts legislative activities and facilities.

(7) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and September 15, 2001, and shall consult with the legislature and governor on major decisions.

Appropriation:

Capitol Building Construction Account .....	\$	3,000,000	
<u>Thurston County Facilities Account</u> .....	\$	<u>2,500,000</u>	
		-----	
..... <u>Subtotal Appropriation</u>		\$	<u>5,500,000</u>
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	102,500,000	
		-----	
..... TOTAL	\$	\$	<u>108,000,000</u> ((40

**Sec. 4.** 2000 2nd sp.s. c 1 s 1013 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center: Phase I (00-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) The appropriation in this section is provided for design, sitework, and construction costs associated with building the first ~~((48-bed))~~ housing unit for the special commitment center located at McNeil Island. The department of social and health services shall notify the office of financial management and the legislative fiscal committees if there are changes to the scheduled March 2002 occupancy date.

(3) Within the funds provided in this section, the department of social and health services shall evaluate options and site locations for less restrictive alternative placements. The department of social and health services shall provide a report to the office of financial management and the legislative fiscal committees detailing the results of this evaluation, including statutory changes necessary to implement preferred options by November 15, 2000.

Appropriation:

JOURNAL OF THE HOUSE

State Building Construction Account--State .....	\$	14,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	50,000,000	
		-----	
..... TOTAL			\$

NEW SECTION. **Sec. 5.** A new section is added to 1999 c 379 (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma Land Acquisition (01-2-029)

Appropriation:

Education Construction Account--State .....	\$	2,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	4,000,000	
		-----	
..... TOTAL			\$ 6,500,000

**Sec. 6.** 1999 c 379 s 937 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	310,000	
--	----	---------	--

Appropriation:

State Building Construction Account--State .....	\$	5,900,000	
<u>Education Construction Account--State</u> .....	\$	<u>1,315,000</u>	
		-----	
..... <u>Subtotal Appropriation</u>			\$ 7,215,000

Prior Biennia (Expenditures) .....	\$	79,717	
Future Biennia (Projected Costs).....	\$	0	
		-----	

..... TOTAL			\$ 7,604,717
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NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1999 c 379 ss 112, 758, and 937 (uncodified); amending 2000 2nd sp.s. c 1 ss 1008 and 1013 (uncodified); adding a new section to 1999 c 379 (uncodified); making appropriations; authorizing expenditures for capital improvements;

and declaring an emergency."

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 1625 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 3, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1391, with the following amendments(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 44.04 RCW to read as follows:

The joint legislative audit and review committee, the legislative transportation committee, the joint committee on pension policy, the legislative evaluation and accountability program committee, and the joint legislative systems committee are subject to such operational policies, procedures, and oversight as are deemed necessary by the facilities and operations committee of the senate and the executive rules committee of the house of representatives to ensure operational adequacy of the agencies of the legislative branch. As used in this section, "operational policies, procedures, and oversight" includes the development process of biennial budgets, contracting procedures, personnel policies, and compensation plans, selection of a chief administrator, facilities, and expenditures. This section does not grant oversight authority to the facilities and operations committee of the senate over any standing committee of the house of representatives or oversight authority to the executive rules committee of the house of representatives over any standing committee of the senate.

**NEW SECTION. Sec. 2.** A new section is added to chapter 44.28 RCW to read as follows:

The administration of the joint legislative audit and review committee is subject to section 1 of this act.

**Sec. 3.** RCW 44.28.060 and 1996 c 288 s 7 are each amended to read as follows:

The members of the joint committee shall form an executive committee consisting of one member from each of the four major political caucuses, which shall include a chair and a vice-chair. The chair and vice-chair shall serve for a period not to exceed two years. The chair and the vice-chair may not be members of the same political party. The chair shall alternate between the members of the majority parties in the senate and the house of representatives.

Subject to section 1 of this act, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the joint committee, as well as other duties delegated to it by the joint committee. The executive committee shall recommend applicants for the position of the legislative auditor to the membership of the joint committee. The legislative auditor shall be hired with the approval of a majority of the membership of the joint committee. Subject to section 1 of this act, the executive committee shall set the salary of the legislative auditor.

The joint committee shall adopt rules and procedures for its orderly operation. The joint committee may create subcommittees to perform duties under this chapter.

**Sec. 4.** RCW 44.28.065 and 1996 c 288 s 8 are each amended to read as follows:

The legislative auditor shall:

- (1) Establish and manage the office of the joint legislative audit and review committee to carry out the functions of this chapter;
- (2) Direct the audit and review functions described in this chapter and ensure that performance audits are performed in accordance with the "Government Auditing Standards" published by the comptroller general of the United States as applicable to the scope of the audit;
- (3) Make findings and recommendations to the joint committee and under its direction to the committees

of the state legislature concerning the organization and operation of state agencies and the expenditure of state funds by units of local government;

(4) Subject to section 1 of this act, in consultation with and with the approval of the executive committee, hire staff necessary to carry out the purposes of this chapter. Subject to section 1 of this act, employee salaries, other than the legislative auditor, shall be set by the legislative auditor with the approval of the executive committee;

(5) Assist the several standing committees of the house and senate in consideration of legislation affecting state departments and their efficiency; appear before other legislative committees; and assist any other legislative committee upon instruction by the joint legislative audit and review committee;

(6) Provide the legislature with information obtained under the direction of the joint legislative audit and review committee;

(7) Maintain a record of all work performed by the legislative auditor under the direction of the joint legislative audit and review committee and keep and make available all documents, data, and reports submitted to the legislative auditor by any legislative committee.

**NEW SECTION. Sec. 5.** A new section is added to chapter 44.40 RCW to read as follows:  
The administration of the legislative transportation committee is subject to section 1 of this act.

**Sec. 6.** RCW 44.40.015 and 1999 sp.s. c 1 s 617 are each amended to read as follows:

The members of the legislative transportation committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

Subject to section 1 of this act, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, determining the number of legislative transportation committee staff, and other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation committee, and subject to section 1 of this act, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, and setting policies for legislative transportation ((committee [committee])) committee staff utilization.

**Sec. 7.** RCW 44.40.040 and 1979 c 151 s 157 are each amended to read as follows:

The members of the legislative transportation committee and the house and senate transportation committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120 ((as now or hereafter amended)). Subject to section 1 of this act, all expenses incurred by the committee, and the house and senate transportation committees, including salaries of employees of the legislative transportation committee, shall be paid upon voucher forms as provided by the office of financial management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

**Sec. 8.** RCW 44.40.090 and 1977 ex.s. c 235 s 10 are each amended to read as follows:

Subject to section 1 of this act, powers and duties enumerated by this chapter shall be delegated to the senate and house transportation committees during periods when the legislative transportation committee is not appointed.

**Sec. 9.** RCW 44.40.100 and 1977 ex.s. c 235 s 11 are each amended to read as follows:

Subject to section 1 of this act, the legislative transportation committee ((and/or)) and the senate and house transportation committees may enter into contracts on behalf of the state to carry out the purposes of this

chapter ((44.40 RCW as amended)); and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

**NEW SECTION. Sec. 10.** A new section is added to chapter 44.44 RCW to read as follows:  
The administration of the joint committee on pension policy is subject to section 1 of this act.

**Sec. 11.** RCW 44.44.030 and 1987 c 25 s 2 are each amended to read as follows:

(1) Subject to section 1 of this act, the state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the actuary and approved by the joint committee on pension policy, and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

(2) All actuarial valuations and experience studies performed by the office of the state actuary shall be signed by a member of the American academy of actuaries. If the state actuary is not such a member, the state actuary, after approval by the committee, shall contract for a period not to exceed two years with a member of the American academy of actuaries to assist in developing actuarial valuations and experience studies.

**NEW SECTION. Sec. 12.** A new section is added to chapter 44.48 RCW to read as follows:

The administration of the legislative evaluation and accountability program committee is subject to section 1 of this act.

**Sec. 13.** RCW 44.48.050 and 1977 ex.s. c 373 s 5 are each amended to read as follows:

Subject to section 1 of this act, all expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the administrator and signed by the chairman or vice chairman of the committee and attested by the secretary of said committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated by law for the committee: PROVIDED, That the senate and the house may authorize the committee to draw on funds appropriated by the legislature for legislative expenses.

**Sec. 14.** RCW 44.48.090 and 1979 c 151 s 158 are each amended to read as follows:

The committee shall have the following powers:

(1) To have timely access, upon written request of the administrator, to all machine readable, printed, and other data of state agencies relative to expenditures, budgets, and related fiscal matters;

(2) To suggest changes relative to state accounting and reporting systems to the office of financial management or its successor and to require timely written responses to such suggestions; and

(3) Subject to section 1 of this act, to enter into contracts; and when entering into any contract for computer access, make necessary provisions relative to the scheduling of computer time and usage in recognition of the unique requirements and priorities of the legislative process.

**Sec. 15.** RCW 44.48.120 and 1977 ex.s. c 373 s 12 are each amended to read as follows:

The committee is hereby authorized and empowered to appoint an officer to be known as the LEAP administrator who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee.

Subject to section 1 of this act, the committee is hereby authorized and empowered to select and employ temporary and permanent personnel and fix their salaries.

The duties of the administrator shall be as follows:

(1) To manage the LEAP operations.

(2) To assist the several standing committees of the house and senate; to appear before other legislative

committees; and to assist any other legislative committee upon instruction by the committee.

(3) To provide the legislature with information obtained under the direction of the committee.

(4) To maintain a record of all work performed by the administrator under the direction of the committee and to keep and make available all documents, data, and reports submitted to the administrator by any legislative committee.

**NEW SECTION. Sec. 16.** A new section is added to chapter 44.68 RCW to read as follows:  
The administration of the joint legislative systems committee is subject to section 1 of this act.

**Sec. 17.** RCW 44.68.040 and 1986 c 61 s 4 are each amended to read as follows:

Subject to section 1 of this act:

(1) The systems committee, after consultation with the administrative committee, shall employ a legislative systems coordinator. The coordinator shall serve at the pleasure of the systems committee, which shall fix the coordinator's salary.

(2) The coordinator shall serve as the executive and administrative head of the center, and shall assist the administrative committee in managing the information processing and communications systems of the legislature as directed by the administrative committee.

**Sec. 18.** RCW 44.68.050 and 1986 c 61 s 5 are each amended to read as follows:

The administrative committee shall, subject to the approval of the systems committee and subject to section 1 of this act:

(1) Adopt policies, procedures, and standards regarding the information processing and communications systems of the legislature;

(2) Establish appropriate charges for services, equipment, and publications provided by the legislative information processing and communications systems, applicable to legislative and nonlegislative users as determined by the administrative committee;

(3) Employ or engage and fix the compensation for personnel required to carry out the purposes of this chapter;

(4) Enter into contracts for (a) the sale, exchange, or acquisition of equipment, supplies, services, and facilities required to carry out the purposes of this chapter and (b) the distribution of legislative information;

(5) Generally assist the systems committee in carrying out its responsibilities under this chapter, as directed by the systems committee."

In line 1 of the title, after "legislature;" strike the remainder of the title and insert "amending RCW 44.28.060, 44.28.065, 44.40.015, 44.40.040, 44.40.090, 44.40.100, 44.44.030, 44.48.050, 44.48.090, 44.48.120, 44.68.040, and 44.68.050; adding a new section to chapter 44.04 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 44.40 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 44.48 RCW; and adding a new section to chapter 44.68 RCW."

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1391 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 4, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1680, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds and declares that a contracting procedure that



facilitates construction of transportation facilities in a more timely manner may occasionally be necessary to ensure that construction can proceed simultaneously with the design of the facility. The legislature further finds that the design-build process and other alternative project delivery concepts achieve the goals of time savings and avoidance of costly change orders.

The legislature finds and declares that a 2001 audit, conducted by Talbot, Korvola & Warwick, examining the Washington state ferries' capital program resulted in a recommendation for improvements and changes in auto ferry procurement processes. The auditors recommended that auto ferries be procured through use of a modified request for proposals process whereby the prevailing shipbuilder and Washington state ferries engage in a design and build partnership. This process promotes ownership of the design by the shipbuilder while using the department of transportation's expertise in ferry design and operations. Alternative processes like design-build partnerships can promote innovation and create competitive incentives that increase the likelihood of finishing projects on time and within the budget.

The purpose of this act is to authorize the department's use of a modified request for proposals process for procurement of auto ferries, and to prescribe appropriate requirements and criteria to ensure that contracting procedures for this procurement process serve the public interest.

NEW SECTION. Sec. 2. A new section is added to chapter 47.20 RCW to read as follows:

The department of transportation shall develop a process for awarding competitively bid highway construction contracts for projects over ten million dollars that may be constructed using a design-build procedure. As used in this section and section 3 of this act, "design-build procedure" means a method of contracting under which the department of transportation contracts with another party for the party to both design and build the structures, facilities, and other items specified in the contract.

The process developed by the department must, at a minimum, include the scope of services required under the design-build procedure, contractor prequalification requirements, criteria for evaluating technical information and project costs, contractor selection criteria, and issue resolution procedures. In addition, the department should provide methods by which public employees may participate in the design-build process. This section expires April 30, 2008.

NEW SECTION. Sec. 3. A new section is added to chapter 47.20 RCW to read as follows:

The department of transportation may use the design-build procedure for public works projects over ten million dollars where:

- (1) The construction activities are highly specialized and a design-build approach is critical in developing the construction methodology; or
- (2) The projects selected provide opportunity for greater innovation and efficiencies between the designer and the builder; or
- (3) Significant savings in project delivery time would be realized.

This section expires April 30, 2008.

NEW SECTION. Sec. 4. A new section is added to chapter 47.60 RCW to read as follows:

(1) The department may purchase new auto ferries through use of a modified request for proposals process whereby the prevailing shipbuilder and the department engage in a design and build partnership for the design and construction of the auto ferries. The process consists of the three phases described in subsection (2) of this section.

(2) The definitions in this subsection apply throughout sections 5 through 10 of this act.

(a) "Phase one" means the evaluation and selection of proposers to participate in development of technical proposals in phase two.

(b) "Phase two" means the preparation of technical proposals by the selected proposers in consultation with the department.

(c) "Phase three" means the submittal and evaluation of bids, the award of the contract to the successful proposer, and the design and construction of the auto ferries.

NEW SECTION. Sec. 5. A new section is added to chapter 47.60 RCW to read as follows:

To commence the request for proposals process, the department shall publish a notice of its intent once a week for at least two consecutive weeks in at least one trade paper and one other paper, both of general circulation in the state. The notice must contain, but is not limited to, the following information:

- (1) The number of auto ferries to be procured, the auto and passenger capacities, the delivery dates, and the estimated price range for the contract;
- (2) A statement that a modified request for proposals design and build partnership will be used in the procurement process;
- (3) A short summary of the requirements for prequalification of proposers including a statement that prequalification is a prerequisite to submittal of a proposal in phase one; and
- (4) An address and telephone number that may be used to obtain a prequalification questionnaire and the request for proposals.

NEW SECTION. Sec. 6. A new section is added to chapter 47.60 RCW to read as follows:

Subject to legislative appropriation for the procurement of vessels, the department shall issue a request for proposals to interested parties that must include, at least, the following:

- (1) Solicitation of a proposal to participate in a design and build partnership with the department to design and construct the auto ferries;
- (2) Instructions on the prequalification process and procedures;
- (3) A description of the modified request for proposals process. Under this process, the department may modify any component of the request for proposals, including the outline specifications by addendum at any time before the submittal of bids in phase three;
- (4) A description of the design and build partnership process to be used for procurement of the vessels;
- (5) Outline specifications that provide the requirements for the vessels including, but not limited to, items such as length, beam, displacement, speed, propulsion requirements, capacities for autos and passengers, passenger space characteristics, and crew size. The department will produce notional line drawings depicting hull geometry that will interface with Washington state ferries terminal facilities. Notional lines may be modified in phase two, subject to approval by the department;
- (6) Instructions for the development of technical proposals in phase two, and information regarding confidentiality of technical proposals;
- (7) The vessel delivery schedule, identification of the port on Puget Sound where delivery must take place, and the location where acceptance trials must be held;
- (8) The estimated price range for the contract;
- (9) The form and amount of the required bid deposit and contract security;
- (10) A copy of the contract that will be signed by the successful proposer;
- (11) The date by which proposals in phase one must be received by the department in order to be considered;
- (12) A description of information to be submitted in the proposals in phase one concerning each proposer's qualifications, capabilities, and experience;
- (13) A statement of the maximum number of proposers that may be selected in phase one for development of technical proposals in phase two;
- (14) Criteria that will be used for the phase one selection of proposers to participate in the phase two development of technical proposals;
- (15) A description of the process that will be used for the phase three submittal and evaluation of bids, award of the contract, and postaward administrative activities;
- (16) A requirement that the contractor comply with all applicable laws, rules, and regulations including but not limited to those pertaining to the environment, worker health and safety, and prevailing wages;
- (17) A requirement that the vessels be constructed within the boundaries of the state of Washington except that equipment furnished by the state and components, products, and systems that are standard manufactured items are not subject to the in-state requirement under this subsection. For the purposes of this subsection, "constructed" means the fabrication by the joining together by welding or fastening of all steel parts

from which the total vessel is constructed, including, but not limited to, all shell frames, longitudinals, bulkheads, webs, piping runs, wire ways, and ducting. "Constructed" also means the installation of all components and systems, including, but not limited to, equipment and machinery, castings, electrical, electronics, deck covering, lining, paint, and joiner work required by the contract. "Constructed" also means the interconnection of all equipment, machinery, and services, such as piping, wiring, and ducting; and

(18) A requirement that all warranty work on the vessel must be performed within the boundaries of the state of Washington, insofar as practical.

NEW SECTION. Sec. 7. A new section is added to chapter 47.60 RCW to read as follows:

Phase one of the request for proposals process consists of evaluation and selection of prequalified proposers to participate in subsequent development of technical proposals in phase two, as follows:

(1) The department shall issue a request for proposals to interested parties.

(2) The request for proposals must require that each proposer prequalify for the contract under chapter 468-310 WAC, except that the department may adopt rules for the financial prequalification of proposers for this specific contract only. The department shall modify the financial prequalification rules in chapter 468-310 WAC in order to maximize competition among financially capable and otherwise qualified proposers. In adopting these rules, the department shall consider factors including, without limitation: (a) Shipyard resources in Washington state; (b) the cost to design and construct multiple vessels under a single contract without options; and (c) the sequenced delivery schedule for the vessels.

(3) The department may use some, or all, of the nonfinancial prequalification factors as part of the evaluation factors in phase one to enable the department to select a limited number of best qualified proposers to participate in development of technical proposals in phase two.

(4) The department shall evaluate submitted proposals in accordance with the selection criteria established in the request for proposals. Selection criteria may include, but are not limited to, the following:

- (a) Shipyard facilities;
- (b) Organization components;
- (c) Design capability;
- (d) Build strategy;
- (e) Experience and past performance;
- (f) Ability to meet vessel delivery dates;
- (g) Projected workload; and
- (h) Expertise of project team and other key personnel.

(5) Upon concluding its evaluation of proposals, the department shall select the best qualified proposers in accordance with the request for proposals. The selected proposers must participate in development of technical proposals. Selection must be made in accordance with the selection criteria stated in the request for proposals. All proposers must be ranked in order of preference as derived from the same selection criteria.

NEW SECTION. Sec. 8. A new section is added to chapter 47.60 RCW to read as follows:

Phase two of the request for proposals process consists of preparation of technical proposals in consultation with the department, as follows:

(1) The development of technical proposals in compliance with the detailed instructions provided in the request for proposals, including the outline specifications, and any addenda to them. Technical proposals must include the following:

- (a) Design and specifications sufficient to fully depict the ferries' characteristics and identify installed equipment;
- (b) Drawings showing arrangements of equipment and details necessary for the proposer to develop a firm, fixed price bid;
- (c) Project schedule including vessel delivery dates; and
- (d) Other appropriate items.

(2) The department shall conduct periodic reviews with each of the selected proposers to consider and critique their designs, drawings, and specifications. These reviews must be held to ensure that technical

proposals meet the department's requirements and are responsive to the critiques conducted by the department during the development of technical proposals.

(3) If, as a result of the periodic technical reviews or otherwise, the department determines that it is in the best interests of the department to modify any element of the request for proposals, including the outline specifications, it shall do so by written addenda to the request for proposals.

(4) Proposers must submit final technical proposals for approval that include design, drawings, and specifications at a sufficient level of detail to fully depict the ferries' characteristics and identify installed equipment, and to enable a proposer to deliver a firm, fixed price bid to the department. The department shall reject final technical proposals that modify, fail to conform to, or are not fully responsive to and in compliance with the requirements of the request for proposals, including the outline specifications, as amended by addenda.

NEW SECTION. Sec. 9. A new section is added to chapter 47.60 RCW to read as follows:

Phase three consists of the submittal and evaluation of bids and the award of the contract to the successful proposer for the final design and construction of the auto ferries, as follows:

(1) The department shall request bids for detailed design and construction of the vessels after completion of the review of technical proposals in phase two. The department will review detailed design drawings in phase three for conformity with the technical proposals submitted in phase two. In no case may the department's review replace the builder's responsibility to deliver a product meeting the phase two technical proposal. The department may only consider bids from selected proposers that have qualified to bid by submitting technical proposals that have been approved by the department.

(2) Each qualified proposer must submit its total bid price for all vessels, including certification that the bid is based upon its approved technical proposal and the request for proposals.

(3) Bids constitute an offer and remain open for ninety days from the date of the bid opening. A deposit in cash, certified check, cashier's check, or surety bond in an amount specified in the request for proposals must accompany each bid and no bid may be considered unless the deposit is enclosed.

(4) The department shall evaluate the submitted bids. Upon completing the bid evaluation, the department may select the responsive and responsible proposer that offers the lowest total bid price for all vessels.

(5) The department may waive informalities in the proposal and bid process, accept a bid from the lowest responsive and responsible proposer, reject any or all bids, republish, and revise or cancel the request for proposals to serve the best interests of the department.

(6) The department may:

(a) Award the contract to the proposer that has been selected as the responsive and responsible proposer that has submitted the lowest total bid price;

(b) If a contract cannot be signed with the apparent successful proposer, award the contract to the next lowest responsive and responsible proposer; or

(c) If necessary, repeat this procedure with each responsive and responsible proposer in order of rank until the list of those proposers has been exhausted.

(7) If the department awards a contract to a proposer under this section, and the proposer fails to enter into the contract and furnish satisfactory contract security as required by chapter 39.08 RCW within twenty days from the date of award, its deposit is forfeited to the state and will be deposited by the state treasurer to the credit of the Puget Sound capital construction account. Upon the execution of a ferry design and construction contract all proposal deposits will be returned.

(8) The department may provide an honorarium to reimburse each unsuccessful phase three proposer for a portion of its technical proposal preparation costs at a preset, fixed amount to be specified in the request for proposals. If the department rejects all bids, the department may provide the honoraria to all phase three proposers that submitted bids.

NEW SECTION. Sec. 10. A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall immediately notify those proposers that are not selected to participate in development of technical proposals in phase one and those proposers who submit unsuccessful bids in phase

three.

(2) The department's decision is conclusive unless an aggrieved proposer files an appeal with the superior court of Thurston county within five days after receiving notice of the department's award decision. The court shall hear any such appeal on the department's administrative record for the project. The court may affirm the decision of the department, or it may reverse or remand the administrative decision if it determines the action of the department was arbitrary and capricious."

In line 1 of the title, after "works;" strike the remainder of the title and insert "adding new sections to chapter 47.20 RCW; adding new sections to chapter 47.60 RCW; creating a new section; and providing expiration dates."

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1680 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 6, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1717, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.310 and 2000 c 134 s 3, 2000 c 56 s 1, and 2000 c 6 s 5 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. After the arrest of a suspect and referral of the case to the prosecuting authority, basic arrest information contained within the police incident report is no longer exempt, unless the agency promptly requests an examination of the record in camera and obtains an injunction against such release pursuant to RCW 42.17.330. After conviction, acquittal, dismissal of charges, or declination to file, the remainder of the investigative file in that particular case is no longer exempt, unless the agency promptly requests an examination of the record in camera and obtains an injunction against such release pursuant to RCW 42.17.330.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any

agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or predation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a

health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought

by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a correctional facility or any individual's safety.

(xx) Records the disclosure of which would reveal, directly or indirectly, the strategy or position to be taken by an agency during the course of any collective bargaining, professional negotiations, professional services contracting or strategic planning with respect to proprietary services, or grievance or mediation proceedings.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "and reenacting and amending RCW 42.17.310."

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1717 and asked the Senate to recede therefrom.



April 12, 2001

Mr. Speakers:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1041, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that unlawful harassment directed at a child by a person under the age of eighteen is not acceptable and can have serious consequences. The legislature further finds that some interactions between minors, such as "schoolyard scuffles," though not to be condoned, may not rise to the level of unlawful harassment. It is the intent of the legislature that a protection order sought by the parent or guardian of a child as provided for in this chapter be available only when the alleged behavior of the person under the age of eighteen to be restrained rises to the level set forth in chapter 10.14 RCW.

**Sec. 2.** RCW 10.14.020 and 1999 c 27 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Unlawful harassment" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the petitioner, or, when the course of conduct ~~((is contact by a person over age eighteen that))~~ would cause a reasonable parent to fear for the well-being of their child.

(2) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes, in addition to any other form of communication, contact, or conduct, the sending of an electronic communication. Constitutionally protected activity is not included within the meaning of "course of conduct."

**Sec. 3.** RCW 10.14.040 and 1995 c 292 s 2 and 1995 c 127 s 2 are each reenacted and amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of unlawful harassment.

(1) A petition for relief shall allege the existence of harassment and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerks' offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Filing fees are set in RCW 36.18.020, but no filing fee may be charged for a petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) The parent or guardian of a child under age eighteen may petition for an order of protection to restrain a person ~~((over))~~ age eighteen years or over from contact with that child upon a showing that contact with the person to be enjoined is detrimental to the welfare of the child.

(7) The parent or guardian of a child under the age of eighteen may petition in superior court for an order of protection to restrain a person under the age of eighteen years from contact with that child only in cases where the person to be restrained has been adjudicated of an offense against the child protected by the order, or is under

investigation or has been investigated for such an offense. In issuing a protection order under this subsection, the court shall order that the person restrained in the order may not attend the public or approved private elementary, middle, or high school attended by the person under the age of eighteen years protected by the order. The parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

**Sec. 4.** RCW 10.14.120 and 1989 c 373 s 14 are each amended to read as follows:

Any willful disobedience by (~~the respondent~~) a respondent age eighteen years or over of any temporary antiharassment protection order or civil antiharassment protection order issued under this chapter subjects the respondent to criminal penalties under this chapter. Any respondent age eighteen years or over who willfully disobeys the terms of any order issued under this chapter may also, in the court's discretion, be found in contempt of court and subject to penalties under chapter 7.21 RCW. Any respondent under the age of eighteen years who willfully disobeys the terms of an order issued under this chapter may, in the court's discretion, be found in contempt of court and subject to the sanction specified in RCW 7.21.030(4).

**Sec. 5.** RCW 10.14.170 and 1987 c 280 s 17 are each amended to read as follows:

Any respondent age eighteen years or over who willfully disobeys any civil antiharassment protection order issued pursuant to this chapter shall be guilty of a gross misdemeanor.

**Sec. 6.** RCW 7.21.030 and 1998 c 296 s 36 are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e) In cases under chapters 13.32A, 13.34, and 28A.225 RCW, commitment to juvenile detention for a period of time not to exceed seven days. This sanction may be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this chapter. This remedy is specifically determined to be a remedial sanction.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days."

On page 1, line 1 of the title, after "harassment;" strike the remainder of the title and insert "amending RCW 10.14.020, 10.14.120, 10.14.170, and 7.21.030; reenacting and amending RCW 10.14.040; and creating a new section."

There being no objection, the House refused to concur in the Senate Amendment(s) to Second Substitute House Bill No. 1041 and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

April 18, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 5394 and asks the House to recede therefrom.

Tony M. Cook, Secretary

There being no objection, the House refused to recede, insisted on its position regarding House amendment to Engrossed Senate Bill No. 5394 and asked the Senate to concur therein.

### SENATE AMENDMENTS TO HOUSE BILL

April 18, 2001

Mr. Speakers:

The Senate insists on its position to SUBSTITUTE HOUSE BILL NO. 1325 and asks the House to concur.

Tony M. Cook, Secretary

There being no objection, the House refused to concur, insisted on its position regarding Senate amendments to Substitute House Bill No. 1325 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 18, 2001

Mr. Speakers:

The Senate receded from the amendment 1062 AAS 04/06/01 S-2618.2 by Senators Costa, Kline and Long to HOUSE BILL NO. 1062. Under suspension of the rules HOUSE BILL NO. 1062, was returned to second reading for purposes of amendment. The Senate adopted amendment 1062 AAS 04/18/01 S-2697.1, and passed the bill as amended by the Senate.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.101.010 and 1981 c 132 s 2 are each amended to read as follows:

When used in this chapter:

- (1) The term "commission" means the Washington state criminal justice training commission.
- (2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.
- (3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.
- (4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.
- (5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment,

education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) A peace officer is "convicted" at the time a plea of guilty has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes a deferral of sentence and also includes the equivalent disposition by a court in a jurisdiction other than the state of Washington.

(7) "Discharged for disqualifying misconduct" means terminated from employment for: (a) Conviction of (i) any crime committed under color of authority as a peace officer, (ii) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (iii) the unlawful use or possession of a controlled substance, or (iv) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (b) conduct that would constitute any of the crimes addressed in (a) of this subsection; or (c) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

(8) A peace officer is "discharged for disqualifying misconduct" within the meaning of subsection (7) of this section under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of subsection (7) of this section.

(9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.

(10) "Peace officer" means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.12.055 are peace officers for purposes of this chapter.

**NEW SECTION. Sec. 2.** (1) As a condition of continuing employment as peace officers, all Washington peace officers: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter. The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before the effective date of this section. Thereafter, the commission may revoke certification pursuant to this chapter.

(2) The commission shall allow a peace officer to retain status as a certified peace officer as long as the officer: (a) Timely meets the basic law enforcement training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(3) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under section 9 of this act, a peace officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

**NEW SECTION. Sec. 3.** Upon request by a peace officer's employer or on its own initiative, the commission may deny or revoke certification of any peace officer, after written notice and hearing, if a hearing is

timely requested by the peace officer under section 9 of this act, based upon a finding of one or more of the following conditions:

(1) The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;

(2) The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

(3) The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;

(4) The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after the effective date of this section;

(5) The peace officer's certificate was previously issued by administrative error on the part of the commission; or

(6) The peace officer has interfered with an investigation or action for denial or revocation of certificate by: (a) Knowingly making a materially false statement to the commission; or (b) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

**NEW SECTION. Sec. 4.** (1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy for any reason not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, rules which may provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time.

(4) A peace officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission shall hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission may establish a probationary period of certification.

(5) A peace officer whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission may establish a probationary period of certification.

**NEW SECTION. Sec. 5.** A peace officer's certification lapses automatically when there is a break of more than twenty-four consecutive months in the officer's service as a full-time law enforcement officer. A break in full-time law enforcement service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the peace officer's certification status is to be reinstated, and the commission shall also

determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

**NEW SECTION. Sec. 6.** Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission. The agency of termination shall, upon request of the commission, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation under section 3 of this act. The commission shall maintain these notices in a permanent file, subject to section 12 of this act.

**NEW SECTION. Sec. 7.** In addition to its other powers granted under this chapter, the commission has authority and power to:

- (1) Adopt, amend, or repeal rules as necessary to carry out this chapter;
- (2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;
- (3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;
- (4) Appoint members of a hearings board as provided under section 10 of this act;
- (5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;
- (6) Grant, deny, or revoke certification of peace officers under the provisions of this chapter;
- (7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter; and
- (8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

**NEW SECTION. Sec. 8.** A law enforcement officer or duly authorized representative of a law enforcement agency may submit a written complaint to the commission charging that a peace officer's certificate should be denied or revoked, and specifying the grounds for the charge. Filing a complaint does not make a complainant a party to the commission's action. The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

**NEW SECTION. Sec. 9.** (1) If the commission determines, upon investigation, that there is probable cause to believe that a peace officer's certification should be denied or revoked under section 3 of this act, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of termination and any current law enforcement agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within sixty days of communication of the statement of charges, request a hearing before the hearings board appointed under section 10 of this act. Failure of the officer to request a hearing within the sixty-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the date of the hearing must be scheduled not earlier than ninety days nor later than one hundred eighty days after communication of the statement of charges to the officer; the one hundred eighty day period may be extended on mutual agreement of the parties or for good cause. The commission shall give written notice of hearing at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

**NEW SECTION. Sec. 10.** (1) The procedures governing adjudicative proceedings before agencies

under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) On all appeals brought under section 9 of this act, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission or the board on law enforcement training standards and education may but need not be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear appeals from decertification actions:

(a) When an appeal is filed in relation to decertification of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two peace officers who are at or below the level of first line supervisor, who are from city or county law enforcement agencies, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When an appeal is filed in relation to decertification of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) Persons appointed to hearings panels by the commission shall, in relation to any decertification matter on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of section 3(4) of this act, and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer, allow the peace officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer "has been convicted at any time of a felony offense" within the meaning of section 3(3) of this act, the hearings panel shall revoke or deny certification if it determines that the peace officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under section 3(1), (2), (5), or (6) of this act, the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

**NEW SECTION. Sec. 11.** The commission, its boards, and individuals acting on behalf of the commission and its boards are immune from suit in any civil or criminal action contesting or based upon proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

**NEW SECTION. Sec. 12.** (1) Except as provided under subsection (2) of this section, the following

records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under section 6 of this act; (b) all files, papers, and other information obtained by the commission pursuant to section 2(3) of this act; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in subsection (5) of this section.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) Upon a determination that a complaint is without merit, that a personnel action report filed under section 6 of this act does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.

(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(6) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

NEW SECTION. **Sec. 13.** Sections 2 through 12 and 14 of this act are each added to chapter 43.101 RCW.

NEW SECTION. **Sec. 14.** This act takes effect January 1, 2002."

On page 1, line 1 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 43.101.010; adding new sections to chapter 43.101 RCW; and providing an effective date."

There being no objection, the House concurred in the Senate amendment to House Bill No. 1062.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1062 as amended by the Senate.

Representatives O'Brien and Ballasiotes spoke in favor of the passage of the bill.

#### **MOTIONS**

On motion of Representative Roach, Representatives Cox and Ericksen were excused. On motion of Representative Santos, Representatives Darneille, Kessler, Morris, Sommers, Veloria and Speaker Chopp were excused.

#### **ROLL CALL**



The Clerk called the roll on the final passage of House Bill No. 1062 as amended by the Senate and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard - 90.

Excused: Representatives Cox, Darneille, Ericksen, Kessler, Morris, Sommers, Voloria, and Speaker Chopp - 8.

House Bill No. 1062 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 18, 2001

Mr. Speakers:

The Senate receded from the amendment by Committee on Ways and Means to HOUSE BILL NO. 2126.

Under suspension of the rules HOUSE BILL NO. 2126 was returned to second reading for purpose of amendment. The Senate adopted amendment 2126 AAS 04/18/01 S-2704.1 and passed the bill as amended by the Senate.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28B.95.020 and 2000 c 14 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between July 1st and June 30th.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the board from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to section 2 of this act.

(3) "Board" means the higher education coordinating board as defined in chapter 28B.80 RCW.

(4) "Committee on advanced tuition payment" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the executive director of the higher education coordinating board, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

(5) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program.

(6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase.

(7) "Eligible beneficiary" means the person for whom the tuition unit will be redeemed for attendance at an institution of higher education. The beneficiary is that person named by the purchaser at the time that a tuition unit contract is accepted by the governing body. With the exception of tuition unit contracts purchased

by qualified organizations as future scholarships, the beneficiary must reside in the state of Washington or otherwise be a resident of the state of Washington at the time the tuition unit contract is accepted by the governing body.

(8) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units for an eligible beneficiary.

(9) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

(10) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

(11) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

(12) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

(13) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. The maximum tuition and fees charges recognized for beneficiaries enrolled in a state technical college shall be equal to the tuition and fees for the community college system.

(14) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units.

(15) "Unit purchase price" means the minimum cost to purchase one tuition unit for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate weighted average tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

(16) "Weighted average tuition" shall be calculated as the sum of the undergraduate tuition and services and activities fees for each four-year state institution of higher education, multiplied by the respective full-time equivalent student enrollment at each institution divided by the sum total of undergraduate full-time equivalent student enrollments of all four-year state institutions of higher education, rounded to the nearest whole dollar.

(17) "Weighted average tuition unit" is the value of the weighted average tuition and fees divided by one hundred. The weighted average is the basis upon which tuition benefits ~~((are))~~ may be calculated ~~((for graduate program enrollments and for attendance at nonstate institutions of higher education and is))~~ as the basis for any refunds provided from the program.

**NEW SECTION.** **Sec. 2.** A new section is added to chapter 28B.95 RCW to read as follows:

(1) The committee may establish a college savings program. If such a program is established, the college savings program shall be established, in such form as may be determined by the committee, to be a qualified state tuition program as defined by the internal revenue service under section 529 of the internal revenue code, and shall be administered in a manner consistent with the Washington advanced college tuition payment program. The committee, in planning and devising the program, shall consult with the state investment board, the state treasurer, a qualified actuarial consulting firm with appropriate expertise to evaluate such plans, the legislative fiscal and higher education committees, and the institutions of higher education.

(2) Up to two hundred thousand dollars of administrative fees collected from guaranteed education tuition program participants may be applied as a loan to fund the development of a college savings program. This loan must be repaid with interest before the conclusion of the biennium in which the committee draws funds for this purpose from the advanced college tuition payment program account.

(3) If such a college savings program is established, the college savings program account is created in the custody of the state treasurer for the purpose of administering the college savings program. If created, the account shall be a discrete nontreasury account in the custody of the state treasurer. Interest earnings shall be retained in accordance with RCW 43.79A.040. Disbursements from the account, except for program administration, are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money

used for program administration is subject to the allotment provisions, but without appropriation.

(4) The committee, after consultation with the state investment board, shall determine the investment policies for the college savings program. Program contributions may be invested by the state investment board or the committee may contract with an investment company licensed to conduct business in this state to do the investing. The committee shall keep or cause to be kept full and adequate accounts and records of the assets of each individual participant in the college savings program.

(5) Neither the state nor any eligible educational institution may be considered or held to be an insurer of the funds or assets of the individual participant accounts in the college savings program created under this section nor may any such entity be held liable for any shortage of funds in the event that balances in the individual participant accounts are insufficient to meet the educational expenses of the institution chosen by the student for which the individual participant account was intended.

(6) The committee shall adopt rules to implement this section. Such rules shall include but not be limited to administration, investment management, promotion, and marketing; compliance with internal revenue service standards; application procedures and fees; start-up costs; phasing in the savings program and withdrawals therefrom; deterrents to early withdrawals and provisions for hardship withdrawals; and reenrollment in the savings program after withdrawal.

(7) The committee may, at its discretion, determine to cease operation of the college savings program if it determines the continuation is not in the best interest of the state. The committee shall adopt rules to implement this section addressing the orderly distribution of assets.

**Sec. 3.** RCW 28B.95.110 and 2000 c 14 s 8 are each amended to read as follows:

(1) The intent of the Washington advanced college tuition payment program is to redeem tuition units for attendance at an institution of higher education. Refunds shall be issued under specific conditions that may include the following:

(a) Certification that the beneficiary, who is eighteen years of age or older, will not attend an institution of higher education, will result in a refund not to exceed the current weighted average tuition and fees in effect at the time of such certification minus a penalty at the rate established by the internal revenue service under chapter 529 of the internal revenue code. No more than one hundred tuition units may be refunded per year to any individual making this certification. The refund shall be made no sooner than ninety days after such certification, less any administrative processing fees assessed by the governing body;

(b) If there is certification of the death or disability of the beneficiary, the refund shall be equal to one hundred percent of any remaining unused tuition units (~~((valued))~~) at the current (~~((weighted average tuition units))~~) value, as determined by the governing body, at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body;

(c) If there is certification by the student of graduation or program completion, the refund shall be as great as one hundred percent of any remaining unused (~~((weighted average))~~) tuition units at the current value, as determined by the governing body, at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body. The governing body may, at its discretion, impose a penalty if needed to comply with federal tax rules;

(d) If there is certification of other tuition and fee scholarships, which will cover the cost of tuition for the eligible beneficiary. The refund shall be equal to one hundred percent of the current (~~((weighted average))~~) value of tuition units, as determined by the governing body, in effect at the time of the refund request, (~~((plus))~~) less any administrative processing fees assessed by the governing body. The refund under this subsection may not exceed the value of the scholarship;

(e) Incorrect or misleading information provided by the purchaser or beneficiaries may result in a refund of the purchaser's investment, less any administrative processing fees assessed by the governing body. The value of the refund will not exceed the actual dollar value of the purchaser's contributions; and

(f) The governing body may determine other circumstances qualifying for refunds of remaining unused tuition units and may determine the value of that refund.

(2) With the exception of subsection (1)(b), (e), and (f) of this section no refunds may be made before the units have been held for two years.

**Sec. 4.** RCW 43.79A.040 and 2000 c 79 s 45 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility (~~grant~~) account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 5.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.95.020, 28B.95.110, and 43.79A.040; adding a new section to chapter 28B.95 RCW; providing an effective date; and declaring an emergency."

There being no objection, the House concurred in the Senate amendment to House Bill No. 2126.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2126 as amended by the Senate.

Representative Kenney spoke in favor of the passage of the bill.

There being no objection, Representative Benson was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2126 as amended by the Senate and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, and Speaker Ballard - 90.

Excused: Representatives Benson, Cox, Darneille, Ericksen, Kessler, Sommers, Voloria, and Speaker Chopp - 8.

House Bill No. 2126 as amended by the Senate having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 18, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5319 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Substitute Senate Bill No. 5319 was returned to second reading for purposes of amendment.

**SECOND READING**

Representative Mulliken moved the adoption of the following amendment (202):

On page 2, beginning on line 26, strike all of section 2

Re-number the remaining section consecutively and correct any internal references accordingly.

On page 3, line 25, strike "June" and insert "July"

Correct the title.

Representatives Mulliken and Dunshee spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Dunshee and Mulliken spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5319 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5319 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard - 94.

Excused: Representatives Cox, Ericksen, Kessler, and Speaker Chopp - 4.

Substitute Senate Bill No. 5319 as amended by the House, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 16, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5896 and asks the House to recede therefrom.

Tony M. Cook, Secretary

There being no objection, the House receded from its amendments to Substitute Senate Bill No. 5896 and advanced the bill without the House's amendments.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5896.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5896 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 94.

Excused: Representatives Cox, Ericksen, Kessler, and Speaker Chopp - 4.

Substitute Senate Bill No. 5896, having received the necessary constitutional majority, was declared

passed.

**MESSAGE FROM THE SENATE**

April 19, 2001

Mr. Speakers:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 6177,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**SENATE AMENDMENTS TO HOUSE BILL**

April 10, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2172, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.106.010 and 1997 c 326 s 2 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

- (1) "Advisory board" means the state advisory board of plumbers;
- (2) "Department" means the department of labor and industries;
- (3) "Director" means the director of department of labor and industries;
- (4) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;
- (5) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and medical vacuum systems;
- (6) "Medical gas piping installer" means a journeyman plumber who has been issued a medical gas piping installer endorsement;
- (7) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems, and medical gas piping systems within a building. Installation in a water system of water softening or water treatment equipment is not within the meaning of plumbing as used in this chapter;
- (8) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to:
  - (a) Installation, maintenance, and repair of the plumbing of single-family dwellings, duplexes, and apartment buildings that do not exceed three stories; or
  - (b) Maintenance and repair of backflow prevention assemblies.

**Sec. 2.** RCW 18.106.040 and 1977 ex.s. c 149 s 4 are each amended to read as follows:

(1) Upon receipt of the application and evidence set forth in RCW 18.106.030, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination:

(a) Each applicant for a journeyman plumber's certificate of competency shall furnish written evidence that he or she has (~~either~~) completed a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the coordinating council on occupational education(~~(;)~~), or (~~that he~~) has had four or more years of experience under the direct supervision of a licensed journeyman plumber.

(b) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010(8)(a) shall furnish written evidence that he or she has (~~either~~) completed a course of study in the plumbing trade in the

armed services of the United States or at a school accredited by the ~~((commission for vocational education or its designee))~~ work force training and education coordinating board under chapter 28C.10 RCW, or that he or she has had at least three years practical experience in ~~((his))~~ the specialty. ~~((No other requirement for eligibility may be imposed.))~~

(c) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010(8)(b) shall furnish written evidence that he or she is eligible to take the examination. These eligibility requirements shall be adopted by rule by the director pursuant to subsection (2)(b) of this section.

~~(2)(a) The director shall establish reasonable rules ((and regulations)) for the examinations to be given applicants for certificates of competency. In establishing ((said)) the rules, ((regulations, and criteria,)) the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110.~~

(b) The director shall establish reasonable criteria by rule for determining an applicant's eligibility to take an examination for the certificate of competency for specialty plumbers under subsection (1)(c) of this section. In establishing the criteria, the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110. These rules must take effect by July 1, 2002.

~~(3) Upon determination that the applicant is eligible to take the examination, the director shall so notify ((him)) the applicant, indicating the time and place for taking the same.~~

(4) No other requirement for eligibility may be imposed.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.106 RCW to read as follows:

(1) Those actively certified by the department of health on or before July 1, 2001, as backflow assembly testers and registered as a contractor under chapter 18.27 RCW or employed by a registered contractor, may perform maintenance and repair of backflow prevention assemblies, without being a certified plumber under this chapter, until January 1, 2003. For the purposes of this section, "maintenance and repair" include cleaning and replacing internal parts of an assembly, but do not include installing or replacing backflow prevention assemblies.

(2) After January 1, 2003, backflow assembly testers exempted under subsection (1) of this section are required to meet the eligibility requirements for a specialty plumber's certificate of competency under RCW 18.106.040(1)(c).

**NEW SECTION. Sec. 4.** A new section is added to chapter 19.27 RCW to read as follows:

The owner of a building classified as a group R, division 3 occupancy, as defined in the state building code adopted under this chapter, shall have the backflow prevention assembly tested by a department of health certified backflow assembly tester:

(1) At the time of installation, repair, or relocation, if required by the local official, board, department, or agency authorized to administer and enforce the provisions of the uniform plumbing code as adopted under this chapter; or

(2) When such official, board, department, or agency finds that cross-connection control within the property lines of the premises may fail to prevent pollution or contamination of the domestic water supply."

On page 1, line 2 of the title, after "assemblies;" strike the remainder of the title and insert "amending RCW 18.106.010 and 18.106.040; adding a new section to chapter 18.106 RCW; and adding a new section to chapter 19.27 RCW."

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 2172.

#### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2172 as amended by the Senate.



Representative Conway spoke in favor of the passage of the bill.

There being no objection, Representatives Hurst, Poulsen, Sehlin, and Speaker Chopp were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2172 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard - 94.

Excused: Representatives Hurst, Poulsen, Sehlin, and Speaker Chopp - 4.

Engrossed Substitute House Bill No. 2172 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 18, 2001

Mr. Speakers:

The Senate receded from the amendment by Committee on Natural Resources, Parks and Shorelines to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286. Under suspension of the rules ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286 was returned to second reading for purpose of amendment. The Senate adopted amendment 1286-S AAS 04/18/01 S-2702.1 and passed the bill as amended by the Senate.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.95.210 and 2000 c 107 s 11 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington after the salmon harvest on surplus salmon has been first maximized by both commercial and recreational fishers.

(2) The department shall not destroy hatchery origin salmon for the purposes of destroying viable eggs that would otherwise be useful for propagation or salmon recovery purposes, as determined by the department and Indian tribes with treaty fishing rights in a collaborative manner, for replenishing fish runs. Eggs deemed surplus by the state must be provided, in the following order of priority, to:

(a) Voluntary cooperative salmon culture programs under the supervision of the department under chapter 77.100 RCW;

(b) Regional fisheries enhancement group salmon culture programs under the supervision of the department under this chapter;

(c) Salmon culture programs requested by lead entities and approved by the salmon funding recovery board under chapter 77.85 RCW;

(d) Hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the

interlocal cooperation act, chapter 39.34 RCW; and

(e) Governmental hatcheries in Washington, Oregon, and Idaho.

The order of priority established in this subsection for distributing surplus eggs does not apply when there is a shortfall in the supply of eggs.

(3) All sales, provisions, distributions, or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs.

**Sec. 2.** RCW 77.95.270 and 1989 c 336 s 6 are each amended to read as follows:

Except as provided in RCW 77.95.210, the department may make available to private contractors salmon eggs in excess of department hatchery needs for the purpose of contract rearing to release the smolts into public waters. However, providing salmon eggs as specified in RCW 77.95.210(2) has the highest priority. The priority of providing eggs surplus after meeting the requirements of RCW 77.95.210(2) to contract rearing (~~shall be~~) is a higher priority than providing eggs to aquaculture purposes (~~which~~) that are not destined for release into Washington public waters.

**Sec. 3.** RCW 77.100.050 and 1987 c 505 s 73 are each amended to read as follows:

(1) The department shall:

(a) Encourage and support the establishment of cooperative agreements for the development and operation of cooperative food fish, shellfish, game fish, game bird, game animal, and nongame wildlife projects, and projects which provide an opportunity for volunteer groups to become involved in resource and habitat-oriented activities. All cooperative projects shall be fairly considered in the approval of cooperative agreements;

(b) Identify regions and species or activities that would be particularly suitable for cooperative projects providing benefits compatible with department goals;

(c) Determine the availability of rearing space at operating facilities or of net pens, egg boxes, portable rearing containers, incubators, and any other rearing facilities for use in cooperative projects, and allocate them to volunteer groups as fairly as possible;

(d) Make viable eggs available for replenishing fish runs, and salmon carcasses for nutrient enhancement of streams. If a regional fisheries enhancement group, lead entity, volunteer cooperative group, federally approved tribe in Washington, or a governmental hatchery in Washington, Oregon, or Idaho requests the department for viable eggs, the department must include the request within the brood stock document prepared for review by the regional offices. The eggs shall be distributed in accordance with the priority established in RCW 77.95.210 if they are available. A request for viable eggs may only be denied if the eggs would not be useful for propagation or salmon recovery purposes, as determined under RCW 77.95.210.

(e) Exempt volunteer groups from payment of fees to the department for activities related to the project;

~~((e))~~ (f) Publicize the cooperative program;

~~((f))~~ (g) Not substitute a new cooperative project for any part of the department's program unless mutually agreeable to the department and volunteer group;

~~((g))~~ (h) Not approve agreements that are incompatible with legally existing land, water, or property rights.

(2) The department may, when requested, provide to volunteer groups its available professional expertise and assist the volunteer group to evaluate its project. The department must conduct annual workshops in each administrative region of the department that has fish stocks listed as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., in order to assist volunteer groups with egg rearing, share information on successful salmon recovery projects accomplished by volunteers within the state, and provide basic training on monitoring efforts that can be accomplished by volunteers in order to help determine if their efforts are successful.

**Sec. 4.** RCW 77.100.060 and 2000 c 107 s 112 are each amended to read as follows:

The commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 77.12.457. The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects. The rules must identify and implement appropriate protocols for brood stock handling, including the outplanting of adult fish, spawning, incubation, rearing, and release and establish a prioritized schedule for implementation of this act, and shall include directives for allowing more hatchery salmon to spawn naturally in areas where progeny of hatchery fish have spawned, including the outplanting of adult fish, in order to increase the number of viable salmon eggs and restore healthy numbers of fish within the state.

(4) The procedure for the director to notify a volunteer group that the agreement for the project is being revoked for cause and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

**NEW SECTION. Sec. 5.** A new section is added to chapter 77.04 RCW to read as follows:

(1) The department shall prepare an annual surplus salmon report. This report shall include the disposition of adult salmonids that have returned to salmonid hatchery facilities operated under the jurisdiction of the state that:

- (a) Have not been harvested; and
- (b) Were not allowed to escape for natural spawning.

(2) The report shall include by species, the number and estimated weight of surplus salmon and steelhead and a description of the disposition of the adult carcasses including, but not limited to, the following categories:

- (a) Disposed in landfills;
- (b) Transferred to another government agency for reproductive purposes;
- (c) Sold to contract buyers in the round;
- (d) Sold to contract buyers after spawning;
- (e) Transferred to Native American tribes;
- (f) Donated to food banks; and
- (g) Used in stream nutrient enrichment programs.

(3) The report shall also include by species, information on the number of requests for viable salmon eggs, the number of these requests that were granted and the number that were denied, the geographic areas for which these requests were granted or denied, and a brief explanation given for each denial of a request for viable salmon eggs.

(4) The report shall be included in the biennial state of the salmon report required by RCW 77.85.020

and other similar state reports on salmon.

(5) The report shall include an assessment of the infrastructure needs and facility modifications necessary to implement this act.

**NEW SECTION.** **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "eggs;" strike the remainder of the title and insert "amending RCW 77.95.210, 77.95.270, 77.100.050, and 77.100.060; adding a new section to chapter 77.04 RCW; and declaring an emergency."

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1286.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1286 as amended by the Senate.

Representatives Lisk and Doumit spoke in favor of the passage of the bill.

There being no objection, Representative Linville was excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1286 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Speaker Ballard - 93.

Excused: Representatives Hurst, Linville, Poulsen, Sehlin, and Speaker Chopp - 5.

Engrossed Substitute House Bill No. 1286 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 18, 2001

Mr. Speakers:

The Senate receded from the amendment by Committee on Human Services and Corrections to SUBSTITUTE HOUSE BILL NO. 1650. Under suspension of the rules SUBSTITUTE HOUSE BILL NO. 1650 was returned to second reading for purposes of amendment. The Senate adopted amendment 1650-S AAS 04/18/01 S-2647.3, and passed the bill as amended by the Senate.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.24.015 and 1999 c 214 s 7 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide for:

(1) Access to mental health services for adults of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of mentally ill children and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of efficient and effective services through state of the art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill consistent with the priorities defined in the statute;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based and county-managed mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

NEW SECTION. **Sec. 2.** A new section is added to chapter 71.24 RCW to read as follows:

The department shall operate the community mental health service delivery system authorized under this chapter within the following constraints:

(1) The full amount of federal funds for mental health services, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the community mental health service delivery system authorized in this chapter.

(2) The department may expend funds defined in subsection (1) of this section in any manner that will

effectively accomplish the outcome measures defined in section 5 of this act.

(3) The department shall implement strategies that accomplish the outcome measures identified in section 5 of this act that are within the funding constraints in this section.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The department shall ensure the coordination of allied services for mental health clients. The department shall implement strategies for resolving organizational, regulatory, and funding issues at all levels of the system, including the state, the regional support networks, and local service providers.

(2) The department shall propose, in operating budget requests, transfers of funding among programs to support collaborative service delivery to persons who require services from multiple department programs. The department shall report annually to the appropriate committees of the senate and house of representatives on actions and projects it has taken to promote collaborative service delivery.

**NEW SECTION. Sec. 4.** A new section is added to chapter 71.24 RCW to read as follows:

It is the intent of the legislature that the community mental health service delivery system focus on maintaining mentally ill individuals in the community. The program shall be evaluated and managed through a limited number of performance measures designed to hold each regional support network accountable for program success.

**NEW SECTION. Sec. 5.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The department, in collaboration with a work group appointed by the secretary and made up of consumers, advocates, service providers, and representatives of regional support networks, shall develop performance measures for use in evaluating and managing the community mental health service delivery system authorized under this chapter. The performance measures shall be consistent with the provisions of RCW 71.24.405(3) which may include but are not limited to:

- (a) Access to services;
- (b) Quality and appropriateness of care;
- (c) Outcome measures; including, but not limited to:
  - (i) Consumer change over time;
  - (ii) Consumer perception of hope for the future;
  - (iii) Percent of consumers who have safe and stable housing;
  - (iv) Percent of adults employed for one or more days in the last thirty days;
  - (v) Percent of consumers without a jail or detention stay;
  - (vi) Percent of available school days attended in the past thirty days;
  - (vii) Percent of consumers without a psychiatric hospitalization; and
- (d) Structure and plan management.

(2) The department shall require that service providers and regional support networks collect uniform performance measure information and report it to the department regularly. The department shall develop benchmarks that compare performance measure information from all regional support networks and providers to provide a clear indication of the most effective regional support networks and providers. Benchmark information shall be published quarterly and provided to the legislature, the governor, regional support networks, and all providers of mental health services.

**NEW SECTION. Sec. 6.** A new section is added to chapter 71.24 RCW to read as follows:

Every regional support network and mental health services provider shall be evaluated using the criteria in section 5 of this act.

**NEW SECTION. Sec. 7.** A new section is added to chapter 71.24 RCW to read as follows:

The department shall provide a report to the appropriate committees of the legislature on the

development, implementation, and achievement of the performance measures by regional support networks and service providers on an annual basis, no later than June 30th of each year, beginning in 2002. The report shall include how the department is using the outcome measure information obtained under section 5 of this act to manage the community mental health service delivery system.

**Sec. 8.** RCW 71.24.025 and 1999 c 10 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs under RCW 71.24.045, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)((~~d~~)) (e).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at ~~((least))~~ a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, and other services determined by regional support networks~~((, and maintenance of a patient tracking system for chronically mentally ill adults and severely emotionally disturbed children))~~.

(8) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(9) "Department" means the department of social and health services.

(10) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(11) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

(12) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (17), and (18) of this section.

(13) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

(14) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(15) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

(16) "Secretary" means the secretary of social and health services.

(17) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(18) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;



(d) Is at risk of escalating maladjustment due to:

- (i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;
- (ii) Changes in custodial adult;
- (iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;
- (iv) Subject to repeated physical abuse or neglect;
- (v) Drug or alcohol abuse; or
- (vi) Homelessness.

(19) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(20) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

**Sec. 9.** RCW 71.24.030 and 1999 c 10 s 3 are each amended to read as follows:

The secretary is authorized to make grants to and/or purchase services from counties or combinations of counties in the establishment and operation of community mental health programs.

**Sec. 10.** RCW 71.24.035 and 1999 c 10 s 4 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary (~~may~~) shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of

services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) ~~((Residential and))~~ Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used ~~((by the))~~ in contracting with regional support networks or counties. The standard contract shall include a maximum fund balance, which shall not exceed ten percent;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The design of the system and the data elements to be collected shall be reviewed by the work group appointed by the secretary under section 5(1) of this act and representing the department, regional support networks, service providers, consumers, and advocates. The data elements shall be designed to provide information that is needed to measure performance and achieve the service outcomes identified in section 5 of this act;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically ~~((inspect))~~ monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; and

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter.

(6) The secretary shall use available resources only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(14) The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section.

(d) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(e) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

~~((f) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.))~~

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the ~~((health care and corrections))~~

appropriate committees of the senate and the ~~((human services committee of the))~~ house of representatives.

~~((17) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health.))~~

**Sec. 11.** RCW 71.24.037 and 1999 c 10 s 5 are each amended to read as follows:

(1) The secretary shall by rule establish state minimum standards for licensed service providers and services.

(2) Minimum standards for licensed service providers shall, at a minimum, establish: Qualifications for staff providing services directly to mentally ill persons, the intended result of each service, and the rights and responsibilities of persons receiving mental health services pursuant to this chapter. The secretary shall provide for deeming of licensed service providers as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department.

~~(3) ((Minimum standards for residential services shall be based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum standards for residential services shall be developed in collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. The minimum standards shall encourage the development of broad range residential programs, including integrated housing and cross systems programs where appropriate, and shall not unnecessarily restrict programming flexibility.~~

~~————(4))~~ Minimum standards for community support services and resource management services shall include at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

**Sec. 12.** RCW 71.24.045 and 1992 c 230 s 5 are each amended to read as follows:

The county authority shall:

(1) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts~~((, including the minimum standards of service delivery as established by the department))~~;

(4) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(6) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(7) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

**Sec. 13.** RCW 71.24.049 and 1999 c 10 s 6 are each amended to read as follows:

by January 1st of each odd-numbered year, the ~~((county authority))~~ regional support network shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

**Sec. 14.** RCW 71.24.155 and 1987 c 505 s 65 are each amended to read as follows:

Grants shall be made by the department to ~~((counties))~~ regional support networks for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter.

**Sec. 15.** RCW 71.24.160 and 1989 c 205 s 7 are each amended to read as follows:

The ~~((county authority))~~ regional support networks shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, 1990.

**Sec. 16.** RCW 71.24.250 and 1982 c 204 s 14 are each amended to read as follows:

The ~~((county authority))~~ regional support network may accept and expend gifts and grants received from private, county, state, and federal sources.

**Sec. 17.** RCW 71.24.300 and 1999 c 214 s 8 and 1999 c 10 s 9 are each reenacted and amended to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(1) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Assume the powers and duties of county authorities within its area as described in RCW 71.24.045 (1) through (7).

(c) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

~~((e))~~ (d) Provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. Insofar as the

original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to contracts with neighboring or contiguous regions.

~~((d))~~ (e) Administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of persons currently confined at, or under the supervision of, a state mental hospital pursuant to chapter 10.77 RCW, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The secretary shall submit a report to the appropriate committees of the senate and house of representatives on the efforts to implement this section by October 1, 2002. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section.

~~((e))~~ (f) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children as provided in this chapter designed to achieve the outcomes specified in section 5 of this act.

~~((f))~~ (g) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary. ~~((Such contracts may include agreements to provide periods of stable community living and work or other day activities for specific chronically mentally ill persons who have completed commitments at state hospitals on ninety day or one hundred eighty day civil commitments or who have been residents at state hospitals for no less than one hundred eighty days within the previous year. Periods of stable community living may involve acute care in local evaluation and treatment facilities but may not involve use of state hospitals.))~~

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(6).

~~(7) ((As part of each biennial plan, each regional support network shall establish and submit to the state, procedures and agreements to assure access to sufficient additional local evaluation and treatment facilities to meet the requirements of this chapter while reducing short term admissions to state hospitals. These shall be commitments to construct and operate, or contract for the operation of, freestanding evaluation and treatment facilities or agreements with local evaluation and treatment facilities which shall include (a) required admission and treatment for short term inpatient care for any person enrolled in community support or residential services, (b) discharge planning procedures, (c) limitations on admissions or transfers to state hospitals, (d) adequate psychiatric supervision, (e) prospective payment methods, and (f) contractual assurances regarding referrals to local evaluation and treatment facilities from regional support networks.~~

~~(8))~~ Regional support networks may receive technical assistance from the housing trust fund and may

identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (1) of this section.

**Sec. 18.** RCW 71.24.400 and 1999 c 10 s 10 are each amended to read as follows:

The legislature finds that the current complex set of federal, state, and local rules and regulations, audited and administered at multiple levels, which affect the community mental health service delivery system, focus primarily on the process of providing mental health services and do not sufficiently address consumer and system outcomes. The legislature finds that the department and the community mental health service delivery system must make ongoing efforts to achieve the purposes set forth in RCW 71.24.015 related to reduced administrative layering, duplication, elimination of process measures not specifically required by the federal government for the receipt of federal funds, and reduced administrative costs.

**Sec. 19.** RCW 71.24.405 and 1999 c 10 s 11 are each amended to read as follows:

The department shall establish a ~~((single))~~ comprehensive and collaborative ~~((project))~~ effort within regional support networks and with local mental health service providers aimed at creating innovative and streamlined community mental health service delivery systems, in order to carry out the purposes set forth in RCW 71.24.400 and to capture the diversity of the community mental health service delivery system.

The ~~((project))~~ department must accomplish the following:

- (1) Identification, review, and cataloging of all rules, regulations, duplicative administrative and monitoring functions, and other requirements that currently lead to inefficiencies in the community mental health service delivery system and, if possible, eliminate the requirements;
- (2) The systematic and incremental development of a single system of accountability for all federal, state, and local funds provided to the community mental health service delivery system. Systematic efforts should be made to include federal and local funds into the single system of accountability;
- (3) The elimination of process regulations and related contract and reporting requirements. In place of the regulations and requirements, a set of outcomes for mental health adult and children clients according to chapter 71.24 RCW must be used to measure the performance of mental health service providers and regional support networks. Such outcomes shall focus on stabilizing out-of-home and hospital care, increasing stable community living, increasing age-appropriate activities, achieving family and consumer satisfaction with services, and system efficiencies;
- (4) Evaluation of the feasibility of contractual agreements between the department of social and health services and regional support networks and mental health service providers that link financial incentives to the success or failure of mental health service providers and regional support networks to meet outcomes established for mental health service clients;
- (5) The involvement of mental health consumers and their representatives ~~((in the pilot projects))~~. Mental health consumers and their representatives will be involved in the development of outcome standards for mental health clients ~~((and other related aspects of the pilot projects))~~ under section 5 of this act; and
- (6) An independent evaluation component to measure the success of the ~~((projects))~~ department in fully implementing the provisions of RCW 71.24.400 and this section.

**NEW SECTION. Sec. 20.** The legislature finds that an excessive amount of public funds are spent on administrative activities in the community mental health system. The department of social and health services shall develop a plan to reduce administrative expenses in the community mental health system, including the mental health division, to no more than ten percent of available funds. The plan shall identify and prioritize core administrative functions that must be continued to comply with federal or state statutes. The department shall submit their plan to the appropriate committees of the senate and house of representatives no later than December 15, 2001. The plan shall assume an implementation date of July 1, 2003."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW

71.24.015, 71.24.025, 71.24.030, 71.24.035, 71.24.037, 71.24.045, 71.24.049, 71.24.155, 71.24.160, 71.24.250, 71.24.400, and 71.24.405; reenacting and amending RCW 71.24.300; adding new sections to chapter 71.24 RCW; and creating a new section."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1650.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1650 as amended by the Senate.

Representatives Cody and Alexander spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1650 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Crouse, Doumit, Poulsen, Sehlín, and Sump - 5.

Substitute House Bill No. 1650 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

April 17, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5275 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to recede from its amendments. The rules were suspended and Senate Bill No. 5275 was returned to second reading for purposes of amendment.

### **SECOND READING**

Representative McMorris moved the adoption of the following amendment (205):

On page 4, line 37, strike "under what circumstances the auditor may"

Representative McMorris spoke in favor of adoption of the amendment.



The amendment was adopted.

Representative McMorris moved the adoption of the following amendment (206):

On page 10, line 11, strike "basis" and insert "district"

Representative McMorris spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Romero spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Senate Bill No. 5275 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5275 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 94.

Voting nay: Representatives Bush and Dunn - 2.

Excused: Representatives Doumit and Sump - 2.

Senate Bill No. 5275 as amended by the House, having received the necessary constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

April 17, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5988 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Substitute Senate Bill No. 5988 was returned to second reading for purposes of amendment.

### **SECOND READING**

There being no objection, amendment (197) was withdrawn.

Representative Anderson moved the adoption of the following amendment (203):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.33A.100 and 1993 c 281 s 50 are each amended to read as follows:

The state investment board shall maintain appropriate offices and employ such personnel as may be necessary to perform its duties. Employment by the investment board shall include but not be limited to an executive director, investment officers, and a confidential secretary, which positions are exempt from classified service under chapter 41.06 RCW. Employment of the executive director by the board shall be for a term of three years, and such employment shall be subject to confirmation of the state finance committee: PROVIDED, That nothing shall prevent the board from dismissing the director for cause before the expiration of the term nor shall anything prohibit the board, with the confirmation of the state finance committee, from employing the same individual as director in succeeding terms. Compensation levels for the executive director, a confidential secretary, and all investment officers, including the deputy director for investment management, employed by the investment board shall be established by the ((Washington personnel resources)) state investment board. The investment board is authorized to maintain a retention pool, from the earnings of the funds managed by the board, in order to address recruitment and retention problems. The compensation levels for investment officers shall be limited to the average of state funds of similar size, based upon a biennial survey conducted by the investment board, with review and comment by the joint legislative audit and review committee. However, in any fiscal year the salary increases granted by the investment board from the retention pool to investment officers pursuant to this section may not exceed an average of five percent.

The investment board shall provide notice to the director of the department of personnel, the director of financial management, and the chairs of the house of representatives and senate fiscal committees of proposed changes to the compensation levels for the positions. The notice shall be provided not less than sixty days prior to the effective date of the proposed changes.

As of July 1, 1981, all employees classified under chapter 41.06 RCW and engaged in duties assumed by the state investment board on July 1, 1981, are assigned to the state investment board. The transfer shall not diminish any rights granted these employees under chapter 41.06 RCW nor exempt the employees from any action which may occur thereafter in accordance with chapter 41.06 RCW.

All existing contracts and obligations pertaining to the functions transferred to the state investment board in this 1980 act shall remain in full force and effect, and shall be performed by the board. None of the transfers directed by this 1980 act shall affect the validity of any act performed by a state entity or by any official or employee thereof prior to July 1, 1981.

**Sec. 2.** RCW 43.03.028 and 1995 c 67 s 1 are each amended to read as follows:

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the Washington personnel resources board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; ~~((the state finance-~~

~~committee;~~) the state library; the traffic safety commission; the horse racing commission; the advisory council on vocational education; the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian Pacific American affairs; the state board for volunteer fire fighters and reserve officers; the transportation improvement board; the public employment relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060."

Correct the title.

Representatives Anderson and Sommers spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Anderson and Sommers spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5988 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5988 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Voting nay: Representatives Hunt and Romero - 2.

Substitute Senate Bill No. 5988 as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 18, 2001

Mr. Speakers:

The Senate receded from its amendment on page 2, line 30 to SUBSTITUTE HOUSE BILL NO. 1094, and passed the measure with an amendment on page 2, line 10 (S-2539.1).

On page 2, line 10, after "sanctions" insert ", which must be reported to the federal data bank"

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1094.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1094 as amended by the Senate.

Representatives Campbell and Cody spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1094 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 98.

Substitute House Bill No. 1094 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

April 18, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5187 and asks the House to recede therefrom.

Tony M. Cook, Secretary

There being no objection, the House refused to recede, insisted on its position regarding House amendment to Substitute Senate Bill No. 5187 and asked the Senate to concur therein.

### **MESSAGE FROM THE SENATE**

April 18, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5430 and asks the House to recede therefrom.

Tony M. Cook, Secretary

There being no objection, the House refused to recede, insisted on its position regarding House

amendment to Senate Bill No. 5430 and asked the Senate to concur therein.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., April 20, 2001, the 103<sup>rd</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
ONE HUNDRED THIRD DAY

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MORNING SESSION

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House Chamber, Olympia, Friday, April 20, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bryan Vasques and Alex Fitterer. Prayer was offered by Representative Jim McIntire.

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

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Pennington presiding) introduced The Honorable Fidel Ramos, the former President of the Republic of the Philippines (from 1992 to 1998). Mr. Ramos addressed members of the House. Mr. Ramos was visiting Washington State on a trade mission. He introduced the people accompanying him.

**MESSAGE FROM THE SENATE**

April 19, 2001

Mr. Speakers:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1450 and passed the bill without said amendments,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2001-4651 by Representatives Veloria, Cody, Schual-Berke, Campbell, Kenney, Mitchell, Dunn, Van Luven, Clements, Alexander, Quall, Armstrong, McDermott and Esser

WHEREAS, Multiple sclerosis (MS) is an unpredictable neurological disease that affects nearly a third of a million people in the United States; and

WHEREAS, Approximately 200 people each week are diagnosed with MS, more than one person every hour; and

WHEREAS, The unpredictable physical and emotional effects, such as blurred vision, loss of balance, poor coordination, slurred speech, tremors, numbness, extreme fatigue, even paralysis and blindness, can last the rest of their lives; and

WHEREAS, Onset of symptoms occurs most often between the ages of 20 and 40, at the prime of life when the impact of a chronic illness can be most damaging to family and career; and

WHEREAS, MS can be a very costly illness to an individual in terms of lost wages estimated annually at \$22,000, the cost of health care estimated annually at \$21,500, as well as time spent by family members providing care; and

WHEREAS, Approximately 150-220 per 100,000 people in Washington state have MS, making the incidence rate in this state one of the highest in the nation; and

WHEREAS, The National Multiple Sclerosis Society, Greater Washington Chapter services over 6,500 people with multiple sclerosis in 23 Western and Central Washington counties; and

WHEREAS, Every month the National Multiple Sclerosis Society, Greater Washington Chapter responds to hundreds of requests for information from people newly diagnosed with the disease, their families, friends, employers, and health professionals; and

WHEREAS, The Pacific Northwest Alliance of MS Centers works in collaboration with community clinicians, nurses, researchers, and persons affected by multiple sclerosis to organize ongoing patient educational lecture series; and

WHEREAS, The Pacific Northwest Alliance of MS Centers is working toward conducting collaborative clinical research to develop and maintain a common patient data base; and

WHEREAS, The MS clinics in the region are working towards sharing information about specific resources available, educational events, research opportunities, emerging findings in MS research, and ideas for improving MS patient care;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington declare the month of May to be MS Awareness Month, to educate the residents of Washington state about this disease; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington also recognize that the Pacific Northwest is a region with one of the highest concentrations of MS in the country, and there is great demand for specialized MS care.

House Resolution No. 4651 was adopted.

HOUSE RESOLUTION NO. 2001-4653 by Representatives Hankins, Fisher, Armstrong, Lisk and Hunt

WHEREAS, Sidney Wallace Morrison, known to most as "Sid," was born in the Yakima Valley in the state of Washington on May 13, 1933, and has ever since brought joy and honor to his parents Charlie and Ann, the entire Morrison family, and the many neighbors and friends within the Yakima Valley who are his roots, including his Toppenish High School classmates; and

WHEREAS, Sid served in the United States Army and graduated from Washington State College and throughout his career has been an advocate for the men and women serving in the nation's military and the students and alumnus of what is now Washington State University; and

WHEREAS, Sid and Marcella Morrison raised three girls and a boy and sustained the family ranch and business growing apples, cherries, pears, and other fruits that are the pride of Washington state's agricultural bounty; and

WHEREAS, Sid became a leader within Washington state's tree fruit industry and throughout his career has been a friend and advocate for all of the state's agricultural interests nationally and abroad; and

WHEREAS, Sid served the citizens of the state's 15th legislative district in the state House of Representatives and Senate, rising to positions of leadership in both bodies; and

WHEREAS, Sid served with distinction in the United States House of Representatives for 12 years, representing the state's 4th Congressional District; and

WHEREAS, During his days in the Congress, Sid worked hard to: establish the Goat Rocks and William O. Douglas wilderness areas, the Columbia Gorge National Scenic Area, the Mount St. Helens National Volcanic Monument; preserve working forests and sustain timber-dependent communities that rely on them; establish adequate water supplies to serve the needs of the environment and all that depends on the cool clean waters of the Yakima River and its creeks and tributaries; promote the nation's agricultural products throughout the world; and support research to sustain world-class family farms; and

WHEREAS, Sid was also a leader in Congress in providing reliable energy supplies and providing the nation with a strong defense, supporting the energy needs of the nation, new advanced high technology, science and space research, and the transformation of the Hanford Nuclear Reservation from a vital instrument of our nation's security into a national clean-up laboratory dedicated to the protection of the environment that surround it, and the Columbia River that passes through it; and

WHEREAS, Sid's congressional service also saw him advocate for civil rights, small businesses, people in need of organ donation, and the wide variety of needs of every citizen seeking help with the federal bureaucracy, assuring that his office served as a model of constituent service; and

WHEREAS, Sid made good on his promise to serve just 12 years in the Congress and then sought to bring the state together by campaigning hard to become the state's Governor; and

WHEREAS, Sid was named by the Washington State Department of Transportation as Secretary of Transportation in 1993 with the charge to prepare the state's transportation systems for the 21st century; and

WHEREAS, Sid proudly led the men and women of the Washington State Department of Transportation, always inspiring them to do their best and make the state's transportation agency a leader in the nation with the call to "Move it Better"; and

WHEREAS, During Sid's tenure at the department, major accomplishments included the completion of Interstate 90, the Mount St. Helens Memorial Highway, Highway 395 connecting Pasco and Ritzville, the Sequim By-Pass, voter approval of new mass transit to serve central Puget Sound, restoration of rail passenger service between Vancouver, B.C. and Eugene, Oregon, a new First Avenue South Bridge, Tacoma's Cable Stay Bridge on Highway 509, construction of three new Jumbo Mark II ferries and two new fast passenger ferries, safety improvements that have helped make Washington's highways safer each year and always among the safest in the nation, the steady improvement of the pavement conditions on all the state's roads, completion of major portions of the state's High-Occupant Vehicle System, development of the state's first long-range multimodal transportation plan, 30 percent growth in transit ridership, 15 percent growth in ferry ridership, support for freight rails that carry over 74 million tons of cargo each year, and freight mobility systems that support international trade tied to one in every three jobs in the state; and

WHEREAS, Sid led the state's transportation employees who sustain 18,000 miles of highway lanes, 3,300 bridges and tunnels, 70,000 acres of road side, six mountain passes, and 29 ferries and 20 ferry terminals that carry 26 million passengers each year and successfully complete over 99 percent of every ride; and

WHEREAS, Sid has always promoted the entire state's transportation needs, embracing the diversity of the state's communities and the diversity of all the people who keep the state moving and became a leader within the nation's transportation community; and

WHEREAS, Sid's career has always represented the best in civility, bipartisanship, results-oriented government, and service to all the people of the state with honor and integrity and is known to most everyone as the model of a "nice guy";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the outstanding contributions of Sid Morrison, who has dedicated his life to making the state of Washington a better place, and wish him continued good fortune and active engagement in the affairs of the great state of Washington as he retires as Secretary of the Washington State Department of Transportation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the family of Sid Morrison.

House Resolution No. 4653 was adopted.

#### **SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 1341,  
 SUBSTITUTE HOUSE BILL NO. 1498,  
 HOUSE BILL NO. 1567,  
 HOUSE BILL NO. 1579,  
 HOUSE BILL NO. 1581,  
 HOUSE BILL NO. 1750,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997,

#### **MESSAGE FROM THE SENATE**



Mr. Speakers:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5937, and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to recede from its amendments to Engrossed Substitute Senate Bill No. 5937, insisted on its position and asked the Senate to concur therein.

### SENATE AMENDMENTS TO HOUSE BILL

April 19, 2001

Mr. Speakers:

The Senate receded from the amendment by Senator(s) Kastama, Finkbeiner, McAuliffe and Zarelli to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137. Under suspension of the rules Engrossed Substitute House Bill No. 2137, was returned to second reading for purpose of amendment. The Senate adopted amendment 2137-S.E AAS 04/19/01 S-2711.2, and passed the bill as amended by the Senate.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least ~~((twelve))~~ thirteen years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the

~~((county designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW))~~ person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. ((The county designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW.)) Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation((;)) bond((;)) or bail, the examination shall occur wherever is appropriate.

The ~~((county designated mental health professional))~~ person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation((;)) bond((;)) or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall~~((, to the extent permitted by law,))~~ notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the ~~((county designated mental health professional))~~ person or agency designated by the local regional support network determines it is appropriate, the ~~((county designated mental health professional))~~ person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

- (a) Any student or employee of a private military academy when on the property of the academy;
- (b) Any person engaged in military, law enforcement, or school district security activities;
- (c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
- (d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
- (e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;
- (f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;
- (g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm,

secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(6) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9.61 RCW to read as follows:

Upon the arrest of a person at least thirteen years of age and not more than twenty-one years of age for violating RCW 9.61.160 by making a threat to bomb, on public or private elementary or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

The person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this section prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the person or agency designated by the local regional support network determines it is appropriate, the person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual."

On page 1, line 1 of the title, after "premises;" strike the remainder of the title and insert "amending RCW 9.41.280; and adding a new section to chapter 9.61 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 2137 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 19, 2001

Mr. Speakers:

The Senate receded from the amendment by Committee on Judiciary to HOUSE BILL NO. 1227. Under suspension of the rules House Bill No.1227 was returned to second reading for the purpose of amendment. The Senate adopted amendment 1227 AAS 04/19/01 S-2700.1, and passed the bill as amended by the Senate.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9A.76.110 and 1982 1st ex.s. c 47 s 23 are each amended to read as follows:

(1) A person is guilty of escape in the first degree if ~~((;))~~ he or she knowingly escapes from custody or a detention facility while being detained pursuant to a conviction of a felony or an equivalent juvenile offense ~~((, he escapes from custody or a detention facility))~~.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from remaining in custody or in the detention facility or from returning to custody or to the detention facility, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to remain or return, and that the person returned to custody or the detention facility as soon as such circumstances ceased to exist.

(3) Escape in the first degree is a class B felony.

**Sec. 2.** RCW 9A.76.120 and 1995 c 216 s 15 are each amended to read as follows:

(1) A person is guilty of escape in the second degree if:

(a) He or she knowingly escapes from a detention facility;

(b) Having been charged with a felony or an equivalent juvenile offense, he or she knowingly escapes from custody; or

(c) ~~((Having been found to be a sexually violent predator and being under an order of conditional release, he or she leaves the state of Washington without prior court authorization))~~ Having been committed under chapter 10.77 RCW for a sex, violent, or felony harassment offense and being under an order of conditional release, he or she knowingly leaves or remains absent from the state of Washington without prior court authorization.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from remaining in custody or in the detention facility or from returning to custody or to the detention facility, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to remain or return, and that the person returned to custody or the detention facility as soon as such circumstances ceased to exist.

(3) Escape in the second degree is a class C felony.

**Sec. 3.** RCW 9A.76.170 and 1983 1st ex.s. c 4 s 3 are each amended to read as follows:

(1) Any person having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before any court of this state, or of the requirement to report to

a correctional facility for service of sentence, and who (~~knowingly~~) fails to appear or who fails to surrender for service of sentence as required is guilty of bail jumping.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Bail jumping is:

- (a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;
- (b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;
- (c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony;
- (d) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

**Sec. 4.** RCW 9A.76.010 and 1991 c 181 s 6 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court, or any period of service on a work crew: PROVIDED, That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and 74.13.031 and chapter 13.32A RCW shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court;

(4) "Uncontrollable circumstances" means an act of nature such as a flood, earthquake, or fire, or a medical condition that requires immediate hospitalization or treatment, or an act of man such as an automobile accident or threats of death, forcible sexual attack, or substantial bodily injury in the immediate future for which there is no time for a complaint to the authorities and no time or opportunity to resort to the courts.

**Sec. 5.** RCW 9.94A.360 and 2000 c 28 s 15 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any

crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction.

(12) If the present conviction is for a drug offense count three points for each adult prior felony drug

offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for (~~Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or~~) Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

**NEW SECTION. Sec. 6.** A new section is added to chapter 10.88 RCW to read as follows:

A law enforcement agency shall deliver a person in custody to the accredited agent or agents of a demanding state without the governor's warrant provided that:

(1) Such person is alleged to have broken the terms of his or her probation, parole, bail, or any other release of the demanding state; and

(2) The law enforcement agency has received from the demanding state an authenticated copy of a prior waiver of extradition signed by such person as a term of his or her probation, parole, bail, or any other release of the demanding state and photographs or fingerprints or other evidence properly identifying the person as the person who signed the waiver.

**NEW SECTION. Sec. 7.** The following acts or parts of acts are each repealed:

(1) RCW 72.65.070 (Wilfully failing to return--Deemed escapee and fugitive--Penalty) and 1967 c 17 s 7; and

(2) RCW 72.66.060 (Wilfully failing to return--Deemed escapee and fugitive--Penalty) and 1971 ex.s. c 58 s 7.

**NEW SECTION. Sec. 8.** The laws repealed by this act are repealed except with respect to rights and duties which matured, penalties which were incurred, proceedings which were begun prior to the effective date of this act, or proceedings which are initiated after this act for violations committed prior to the effective date of this act.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

On page 1, line 1 of the title, after "custody;" strike the remainder of the title and insert "amending RCW 9A.76.110, 9A.76.120, 9A.76.170, 9A.76.010, and 9.94A.360; adding a new section to chapter 10.88 RCW; creating a new section; repealing RCW 72.65.070 and 72.66.060; prescribing penalties; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Tony M Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Bill No. 1227.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of House Bill No. 1227 as amended by the Senate.

Representatives Ballasiotes and O'Brien spoke in favor of the passage of the bill.

### **MOTIONS**

On motion of Representative Santos, Representatives Gombosky, Kenney, Murray and Speaker Chopp were excused. On motion of Representative Schoesler, Representatives DeBolt, Mitchell and Speaker Ballard were excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1227 as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, and Woods - 91.

Excused: Representatives DeBolt, Gombosky, Kenney, Mitchell, Murray, Speaker Ballard, and Speaker Chopp - 7.

House Bill No. 1227 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 19, 2001

Mr. Speakers:

The Senate receded from the amendment by Committee on Human Services & Corrections to SECOND SUBSTITUTE HOUSE BILL NO. 1249. Under suspension of the rules Second Substitute House Bill No. 1249, was returned to second reading for purpose of amendment. The Senate adopted amendment 1249-S2 AAS 04/19/01 S-2710.1, and passed the bill as amended by the Senate.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 74.13 RCW, to be codified after RCW 74.13.010, to read as follows:

The legislature finds that accreditation of children's services by an independent entity can significantly improve the quality of services provided to children and families. Accreditation involves an ongoing commitment to meeting nationally recognized standards of practice in child welfare and holds organizations accountable for achieving improved outcomes for children.

Accreditation is a structured process designed to facilitate organizational change and improvement within



individual local offices. Standards require improved case management, documentation, internal case management practices, and accountability. Accreditation requires the establishment of clear communication with biological parents, foster and adoptive parents, providers, the courts, and members of the community.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW, to be codified after section 1 of this act, to read as follows:

The department shall undertake the process of accreditation with the goal of completion by July 2006. The department, in conjunction with a national independent accreditation entity, shall report to the appropriate legislative committees its progress towards complete accreditation on an annual basis, starting December 2001."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and adding new sections to chapter 74.13 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Second Substitute House Bill No. 1249.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1249 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1249 as amended by the Senate and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, and Woods - 90.

Excused: Representatives DeBolt, Gombosky, Kenney, Mitchell, Murray, Voloria, Speaker Ballard, and Speaker Chopp - 8.

Second Substitute House Bill No. 1249 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 18, 2001

Mr. Speakers:

The Senate receded from the amendment by Senator Brown to SUBSTITUTE HOUSE BILL NO. 1314. Under suspension of the rules Substitute House Bill No. 1314 was returned to second reading for purpose of amendment. The Senate adopted amendment 1314-S AAS 04/18/01 S-2690.2, and passed the bill as amended by the Senate.

Strike everything after the enacting clause and insert the following:

**"PART I  
GENERAL GOVERNMENT**

**Sec. 101.** 1999 c 309 s 106 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2000) .....	\$	5,847,000	
General Fund--State Appropriation (FY 2001) .....	\$	5,847,000	
..... TOTAL APPROPRIATION	\$		11,6

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be transferred to the legislative systems revolving fund. Transfer authority shall not be granted for the 2001-03 fiscal biennium.

**Sec. 102.** 1999 c 309 s 111 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund--State Appropriation (FY 2000) .....	\$	904,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((852,000))</del>	
		<u>944,000</u>	
..... TOTAL APPROPRIATION	\$		((4,7
		<u>1,848,000</u>	

**Sec. 103.** 2000 2nd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2000) .....	\$	13,144,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((14,569,000))</del>	
		<u>14,204,000</u>	
Public Safety and Education Account--State Appropriation.....	\$	<del>((25,085,000))</del>	
		<u>25,135,000</u>	
Judicial Information Systems Account--State Appropriation .....	\$	19,016,000	
..... TOTAL APPROPRIATION	\$		((71
		<u>71,499,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions.

(3) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(4) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(5) \$278,000 of the general fund--state appropriation for fiscal year 2000, \$285,000 of the general fund--state appropriation for fiscal year 2001, and \$263,000 of the public safety and education account

appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$200,000 of the public safety and education account appropriation is provided solely for a unified family court pilot program. Of this amount, \$150,000 is provided for the costs of establishing the program and \$50,000 is provided for costs associated with evaluating the efficacy of the program. The pilot program grant is limited to the 1999-01 biennium. After this time, it is assumed that funding for continuation of the unified family court or expansion to other counties would be provided by local jurisdictions based on the results of the evaluation of the program.

(7) \$130,000 of the general fund--state appropriation for fiscal year 2000 and \$130,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the new judicial positions authorized by Engrossed Senate Bill No. 5036 (superior court judges).

(8) \$132,000 of the general fund--state appropriation for fiscal year 2000 and \$136,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state's portion of increased costs in the superior court mandatory arbitration program.

(9) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to increase the number of children served by court-appointed special advocates in dependency matters. The office of the administrator for the courts, after consulting with the Washington association of juvenile court administrators and the Washington association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(10) \$30,000 of the public safety and education account--state appropriation is provided solely for the office of the administrator for the courts to convene a task force to review whether there are revisions to existing statutes and court rules which, if implemented, would decrease the likelihood of an inappropriate imposition of the death penalty.

**Sec. 104.** 2000 2nd sp.s. c 1 s 108 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2001) .....	\$	500,000	
Public Safety and Education Account--State Appropriation.....	\$	<del>((12,490,000))</del>	
		<u>12,080,000</u>	
..... TOTAL APPROPRIATION	\$		<del>((12,490,000))</del>
		<u>12,580,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$558,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1599 (court funding). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) The entire general fund--state appropriation is provided solely for a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

- (i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;
  - (ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;
  - (iii) Use of investigative and expert services in appropriate cases; and
  - (iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.
- (b) The pilot program shall be established in one eastern and one western Washington juvenile court.
- (c) The director shall contract for an independent evaluation of the pilot program benefits and costs. An interim evaluation shall be submitted to the governor and fiscal committees of the legislature no later than January 1, 2001. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than ninety days following the close of the 1999-01 fiscal biennium.
- (5) \$50,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2491 (DNA testing of offenders). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

**Sec. 105.** 2000 2nd sp.s. c 1 s 109 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2000) .....	\$ 5,762,000
General Fund--State Appropriation (FY 2001) .....	\$ 5,720,000
General Fund--Federal Appropriation.....	\$ 209,000
Water Quality Account--State Appropriation .....	\$ 700,000
..... TOTAL APPROPRIATION	\$
	<u>12,391,600</u>

((42

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,612,000 of the general fund--state appropriation for fiscal year 2000, \$1,588,000 of the general fund--state appropriation for fiscal year 2001, \$700,000 of the water quality account appropriation, and \$209,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.
- (2) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the salmon recovery office to support the efforts of the independent science panel.
- (3) \$62,000 of the fiscal year 2000 general fund--state appropriation and \$63,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing the salmon recovery funding board in the office of the governor. If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.
- (4) \$3,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Senate Bill No. 5408 (state medal of valor).

**Sec. 106.** 2000 2nd sp.s. c 1 s 111 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2000) .....	\$ 1,751,000
General Fund--State Appropriation (FY 2001) .....	\$ ((2,170,000))
	<u>2,307,000</u>
..... TOTAL APPROPRIATION	\$
	<u>4,058,000</u>

((3,9

The appropriations in this section are subject to the following conditions and limitations: \$328,000 of

the general fund--state appropriation for fiscal year 2000 and \$760,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5931 (electronic filing and public access). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

**Sec. 107.** 2000 2nd sp.s. c 1 s 112 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2000) .....	\$	14,043,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((8,399,000))</del>	
		<u>9,770,000</u>	
General Fund--Private/Local Appropriation .....	\$	120,000	
Archives and Records Management Account--State Appropriation .....	\$	<del>((5,489,000))</del>	
		<u>5,876,000</u>	
Archives and Records Management Account--Private/Local Appropriation .....	\$	<del>((4,123,000))</del>	
		<u>4,132,000</u>	
Department of Personnel Service Account--State Appropriation .....	\$	681,000	
..... TOTAL APPROPRIATION	\$		<del>((32</del>
		<u>34,622,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,355,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$3,780,000 of the general fund--state appropriation for fiscal year 2000 ~~((is))~~ and \$1,621,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to reimburse counties for the state's share of presidential preference primary election costs. For expenses payable in fiscal year 2001, counties shall be reimbursed only for those actual presidential preference primary election costs that the secretary of state validates as eligible for reimbursement.

(3) \$2,106,000 of the general fund--state appropriation for fiscal year 2000 and ~~((2,663,000))~~ \$2,413,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2000 and \$125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for legal advertising of state measures under RCW 29.27.072.

(5)(a) \$1,870,350 of the general fund--state appropriation for fiscal year 2000 and \$1,907,757 of the general fund--state appropriation for fiscal year 2001 are provided solely for continuing the contract with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance during the 1999-2001 biennium.

(b) The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington by any county, city, town, or other political subdivision of the state of Washington, or by the

congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(6) ~~(\$867,000)~~ \$1,252,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

(7) \$120,000 of the general fund--private/local appropriation is provided solely for the Washington quality awards council.

(8) \$20,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the operations of the task force on archaeology and historic preservation. The task force shall develop a single recommendation for consideration by the legislature and the governor on the issue of the location of the office of archaeology and historic preservation within state government. The recommended location shall maximize the office of archaeology and historic preservation's stature, visibility, accessibility, and delivery of service state-wide in the context of its critical role as an important link among downtown and neighborhood revitalization efforts, the cultural tourism movement, rural economic development initiatives, and the preservation of the structures and sites that still remain as the legacy of Washington's rich and diverse heritage. The task force shall consider and include in its recommendation how best both to realize the potential of the office of archaeology and historic preservation to generate revenue from services it could provide in international, national, state, local, and private venues and also how best to achieve adequate funding from all funding sources to assure that the office of archaeology and historic preservation can provide the best possible service to the citizens of the state. There shall be eleven members of the task force as follows: One member shall be the state historic preservation officer or his or her designee; two members shall be representatives of state agencies; two members shall be representatives of local governments; there shall be one representative each from the Washington state historical society, the eastern Washington state historical society, the Washington trust for historic preservation, and Indian tribes; and two members shall be representatives of the private sector who have experience in preservation of historic buildings or archaeological sites or who have particular interest in the issue of preservation of historic buildings and archaeological sites. The state historic preservation officer shall be the chair of the task force. The task force shall report to appropriate committees of the legislature and the governor by January 1, 2001.

(9) \$8,000 of the fiscal year 2001 general fund--state appropriation is provided solely to implement Senate Bill No. 5408 (state medal of valor).

**Sec. 108.** 1999 c 309 s 119 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2000) .....	\$	215,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((215,000))</del>	
		<u>221,000</u>	
..... TOTAL APPROPRIATION	\$		((43
		<u>436,000</u>	

**Sec. 109.** 2000 2nd sp.s. c 1 s 114 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund--State Appropriation (FY 2000) .....	\$	67,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((128,000))</del>	
		<u>133,000</u>	
..... TOTAL APPROPRIATION	\$		((19
		<u>200,000</u>	

The appropriations in this section are subject to the following conditions and limitations and are sufficient for the commission to: (1) Carry out statutorily required public hearings; (2) enter into an agreement

with the department of personnel to provide data sharing, research support, and training for commission members and staff; (3) employ part-time staff in fiscal year 2000 to respond to requests for information; and (4) begin full-time staffing in September 2000 to allow for orientation and training for commission members prior to the next salary setting cycle. \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$10,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for office rent for the remainder of the biennium, increased AFRS and consolidated mail costs, general administration consulting services, and unexpected commission meeting costs related to litigation. Future funding for lease costs beyond the current biennium shall be contingent upon the agency's colocation with another agency.

**Sec. 110.** 2000 2nd sp.s. c 1 s 115 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2000) .....	\$	4,079,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((4,557,000))</del>	
		<u>4,527,000</u>	
General Fund--Federal Appropriation.....	\$	2,526,000	
Public Safety and Education Account--State Appropriation.....	\$	1,338,000	
New Motor Vehicle Arbitration Account--State Appropriation .....	\$	1,109,000	
Legal Services Revolving Account--State Appropriation.....	\$	118,390,000	
..... TOTAL APPROPRIATION	\$		<del>((13</del>
		<u>131,969,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.
- (2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.
- (3) \$154,000 of the fiscal year 2000 general fund--state appropriation and \$308,000 of the fiscal year 2001 general fund--state appropriation are provided solely for the costs associated with the legal defense and implementation of initiative measures ~~((No. 695))~~ approved by the voters in fiscal years 2000 and 2001.
- (4) \$486,000 of the legal services revolving account appropriation is provided solely to support activities related to vulnerable adults. Such activities include providing technical assistance for guardianships, financial exploitation cases, protection orders, and providing assistance to police and prosecutors addressing vulnerable adults.
- (5) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for costs associated with enforcing state authority on taxation of liquor with respect to Resolution T-022-00, or any other tax or regulatory ordinances regarding liquor, adopted by the Confederated Tribes and Bands of the Yakama Nation.

**Sec. 111.** 2000 2nd sp.s. c 1 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2000) .....	\$	12,600,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((13,208,000))</del>	
		<u>13,350,000</u>	
General Fund--Federal Appropriation.....	\$	<del>((23,340,000))</del>	

	<u>23,628,000</u>
General Fund--Private/Local Appropriation .....	\$ 500,000
..... TOTAL APPROPRIATION	\$ <u>50,078,000</u>

((49

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$50,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to evaluate and promote the use by state and local agencies of the training facilities at the Hanford reservation.
- (2) Funding in this section provides for a feasibility study to collect Washington enrollment data on distance learning programs sponsored by in-state and out-of-state private institutions in cooperation with the higher education coordinating board and the state board for community and technical colleges. Findings shall be submitted to the appropriate committees of the legislature by January 2000.
- (3) \$75,000 of the fiscal year 2000 general fund--state appropriation and \$75,000 of the fiscal year 2001 general fund--state appropriation are provided solely to track and administer state and federal funding for salmon recovery allocated by the salmon recovery funding board established under Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079.
- (4) The office of financial management, in collaboration with the institutions of higher education, the higher education coordinating board, and the state board for community and technical colleges, shall modify state information systems in order to provide consistent data on students engaged in distance learning. Higher education institutions shall provide enrollment information in support of this effort. Reporting on the numbers and categories of students enrolled in distance learning by class level and institutions shall begin by fall term, 2000. Washington independent institutions of higher education are encouraged to participate in this process and to provide distance learner enrollment data.
- (5) \$1,000,000 of the general fund--state appropriation and \$500,000 of the general fund--private/local appropriation are provided solely for the commission on early learning. One-half of the amount provided from the general fund--state shall not be expended unless matched by an equal amount from private sources.
- (6) \$329,000 of the general fund--state appropriation for fiscal 2001 is provided solely to develop a centralized database of social service contract information as recommended by the task force on agency contracting services.
- (7) \$689,000 of the general fund--state appropriation is provided solely for information systems improvements at the department of fish and wildlife, including a network upgrade, purchase of personal computers, and support for agency information systems.
- (8) \$795,000 of the general fund--state appropriation is provided solely for improvements in the basic business practices at the department of fish and wildlife, including budget monitoring, cost accounting, time accounting and payroll systems, and license revenue forecasting.
- (9) \$75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the task force on health care reinsurance established by Second Substitute Senate Bill No. 6067 (health insurance coverage). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.
- (10) \$285,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the office of financial management to adopt and publish uniform guidelines for the effective and efficient management of personal service contracts and client service contracts by all state agencies, conduct training on these guidelines for agency personnel, and conduct risk-based audits of personal service and client service contracts, as generally described in Second Substitute House Bill No. 2738 (state agency personal service contract practices).
  - (a) The guidelines shall, at a minimum, include: (i) Accounting methods, systems, measures, and principles to be used by agencies and contractors; (ii) precontract procedures for selecting potential contractors based on their qualifications and ability to perform; (iii) incorporation of performance measures and measurable benchmarks in contracts, and the use of performance audits; (iv) uniform contract terms to ensure contract performance and compliance with state and federal standards; (v) proper payment and reimbursement methods to ensure that the state receives full value for taxpayer moneys, including cost settlements and cost allowance; (vi) post-contract procedures, including methods for recovering improperly spent or overspent moneys for



disallowance and adjustment; (vii) adequate contract remedies and sanctions to ensure compliance; (viii) monitoring, fund tracking, risk assessment, and auditing procedures and requirements; (ix) financial reporting, record retention, and record access procedures and requirements; (x) procedures and criteria for terminating contracts for cause or otherwise; and (xi) other subjects related to effective and efficient contract management.

(b) The office of financial management shall provide a training course for agency personnel responsible for executing and managing personal service contracts and client service contracts. The course must contain training on effective and efficient contract management under the guidelines established under this subsection.

(c) The office of financial management shall conduct risk-based audits of the contracting practices associated with individual personal service and client service contracts from multiple state agencies to ensure compliance with the guidelines established in this subsection. The office of financial management shall forward the results of the audits conducted under this subsection to the governor, the appropriate standing committees of the legislature, and the joint legislative audit and review committee.

(11) \$30,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a review of K-12 regional cost differences. The office of financial management shall conduct research, including a review of existing methods of determining regional cost differences. Regional cost differences shall include, but not be limited to, the cost of renting, leasing, or purchasing housing. The office of financial management shall report findings on cost differences on a regional basis and make recommendations on options for mitigating these differences to the appropriate committees of the house of representatives and senate by December 15, 2000.

(12) \$243,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for an audit of the state ferry capital program. The audit of ferry capital operations shall determine the following: Whether the ferry system is acquiring, protecting, and using its resources economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the ferry system has complied with laws and regulations governing economy and efficiency. This audit shall build on audits performed by, or under the direction of, the joint legislative audit and review committee on ferry capital operations. In establishing the scope of this audit, the director of financial management shall solicit public comments from interested parties and benchmark the state ferry capital operations to other public and private ferry capital operations. To address the intent of this subsection, the director may contract for specialized expertise. The audit report shall be delivered on or before January 1, 2001, to the governor and to the fiscal committees of the state legislature.

**Sec. 112.** 1999 c 309 s 130 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State Appropriation .....	\$	<del>((20,749,000))</del>
		<u>20,880,000</u>

**Sec. 113.** 2000 2nd sp.s. c 1 s 118 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF PERSONNEL**

Department of Personnel Service Account--State Appropriation .....	\$	16,999,000
Higher Education Personnel Services Account--State Appropriation .....	\$	1,640,000
..... TOTAL APPROPRIATION		\$

18,6

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.

(3) \$515,000 of the department of personnel service account appropriation is provided solely for the development and implementation of a new employment application processing system to: Provide for electronic applications via the internet, provide continuous application acceptance, provide increased public access to job openings, allow for single applications for multiple jobs, and provide for scanning of larger applicant databases as job openings arise.

(4) \$190,000 of the department of personnel service account appropriation is provided solely for the expansion of the executive fellowship program.

(5) \$108,000 of the department of personnel service account appropriation is provided solely for increased funding of the administrative expenses of the combined fund drive.

(6) \$52,000 of the department of personnel service account appropriation is provided solely to implement House Bill No. 5432 (retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(7) The department of personnel has the authority to charge agencies for expenses associated with converting its payroll/personnel computer system to accommodate the year 2000 date change and to implement plan 3 of the public employees' retirement system. Funding to cover these expenses shall be realized from the agency FICA savings associated with the pretax benefits contributions plan.

**Sec. 114.** 1999 c 309 s 133 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund--State Appropriation (FY 2000) .....	\$	216,000	
General Fund--State Appropriation (FY 2001) .....	\$	((225,000))	
		<u>234,000</u>	
..... TOTAL APPROPRIATION	\$		((44
		<u>450,000</u>	

**Sec. 115.** 1999 c 309 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2000) .....	\$	190,000	
General Fund--State Appropriation (FY 2001) .....	\$	((188,000))	
		<u>197,000</u>	
..... TOTAL APPROPRIATION	\$		((37
		<u>387,000</u>	

**Sec. 116.** 2000 2nd sp.s. c 1 s 119 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Dependent Care Administrative Account--State Appropriation .....	\$	361,000	
Department of Retirement Systems Expense Account--State Appropriation .....	\$	((44,608,000))	
		<u>44,662,000</u>	
..... TOTAL APPROPRIATION	\$		((44
		<u>45,023,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$92,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 5030 (Washington state patrol surviving spouse retirement). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(2) \$259,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1024 (retirement system option). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 6012 (investment board fund values). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$22,000 of the department of retirement systems expense account appropriation is provided solely to implement Senate Bill No. 5432 (PERS retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$50,000 of the department of retirement systems expense account appropriation is provided solely for the department to prepare and distribute to state employees information about options under the federal tax code for tax-advantaged retirement savings.

(6) \$3,731,000 of the department of retirement systems expense account appropriation is provided solely

for the information systems project known as the electronic document image management system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(7) The department shall adjust the retirement systems administrative rate during the 1999-2001 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding for a study of LEOFF plan 1 medical liabilities by the office of the state actuary.

(8) \$293,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 2604 (survivor options). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) \$2,879,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(10) \$480,000 of the department of retirement systems expense account appropriation is provided solely for increased charges for services provided by the department of information systems. The two departments shall submit a report on the causes of the increased charges to the office of financial management no later than September 1, 2000.

**Sec. 117.** 1999 c 309 s 138 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2000) .....	\$	69,998,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((68,171,000))</del>	
		<u>67,156,000</u>	
Timber Tax Distribution Account--State Appropriation.....	\$	4,893,000	
Waste Education/Recycling/Litter Control--State Appropriation.....	\$	101,000	
State Toxics Control Account--State Appropriation.....	\$	67,000	
Oil Spill Administration Account--State Appropriation .....	\$	14,000	
.....			
		<b>TOTAL APPROPRIATION</b>	\$
			<u>142,229,000</u>

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The appropriations in this section are subject to the following conditions and limitations: The department of revenue shall conduct a study and prepare a report of current state and local taxation of the electricity industry and options for changes to avoid revenue loss, promote competitive neutrality, and encourage economic development within the electricity industry. The study shall include an analysis of the following: (1) Current state and local taxation of the wholesale and retail electricity industry, including tax incidence, rate, base, collection, and allocation of taxes; (2) trends in the wholesale and retail electricity markets affecting current and future revenue streams, including power imports and exports by in-state and out-of-state suppliers; (3) The extent to which existing state and local tax laws may be insufficient to protect revenue streams in light of identifiable wholesale and retail market changes; and (4) whether the tax code is adequate to fairly tax new participants in the market such as brokers, marketers, aggregators, and traders. The department shall conduct the study with support from the utilities and transportation commission, the energy division of the department of community, trade, and economic development, and the state auditor. The department shall consult with energy utilities, retail electric customers, local governments, independent power producers, brokers, marketers, traders, other interested parties, and the chairs and ranking minority members of the committees of the senate and the house of representatives with jurisdiction over electricity issues periodically throughout the course of the study, and shall submit its report to the legislature and the governor by December 1, 1999.

**Sec. 118.** 2000 2nd sp.s. c 1 s 124 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2000) .....	\$	1,293,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((1,284,000))</del>	
		<u>1,526,000</u>	

Liquor Control Board Construction and Maintenance Account--State Appropriation .....	\$	<del>((9,998,000))</del>	
			<u>12,883,000</u>
Liquor Revolving Account--State Appropriation.....	\$	<del>((129,422,000))</del>	
			<u>130,664,000</u>
..... TOTAL APPROPRIATION	\$		<u>146,366,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,804,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$105,000 of the liquor revolving account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5712 (motel liquor licenses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$300,000 of the liquor revolving account appropriation is provided solely for the board to develop a business plan. The board shall provide copies of the plan to the office of financial management and the fiscal committees of the legislature by September 30, 1999.

(4) \$1,985,000 of the liquor control board construction and maintenance account appropriation is provided solely for the operation of the temporary distribution center.

(5) \$53,000 of the liquor revolving account appropriation is provided solely to train new enforcement agents. In cooperation with the board, the criminal justice training commission shall establish a training curriculum that is appropriate for liquor enforcement officers. Nothing in this subsection makes liquor officers eligible for membership in the law enforcement and fire fighters' pension systems.

(6) \$2,885,000 of the liquor control board construction and maintenance account appropriation is provided solely for mandatory handling system.

(7) \$242,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for legal services related to the cigarette tobacco tax enforcement program.

(8) \$925,000 of the liquor revolving account appropriation is provided solely for unanticipated expenditures in contract agency vendor commissions caused by increased sales volume.

**Sec. 119.** 2000 2nd sp.s. c 1 s 126 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2000) .....	\$	10,889,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((8,344,000))</del>	
			<u>11,648,000</u>
General Fund--Federal Appropriation.....	\$	<del>((22,148,000))</del>	
			<u>22,192,000</u>
General Fund--Private/Local Appropriation .....	\$	238,000	
Enhanced 911 Account--State Appropriation .....	\$	<del>((19,507,000))</del>	
			<u>16,607,000</u>
Disaster Response Account--State Appropriation.....	\$	<del>((10,157,000))</del>	
			<u>12,226,000</u>
Disaster Response Account--Federal Appropriation.....	\$	<del>((46,699,000))</del>	
			<u>42,566,000</u>
Worker and Community Right to Know Fund--State Appropriation.....	\$	285,000	
..... TOTAL APPROPRIATION	\$		<u>116,651,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,470,000 of the general fund--state appropriation for fiscal year 2000 ~~((is))~~ and \$3,227,000 of the

general fund--state appropriation for fiscal year 2001 are provided solely for deposit in the disaster response account to cover costs pursuant to section 402(9) of this act and subsection (2) of this section.

(2) ~~(\$9,855,000)~~ \$8,787,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster 1079 (November/December 1995 storms), FEMA disaster 1100 (February 1996 floods), FEMA disaster 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), FEMA disaster 1172 (March 1997 floods), FEMA disaster 1252 (1998 northeast counties floods), and FEMA disaster 1255 (Kelso landslide). The military department may, upon approval of the director of the office of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2001. The military department is to submit a report quarterly to the office of financial management and the fiscal committees of the house of representatives and senate detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information is to be displayed by individual disaster by fund, and by type of assistance.

(3) \$100,000 of the general fund--state fiscal year 2000 appropriation and \$100,000 of the general fund--state fiscal year 2001 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$35,000 of the general fund--state fiscal year 2000 appropriation and \$35,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the north county emergency medical service.

(5) \$302,000 of the disaster response account--state appropriation is provided solely for the costs of activating the national guard during the world trade organization conference in Seattle.

(6) \$4,003,000 of the disaster response account--state appropriation is provided solely for fire mobilization costs.

## PART II HUMAN SERVICES

**Sec. 201.** 2000 2nd sp.s. c 1 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2000, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2000 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) After May 1, 2001, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer moneys among programs, including federal moneys that are provided solely for a specified purpose. However, the department shall not transfer state moneys that are

provided for a specified purpose except as expressly provided in subsection (3)(d) of this section.

(c) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2000 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, voluntary placement, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

~~((e))~~ (d) To the extent that transfers under subsection (3)(b) of this section are insufficient to fund actual expenditures in excess of fiscal year 2001 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(e) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

Sec. 202. 2000 2nd sp.s. c 1 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$	196,694,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((214,000,000))</del>
		<u>210,463,000</u>
General Fund--Federal Appropriation.....	\$	<del>((355,146,000))</del>
		<u>354,027,000</u>
General Fund--Private/Local Appropriation .....	\$	400,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	4,194,000
Public Safety and Education Account--State Appropriation.....	\$	457,000
..... TOTAL APPROPRIATION	\$	
		<u>766,235,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) \$594,000 of the general fund--state appropriation for fiscal year 2000, \$1,964,000 of the general fund--state appropriation for fiscal year 2001, and \$195,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 5557 (the HOPE act) or sections 10 through 29 of Engrossed Second Substitute House Bill No. 1493. If neither bill is enacted by June 30, 1999, the funds shall be provided for:

(a) The department to contract for 10 temporary residential placements, for up to 30 days, for street youth by June 30, 2000, and for 29 temporary residential placements for street youth by June 30, 2001. These street youth ((shall be sixteen to eighteen years old who are dependents of the state, and)) are persons under the age of eighteen who live outdoors or in other unsafe locations not intended for occupancy by a minor((, and whose permanency plan of care does not include return to home or family reunification. The department shall contact the missing children's clearinghouse regarding these youth. The department may approve placements for fourteen and fifteen year olds who also meet these criteria. Youth who receive these placements may receive one or more of the following services: Educational services, vocational training, job readiness assistance, job search assistance, chemical dependency treatment, and counseling)) and who are not residing with a parent or at their legally authorized residence; and

(b) For the department to contract for 10 residential placements for dependent youth by June 30, 2000, and for 29 residential placements for youth by June 30, 2001. These youth shall be aged sixteen through eighteen who live outdoors or in unsafe locations not intended for occupancy by a minor, and whose permanency plan does not include return to home or family reunification. These placements may be available to youth up to eighteen years of age. Youth who receive these placements shall receive training related to one or more of the following: Basic education, employment, money management and other skills that will assist the youth in developing independent living skills.

(2) \$2,191,000 of the fiscal year 2000 general fund--state appropriation, \$2,191,000 of the fiscal year 2001 general fund--state appropriation, and \$1,540,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services." The reduction in funds assumed in this section is intended to realign the appropriation with actual service levels and expenditures and is not intended to reduce the current level of intensive family preservation services across the state.

(3) \$670,925 of the general fund--state fiscal year 2000 appropriation and \$670,925 of the general fund--state fiscal year 2001 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(4) \$513,000 of the general fund--state fiscal year 2000 appropriation and \$513,000 of the general fund--state fiscal year 2001 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(5) \$140,000 of the fiscal year 2001 state general fund appropriation is provided solely for the department to establish and maintain a toll-free telephone number and an electronic on-line system for communication of information regarding child day-care centers and family day-care providers. This number shall be available during standard business hours, and during nonbusiness hours callers shall be able to leave messages. The number shall be published in reasonably available printed and electronic media. The number shall be easily identifiable as a method that callers may use to determine whether a day-care provider is licensed, determine whether a day-care provider is in good standing regarding licensing requirements, determine the general nature of enforcement actions against the provider, obtain information on how to report suspected or observed noncompliance with licensing requirements, obtain information on how to report health, safety, and welfare concerns, receive follow-up assistance including information on the office of the family and children's ombudsman, and receive referral information on other agencies or entities that may be of further assistance to the caller. Upon request, the department shall disclose the receipt, general nature, current status and resolution of all complaints on record with the department after the effective date of this section against a child day-care center or family day-care provider that result in an enforcement action. The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers consistent with chapter 42.17 RCW. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(6) \$2,311,000 of the fiscal year 2000 general fund--state appropriation, \$2,370,000 of the fiscal year 2001 general fund--state appropriation, and \$4,182,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks.

(7) \$90,000 of the general fund--state appropriation for fiscal year 2000, \$91,000 of the general fund--state appropriation for fiscal year 2001, and \$64,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1619 (foster parent reimbursements). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(8) \$121,000 of the general fund--state appropriation for fiscal year 2000, \$101,000 of the general fund--state appropriation for fiscal year 2001, and \$80,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1668 (foster parent training). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(9) \$213,000 of the general fund--state appropriation for fiscal year 2000, \$93,000 of the general fund--state appropriation for fiscal year 2001, and \$78,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No.

5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$348,000 of the general fund--federal appropriation is provided solely for the department to determine the character of persons who have unsupervised access to children in care, including exempt child care providers defined in RCW 74.15.020, through a conviction record and pending charges check at the Washington state patrol, in order to authorize payment for care. If a check through the Washington state patrol or the federal bureau of investigation has been completed within the preceding year of the department's request, the department may rely upon the previous check for persons who confirm no offenses have been committed within the last year. Further, the appropriation is provided to the department to implement a waiver process and administrative hearing review process for exempt child care providers whose background check may otherwise disqualify them. This subsection does not establish any obligation, duty, or cause of action.

(11) \$457,000 of the public safety and education account is provided to train service providers in serving and advocating for domestic violence victims with disabilities, monitor batterer treatment programs for compliance with certification standards, fund domestic violence services to underserved populations, and support the fatality review process.

(12) \$2,214,000 of the general fund--state appropriation for fiscal year 2001 and \$686,000 of the general fund--federal appropriation are provided solely for an increase in the combined adoption support and foster care caseloads. Of the amounts provided in this subsection, \$1,107,000 shall not be expended if the total expenditures for these programs or per capita expenditures for fiscal year 2000 or for the first quarter of fiscal year 2001 for any portion of these caseloads exceed the November 1999 expenditure forecast and the department does not provide a detailed report comparing the forecasted and actual expenditures per case by rate payment category and the reasons for each overexpenditure by December 1, 2000, to the appropriate policy and fiscal committees of the legislature.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for allocation, without deduction for administrative costs by the department, to the educational institute for rural families to ensure continued seasonal child care in region two of the department. These funds are not intended to supplant the contracted rate of reimbursement or the total reimbursement for the provision of seasonal child care by this provider.

(14) \$174,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a foster parent retention pilot program. This program will be directed at foster parents caring for children who act out sexually, as described in House Bill No. 2709 (foster parent retention program).

(15) The amounts provided in this section are sufficient to implement Engrossed Second Substitute Senate Bill No. 6400 (domestic violence).

**Sec. 203.** 2000 2nd sp.s. c 1 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	35,379,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((38,283,000))</del>
		<u>35,408,000</u>
General Fund--Federal Appropriation.....	\$	<del>((9,732,000))</del>
		<u>9,884,000</u>
General Fund--Private/Local Appropriation .....	\$	380,000
Juvenile Accountability Incentive Account--Federal Appropriation .....	\$	6,548,000
Public Safety and Education Account--State Appropriation.....	\$	10,700,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	<del>((20,977,000))</del>
		<u>19,871,000</u>
..... TOTAL APPROPRIATION	\$	<u>118,170,000</u>



The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$666,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$5,742,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(c) \$1,161,000 of the general fund--state appropriation for fiscal year 2000, \$1,162,000 of the general fund--state appropriation for fiscal year 2001, \$5,000,000 of the violence reduction and drug enforcement account appropriation, and \$177,000 of the juvenile accountability incentive account--federal appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(d) \$2,419,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(e) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(f) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(g) \$75,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a contract for expanded services of the teamchild project.

(h) \$75,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the Skagit county delinquency prevention project.

(i) \$350,000 of the general fund--state appropriation for fiscal year 2000, \$735,000 of the general fund--state appropriation for fiscal year 2001, \$229,000 of the general fund--federal appropriation, and \$673,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(j) No later than January 1, 2001, the Washington state institute for public policy shall report to the legislature on the outcomes of low and moderate risk juvenile rehabilitation administration offenders who were released without supervision compared to those who were released with supervision. The study shall compare both the recidivism rates as well as the nature of any new criminal offenses each group commits. The legislature shall consider the results of this study in making any decision to continue or revise parole services for this group of offenders.

(k) \$16,000 of the general fund--state appropriation for fiscal year 2000 and \$16,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5214 (firearms on school property). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse. The amounts provided in this subsection are intended to provide funding for county

impacts associated with the implementation of Substitute Senate Bill No. 5214 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(l) \$3,440,000 of the general fund--state appropriation for fiscal year 2000 and \$3,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(m) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. To the extent that distributions made under (l) and (m) of this subsection and pursuant to section 801 of this act exceed actual costs of processing truancy, children in need of services, and at-risk youth petitions, the department, in consultation with the respective juvenile court administrator and the county, may approve expenditure of funds provided in this subsection on other costs of the civil or criminal justice system. When this occurs, the department shall notify the office of financial management and the legislative fiscal committees. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per petition processing costs nor shall it penalize counties with lower than average per petition processing costs.

(n) \$4,700,000 of the public safety and education account appropriation is provided solely for distribution to counties pursuant to stipulation and agreed-to order of dismissal in Thurston county superior court case number 98-2-02458. The department shall not retain any portion of these funds to cover administrative or any other departmental costs.

(o) The distributions made under (l), (m), and (n) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(p) Each quarter during the 1999-01 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(q) \$31,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to section 204 of this 2000 act.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	46,815,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((48,061,000))</del>
		<u>44,022,000</u>
General Fund--Private/Local Appropriation .....	\$	740,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	<del>((15,282,000))</del>
		<u>14,645,000</u>
..... TOTAL APPROPRIATION	\$	<u>106,222,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$37,000 of the general fund--state appropriation for fiscal year 2000 and \$74,000 of the general fund--state appropriation for

fiscal year 2001 are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) .....	\$	1,419,000
General Fund--State Appropriation (FY 2001) .....	\$	1,421,000
General Fund--Federal Appropriation .....	\$	317,000
Juvenile Accountability Incentive Account--Federal Appropriation .....	\$	1,100,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	421,000
..... TOTAL APPROPRIATION	\$	

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Sec. 204. 2000 2nd sp.s. c 1 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2000) .....	\$	165,723,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((179,190,000))</del>
		<u>184,775,000</u>
General Fund--Federal Appropriation .....	\$	<del>((305,644,000))</del>
		<u>311,421,000</u>
General Fund--Local Appropriation .....	\$	1,827,000
Health Services Account Appropriation .....	\$	1,225,000
..... TOTAL APPROPRIATION	\$	
		<u>664,971,000</u>

((65

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$711,000 of the general fund--state appropriation for fiscal year 2000 and \$757,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to directly reimburse eligible providers for the medicaid share of mental health services provided to persons eligible for both medicaid and medicare.

(d) \$64,000 of the general fund--state appropriation for fiscal year 2000 and \$150,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for regional support networks to participate in prerelease treatment planning and to conduct involuntary commitment evaluations, as required by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(e) \$5,000 of the general fund--state appropriation for fiscal year 2000 and \$466,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for case management and other community support services, as authorized by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a pilot project demonstrating new and collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of WAC

275-57. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; (ii) protocols, guidelines, and handbooks suitable for use by other school districts and regional support networks seeking to replicate the pilot project's approach; and (iii) intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) \$47,000 of the general fund--state appropriation for fiscal year 2000 and \$47,000 of the general fund--state appropriation for fiscal year 2001 are provided for implementation of Substitute Senate Bill No. 5214 (firearms on school premises). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

(h) The general fund--state appropriation for fiscal year 2001 includes \$1,891,000 to replace federal funding for outpatient services which is no longer available due to the reduction in the federal medical assistance percentage. The department shall distribute these additional state funds among the regional support networks according to each regional support network's capitation rate by eligibility category.

(i) The appropriations in this subsection include an increase in funding for medicaid outpatient services as a result of the forecasted increase in the number of persons eligible for medicaid over the number previously budgeted. The department shall distribute these additional appropriations among the regional support networks according to each regional support network's capitation rate by eligibility category.

(j) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated, disproportionate uncompensated care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i)(A) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity; (B) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; (C) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended; and (D) used to support strategies which can be sustained during the 2001-03 biennium at a state cost no more than 100 percent greater than the amount provided in this subsection. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed(~~((; and (B) that the provider will maintain or enhance its inpatient psychiatric treatment capacity throughout the period ending June 30, 2001, or for the duration of the funding, whichever is later))~~) that, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against the state for the rate of state reimbursement for inpatient psychiatric care(~~((; and (B) that the provider will maintain or enhance its inpatient psychiatric treatment capacity throughout the period ending June 30, 2001, or for the duration of the funding, whichever is later))~~). The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(k) \$1,000,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2663 (atypical antipsychotic medications). If Substitute House Bill No. 2663 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse. Prior to implementing the projects established in the bill, the department shall report to the appropriate policy and fiscal committees of the legislature on proposed medication delivery and monitoring systems and arrangements for obtaining manufacturer discounts or rebates. No more than \$175,000 of the funds provided in this subsection may be used for state and contractor start-up, evaluation, and administration of the projects, and no more than \$100,000 of that amount may be for ongoing costs which continue beyond fiscal year 2001. The department may transfer and allot the state component of such administrative costs to its mental health program support subprogram. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) .....	\$ 69,797,000
General Fund--State Appropriation (FY 2001) .....	\$ ((72,279,000))
	<u>71,919,000</u>
General Fund--Federal Appropriation.....	\$ ((141,129,000))
	<u>140,780,000</u>
General Fund--Private/Local Appropriation .....	\$ 29,809,000
..... TOTAL APPROPRIATION	\$ <u>312,305,000</u>

((34

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall use general fund--local appropriations in this subsection to establish a third-party revenue incentive pool, which shall be used for staff-initiated projects which will increase the quality of care at the state hospitals. For fiscal year 2000, the incentive pool shall be (i) the first \$200,000 by which revenues from third-party payers exceed \$28,000,000; and (ii) fifty percent of any amounts beyond \$28,200,000, up to a maximum of \$500,000. For fiscal year 2001, the incentive pool shall be (iii) the first \$350,000 by which third-party revenues exceed \$28,480,000; and (iv) fifty percent of any amounts beyond \$28,830,000, up to a maximum of \$700,000. For purposes of this subsection, "third-party revenues" does not include disproportionate share hospital payments or the federal share of salaries and benefit allocations. The department may establish separate incentive pools for each hospital. The department may also divide the annual revenue target into quarterly goals, and make funds available from the incentive pool on a quarterly basis.

(d) \$444,000 of the general fund--state appropriation for fiscal year 2000, \$1,866,000 of the general fund--state appropriation for fiscal year 2001, \$196,000 of the general fund--private/local appropriation, and \$157,000 of the general fund--federal appropriation are provided for improved, more specialized care for persons with developmental disabilities during their treatment for a psychiatric illness at the state hospitals.

(e) By March 1, 2001, the department shall modify the treatment approach on at least two state hospital wards to more cost-effective models of care. The models shall place greater emphasis upon community transition, or upon long-term support, than upon intensive psychiatric rehabilitation for residents for whom such an alternative model of care is determined appropriate by their treatment team. The alternative treatment approaches may include closure of a ward and use of hospital staff to provide transitional community services, in coordination with the regional support networks.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2000) .....	\$ 10,895,000
General Fund--State Appropriation (FY 2001) .....	\$ ((11,940,000))
	<u>13,275,000</u>
Violence Reduction and Drug Enforcement	
Account--State Appropriation.....	\$ 14,000,000
..... TOTAL APPROPRIATION	\$ <u>38,170,000</u>

((36

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the fiscal committees of the legislature by October 1, 1999, on plans for increasing the efficiency of staffing patterns at the civil commitment center sufficiently to operate within authorized staffing and expenditure levels.

(b) The violence reduction and drug enforcement account appropriation is provided solely for deposit into the state building and construction account for design and construction of a new special commitment center

facility (capital project 00-2-001). These funds shall not be transferred for other purposes as otherwise provided in section 201(3)(b) of this act. The amount provided in this subsection is subject to the review and allotment procedures under sections 902 and 903 of chapter 379, Laws of 1999. In accordance with section 909 of chapter 379, Laws of 1999, the department of corrections is responsible for project management.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2000) .....	\$	444,000
General Fund--State Appropriation (FY 2001) .....	\$	443,000
General Fund--Federal Appropriation.....	\$	3,282,000
..... TOTAL APPROPRIATION	\$	4,169,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) .....	\$	2,612,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((2,706,000))</del>
		<u>2,688,000</u>
General Fund--Federal Appropriation.....	\$	<del>((3,227,000))</del>
		<u>3,220,000</u>
..... TOTAL APPROPRIATION	\$	<u>8,520,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) By December 1, 1999, the department shall provide the fiscal committees of the legislature with an independent assessment of options for increasing the efficiency and effectiveness of current systems and organizational structures for billing third-party payers for hospital services.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$120,000 of the general fund federal appropriation are provided solely for the institute for public policy to evaluate the impacts of Substitute Senate Bill No. 5011 (mentally ill offenders), and of chapter 297, Laws of 1998 (commitment of mentally ill persons). If Substitute Senate Bill No. 5011 is not enacted by June 30, 1999, one-half of each of these amounts shall lapse.

**Sec. 205.** 2000 2nd sp.s. c 1 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	185,473,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((205,593,000))</del>
		<u>212,352,000</u>
General Fund--Federal Appropriation.....	\$	<del>((325,535,000))</del>
		<u>326,295,000</u>
Health Services Account--State Appropriation.....	\$	262,000
..... TOTAL APPROPRIATION	\$	<u>724,382,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$127,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$3,100,000 of the general fund--state appropriation for fiscal year 2000, \$4,650,000 of the general fund--state appropriation for fiscal year 2001, and \$8,250,000 of the general fund--federal appropriation are provided solely to increase services and supports for people with developmental disabilities. These funds shall be expended in accordance with priorities established by the stakeholder advisory group established in accordance with chapter 216, Laws of 1998 (developmental disabilities), except that (i) at least 50 percent of these amounts must be used to increase the number of people receiving residential, employment, family support, or other direct services; (ii) the services and supports must be designed and implemented such that the cost of continuing them in the 2001-03 biennium does not exceed \$19.2 million, of which no more than \$9.3 million is from state funds; and (iii) strong consideration shall be given to the need for increased wages for direct care workers in contracted residential programs.

(c) \$413,000 of the general fund--state appropriation for fiscal year 2000, \$1,172,000 of the general fund--state appropriation for fiscal year 2001, and \$694,000 of the general fund--federal appropriation are provided solely for employment, or other day activities and training programs, for young people who complete their high school curriculum in 1999 or 2000.

(d) \$1,919,000 of the general fund--state appropriation for fiscal year 2000, \$6,673,000 of the general fund--state appropriation for fiscal year 2001, and \$7,361,000 of the general fund--federal appropriation are provided solely to improve services for persons with developmental disabilities who would otherwise be at risk of needing involuntary commitment to or prolonged treatment at state psychiatric hospitals. The department shall use these funds to enhance the community crisis response system managed by regional support networks, improve crisis prevention and stabilization services through the developmental disabilities community services system, and expand community residential capacity for persons with developmental disabilities who are ready for discharge from state psychiatric hospitals. Funding for community residential capacity is sufficient to move a biennium total of 48 patients out of the state hospitals at a reasonable pace by June 30, 2001. The department shall manage the intensity of services provided so that the average cost per day does not exceed \$300 per person placed in this expanded community residential capacity. The department shall report to the appropriate committees of the legislature progress towards implementing this subsection after each calendar quarter. The legislature finds that, in addition to the appropriations in this subsection for improvements in services to persons with developmental disabilities who are committed to the custody of the secretary under chapter 71.05 RCW, it is necessary to study long-term treatment alternatives and their legal, fiscal, and policy implications. Therefore, the department shall provide a report to the ways and means committee of the senate and the appropriations committee of the house of representatives by December 1, 2000, containing options and recommendations for secure treatment programs. The report shall identify various treatment models that could be implemented and various types and locations of secure facilities, both state-owned and leased, in which programs could be sited, together with the department's recommendations. The report shall evaluate the potential for siting such programs on the grounds of existing state residential habilitation centers. The report shall also include analysis of advantages and disadvantages associated with contracting for some or all of the new program options identified. The report shall evaluate the options based on short-term and long-term costs, client and community security, efficiency of coordination with other service delivery systems, and how they address specific legal issues. In developing this report, the department shall invite participation by representatives of the Washington protection and advocacy system (WPAS), and shall include in the report WPAS' position on options and recommendations submitted by the department and any additional recommendations made by WPAS. The legislature recognizes a need to improve long-term services provided to individuals with developmental disabilities who are undergoing involuntary treatment under chapter 71.05 RCW. The legislature is committed to providing resources necessary to address issues in the U.S. District Court case of *Allen v. Western State Hospital*.

(e) \$513,000 of the general fund--state appropriation for fiscal year 2000, \$1,421,000 of the general fund--state appropriation for fiscal year 2001, and \$2,033,000 of the general fund--federal appropriation are provided to develop and operate secure residential and day program placements for persons who seem likely to pose a significant risk to the public safety if their current residential arrangement were to continue.

(f) \$209,000 of the general fund--state appropriation for fiscal year 2000, \$664,000 of the general fund--state appropriation for fiscal year 2001, and \$939,000 of the general fund--federal appropriation are

provided to increase wages as required by Initiative No. 688 (state minimum wage) for contracted adult family homes, adult residential care facilities, hourly and daily family support providers, and hourly attendant care providers.

(g) \$1,978,000 of the general fund--state appropriation for fiscal year 2000, \$4,475,000 of the general fund--state appropriation for fiscal year 2001, and \$6,989,000 of the general fund--federal appropriation are provided solely to increase compensation for individual and agency home care workers. Payments to individual providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to be increased to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(h) Within amounts appropriated in this subsection, the developmental disabilities program shall contract for a pilot program to test an alternative service delivery model for persons with autism. The department must use a competitive process to determine the site of the pilot. The pilot program must be time-limited and subject to an evaluation of client outcomes to determine the effectiveness and efficiency of the pilot program compared to the standard service model for persons with autism.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2001 and \$160,000 of the general fund--federal appropriation are provided solely for increased family support services and related case management support.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000).....	\$	66,076,000	
General Fund--State Appropriation (FY 2001).....	\$	<del>((67,478,000))</del>	
		<u>66,904,000</u>	
General Fund--Federal Appropriation.....	\$	<del>((146,482,000))</del>	
		<u>145,834,000</u>	
General Fund--Private/Local Appropriation .....	\$	10,227,000	
..... TOTAL APPROPRIATION	\$		((29
		<u>289,041,000</u>	

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000).....	\$	2,431,000	
General Fund--State Appropriation (FY 2001).....	\$	2,435,000	
General Fund--Federal Appropriation.....	\$	2,080,000	
..... TOTAL APPROPRIATION	\$		6,94

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation.....	\$	12,007,000	
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**Sec. 206.** 2000 2nd sp.s. c 1 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2000).....	\$	446,025,000	
General Fund--State Appropriation (FY 2001).....	\$	<del>((475,043,000))</del>	
		<u>477,355,000</u>	
General Fund--Federal Appropriation.....	\$	<del>((979,301,000))</del>	
		<u>977,522,000</u>	
General Fund--Private/Local Appropriation .....	\$	3,910,000	
Health Services Account--State Appropriation.....	\$	<del>((2,104,000))</del>	



3,167,000

..... TOTAL APPROPRIATION \$ 1,907,979,000

((4,9

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, (~~(\$2,118,000))~~ \$4,756,000 of the general fund--federal appropriation, \$923,000 of the general fund--state appropriation for fiscal year 2000, and (~~(\$958,000))~~ \$1,019,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,640,000 of the general fund--state appropriation for fiscal year 2000 and \$1,640,000 of the general fund--state appropriation for fiscal year 2001, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing Engrossed Second Substitute House Bill No. 1484 (nursing home payment rates), the weighted average nursing facility payment rate for fiscal year 2000 shall be no more than \$10.85 for the capital portion of the rate and no more than \$108.20 for the noncapital portion of the rate. For fiscal year 2001, the weighted average nursing facility payment rate shall be no more than \$11.44 for the capital portion of the rate and no more than (~~(\$111.21))~~ \$111.84 for the noncapital portion of the rate. These rates include vendor rate increases, but exclude nurse's aide training.

(4) In addition to the rates set forth in subsection (3), \$286,000 of the general fund--state appropriation for fiscal year 2000 and \$310,000 of the general fund--federal appropriation are provided solely for supplemental rate adjustments for certain nursing facilities. In accordance with RCW 74.46.431, the department shall use these funds to apply an additional economic trends and conditions adjustment factor to the rate of any facility whose total rate allocation would otherwise be less than its April 1, 1999, total rate, adjusted for case-mix changes. This supplemental adjustment factor shall be the percentage by which the facility's April 1, 1999, rate would otherwise exceed the rate calculated in accordance with chapter 74.46 RCW and subsection (3) of this section, except that (a) no adjustment shall be provided for any amounts by which a facility's rate is lower due to a reduction in its facility-average medicaid case-mix score; and (b) the adjustment factor shall be reduced proportionately for all facilities by the percentage by which total supplemental payments would otherwise exceed the funds provided for such payments in this subsection. This subsection applies only to rates paid for services provided between July 1, 1999, and March 31, 2000.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(6) Funds are appropriated in this section to increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to increase to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$280,000 of the general fund--federal appropriation are provided solely for enhancement and integration of existing management information systems to (a) provide data at the local office level on service utilization, costs, and recipient characteristics; and (b) reduce the staff time

devoted to data entry.

(8) The department of social and health services shall provide access and choice to consumers of adult day health services for the purposes of nursing services, physical therapy, occupational therapy, and psychosocial therapy. Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(9) \$1,452,000 of the general fund--state appropriation for fiscal year 2000, \$1,528,000 of the general fund--state appropriation for fiscal year 2001, and \$2,980,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1546 (in-home care services). If Second Substitute House Bill No. 1546 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$610,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2454 (caregiver support). If Substitute House Bill No. 2454 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(11) \$8,000 of the general fund--state appropriation for fiscal year 2000, \$131,000 of the general fund--state appropriation for fiscal year 2001, and \$139,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 2637 (background checks). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

**Sec. 207.** 2000 2nd sp.s. c 1 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$ 427,742,000
General Fund--State Appropriation (FY 2001) .....	\$ ((410,913,000))
	<u>421,371,000</u>
General Fund--Federal Appropriation.....	\$((1,229,774,000))
	<u>1,226,044,000</u>
General Fund--Private/Local Appropriation .....	\$ 30,807,000
..... TOTAL APPROPRIATION	\$ <u>2,105,964,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$284,083,000 of the general fund--state appropriation for fiscal year 2000, \$268,114,000 of the general fund--state appropriation for fiscal year 2001, \$1,140,342,000 of the general fund--federal appropriation, and \$28,371,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance

and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipts of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offering them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) Provide \$500,000 from the general fund--state appropriation for fiscal year 2000 and \$500,000 from the general fund--state appropriation for fiscal year 2001 for continuation of the WorkFirst evaluation conducted by the joint legislative audit and review committee.

(d) Report to the appropriate committees of the legislature by December 1, 2000, how the new federal child support incentive system can be used to maximize federal incentive payments and to support the greatest achievement of WorkFirst program goals. In the event that the department earns federal child support incentive payments in excess of amounts budgeted, the department shall use one-half of those additional funds to offset general fund--state allotments and one-half of those additional funds to improve child support services. The department shall also work with the Washington state association of county clerks to identify ways to protect the confidentiality of social security numbers on court documents needed by the child support enforcement system while ensuring the reliability of this information without significantly increasing the cost to administer the child support system. The department shall report its recommendations for protecting the confidentiality of social security numbers to appropriate committees of the legislature by December 1, 2000.

(e) Provide up to \$500,000 of the general fund--federal appropriation to the office of financial management for a study of rate setting methods and policy for subsidized child care, the best method for coordinating and consolidating child care and early education programs currently funded by state government, and for a review of the various state programs for low-income families with children. The child care rate study shall analyze the effects of rate setting policy on the affordability and quality of the overall child care market. The child care and early education program study shall evaluate how current programs may be coordinated and consolidated to provide the most efficient level of administration, grant funding, and increased accessibility by families who are served by these programs. The study of state programs for low-income families shall compare and contrast eligibility and access to these programs and identify ways to coordinate or consolidate these programs to reduce administrative costs and improve access. The office shall submit a report to the department of social and health services and the appropriate committees of the legislature by December 1, 2000.

(f) Convene a working group that includes stakeholders and recipients of public assistance to establish basic customer service performance measures and goals. The customer service measures and goals will seek to make support for working families a priority. Customer service measures and goals may include, but are not limited to: Hours of operation that allow working families to get services without missing work, reduced wait times, systems for answering and returning phone calls in a timely manner, access to benefits that support work, access to job training and education, and, access to services for families with limited literacy or English skills, and families with special needs. The department shall report to the legislature by January 2001 the establishment of customer service measures and goals, and the departmental actions to assure the goals are being met.

(g) Use existing flexibility in federal and state welfare laws and regulations to support, on a limited basis, longer education and training plans that have a strong likelihood to lead to long-term economic independence for

recipient.

(h) Provide up to \$1,400,000 of the general fund--federal appropriation for after-school care for middle school youth through programs such as those described in House Bill No. 2530 (after-school care).

(i) Provide up to \$2,710,000 of the general fund--federal appropriation for training and technical assistance for child care providers seeking training to enable them to competently serve children with special needs as described in House Bill No. 2869 (child care provider training).

(j) Provide \$230,000, or as much thereof as may be necessary, to the department of health to expand the vasectomy project to temporary assistance for needy families clients and their partners until such time as a federal family planning waiver is granted that will cover these services.

(k) Ensure that funds provided in this subsection to implement policies that disregard or exempt a portion of recipients' income are designed to achieve stated WorkFirst program goals and outcomes. Income disregards are effective incentives to help WorkFirst families move towards economic independence. Income disregard policy shall not discriminate based on who the specific employer is.

(2) ~~\$43,408,000~~ of the general fund--state appropriation for fiscal year 2000 and ~~((~~\$43,386,000~~))~~ \$46,420,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed funds provided. The department shall by July 1, 2000, begin using federal funds provided in subsection (1) of this section, as allowed by federal rules, for the costs of providing income assistance to children with court-appointed guardians or court-appointed custodians.

(3) \$5,444,000 of the general fund--state appropriation for fiscal year 2000 and \$5,632,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) RCW 74.08A.280 permits the department to develop contracts for state-wide welfare-to-work services. Within amounts available in this section, the department shall provide progress reports on the use of such contracting to the fiscal committees of the legislature by January 1, 2001. Each of these reports shall describe the number of current contracts for temporary assistance for needy families (TANF) or WorkFirst services that the department has with community social service providers and a description of the services being provided through each of those contracts.

(5) The legislature finds that, since the passage of the federal personal responsibility and work opportunity act in 1997, Washington's public assistance population has declined dramatically, and that the currently appropriated level for the temporary assistance for needy families program is sufficient for the 1999-01 biennium. The legislature further finds that federal funding for the temporary assistance for needy families program may decrease after the current five-year block grant has expired. The legislature declares that at least \$60,000,000 of the year-end balance in the federal TANF grant shall be held in reserve by the office of financial management at the close of the 1999-01 biennium.

**Sec. 208.** 2000 2nd sp.s. c 1 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$	21,338,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((22,101,000))</del>
		<u>22,066,000</u>
General Fund--Federal Appropriation .....	\$	<del>((90,373,000))</del>
		<u>90,364,000</u>
General Fund--Private/Local Appropriation .....	\$	1,204,000
Public Safety and Education Account--State Appropriation .....	\$	7,102,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	77,150,000
..... TOTAL APPROPRIATION	\$	

((21

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,960,000 of the general fund--state appropriation for fiscal year 2000 and \$1,960,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for expansion of 50 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$88,000 of the general fund--state appropriation for fiscal year 2001, and \$116,000 of the general fund--federal appropriation are provided solely for activities related to chemical dependency services under subsection 202(1) of this act. If that subsection is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(3) \$1,444,000 of the general fund--state appropriation for fiscal year 2000, \$1,484,000 of the general fund--state appropriation for fiscal year 2001, and \$330,000 of the general fund--federal appropriation are provided for implementation of Engrossed Substitute Senate Bill No. 5480 (drug-affected infants) or sections 1 through 17 of Second Substitute House Bill No. 1574. If legislation expanding services to prevent drug-affected infants is not enacted by June 30, 1999, the amounts provided in this subsection shall be provided solely for the development and implementation of comprehensive programs for alcohol and drug abusing mothers and their young children. The pilot programs shall be implemented in several locations, including at least one rural location. The pilot programs shall also be supported with TANF funds provided in section 208 of this act as a way to reduce prolonged dependency on public assistance for program participants.

(4) \$442,000 of the public safety and education account--state appropriation is provided solely for drug courts that have a net loss of federal grant funding from fiscal year 2000 to fiscal year 2001. The legislature finds that drug courts reduce criminal justice costs for both state and local governments. This appropriation is intended to cover approximately one-half of the lost federal funding. It is the intent of the legislature to provide state assistance to counties to cover a part of lost federal funding for drug courts for a maximum of three years.

**Sec. 209.** 2000 2nd sp.s. c 1 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2000).....	\$ 744,327,000	
General Fund--State Appropriation (FY 2001).....	\$ ((834,864,000))	
	<u>976,059,000</u>	
General Fund--Federal Appropriation.....	\$ ((2,542,652,000))	
	<u>2,701,092,000</u>	
General Fund--Private/Local Appropriation .....	\$ ((258,616,000))	
	<u>256,704,000</u>	
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.....		\$
Health Services Account--State Appropriation.....	\$ ((487,040,000))	
	<u>527,852,000</u>	
..... TOTAL APPROPRIATION	\$	((4,9
	<u>5,215,234,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.

(2) It is the intent of the legislature that Harborview medical center continue to be an economically viable

component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(4) \$1,647,000 of the general fund--state appropriation for fiscal year 2000 and \$1,672,000 of the general fund--state appropriation for fiscal year 2001 are provided for treatment of low-income kidney dialysis patients.

(5) \$80,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(6) The department shall report to the fiscal committees of the legislature by September 15, 1999, and again by December 15, 1999, on (a) actions it has taken and proposes to take to increase the share of medicare part B premium payments upon which it is collecting medicaid matching funds; (b) the percentage of such premium payments for each month of service subsequent to June 1998 which have been paid with unmatched, state-only funds; and (c) why matching funds could not be collected on those payments.

(7) The department shall report to the fiscal committees of the legislature by December 1, 1999, and again by October 1, 2000, on the amount which has been recovered from third-party payers as a result of its efforts to improve coordination of benefits on behalf of "basic health plan-plus" enrollees.

(8) The department shall report to the health care and fiscal committees of the legislature by December 1, 1999, on options for controlling the growth in medicaid prescription drug expenditures through strategies such as but not limited to volume purchasing, selective contracting, supplemental drug discounts, and improved care coordination for high utilizers.

(9) \$3,992,000 of the health services account appropriation and \$7,651,000 of the general fund--federal appropriation are provided solely for health insurance coverage for children with family incomes between 200 percent and 250 percent of the federal poverty level, as provided in Substitute Senate Bill No. 5416 (children's health insurance program). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(10) Upon approval from the federal health care financing administration, the department shall implement the section 1115 family planning waiver to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level.

(11) In accordance with Substitute Senate Bill No. 5968, \$70,821,000 of the health services account appropriation for fiscal year 2000, (~~(\$42,041,000)~~) \$67,331,000 of the health services account appropriation for fiscal year 2001, and (~~(\$120,278,000)~~) \$146,579,000 of the general fund--federal appropriation, or so much thereof as may be expended without exceeding the medicare upper payment limit, are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. Such payments shall be distributed among the participating rural public hospital districts proportional to the number of days of medicaid-funded nursing home care provided by each district during the preceding calendar year, relative to the total number of such days of care provided by all participating rural public hospital districts. Prior to making any supplemental payments, the department shall first obtain federal approval for such payments under the medicaid state plan. The payments shall further be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least (~~(87)~~) 89 percent of the total supplemental payment amounts received during the 1999-01 fiscal biennium; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$30,000,000 for the 1999-01 biennium.

(12) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(13) \$1,529,000 of the general fund--state appropriation for fiscal year 2000, \$4,077,000 of the general fund--state appropriation for fiscal year 2001, and \$5,394,000 of the general fund--federal appropriation are provided solely for implementation of the settlement negotiated by the department and the attorney general in the case of *Allenmore et al. vs. DSHS*.

(14) From funds provided in this section, the department shall develop disease state management and therapeutic substitution programs which will substantially maintain or enhance the quality of the drug benefit for medical assistance recipients, while controlling overall health care costs. In designing the disease state management programs, the department shall research programs which have proven effective with similar populations in other states, and shall then work with concerned provider and consumer groups to adapt those strategies to Washington's service delivery system. The department shall work with its drug utilization and education council to develop a therapeutic substitution program for at least two classes of drugs. Under the therapeutic substitution program, the council shall analyze pharmacoeconomic research on the costs and benefits of all drugs within the class, and identify the most cost-effective drug or drugs within the class for placement on the formulary. Other drugs within the class shall be preauthorized when clinically indicated under criteria established by the council. The department shall report to appropriate committees of the legislature by December 1, 2000, prior to implementing its proposed strategies.

(15) (~~(\$14,848,000)~~) \$27,100,000 of the health services account appropriation for fiscal year 2001 and (~~(\$15,269,000)~~) \$27,800,000 of the general fund--federal appropriation are provided solely for additional disproportionate share hospital payments to public hospital districts. Such additional payments shall not be made prior to federal approval of a revision in the medicaid payment methodology for state teaching hospitals, and shall not exceed the increase in medicaid payments which results from that change. The payments shall further be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least (~~(77)~~) 85 percent of the additional disproportionate share payment. The participating districts shall retain no more than (~~(\$7,000,000)~~) \$7,800,000 of the additional disproportionate share payment. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state teaching hospitals.

(16)(a) \$49,000 of the general fund--state appropriation for fiscal year 2001 and \$49,000 of the general fund--federal appropriation for fiscal year 2001 are provided solely for the medical assistance administration and the health care authority to jointly conduct a state-wide study to:

(i) Determine payment sources and rates paid for primary health care providers performing outpatient primary care services and primary care in hospital emergency rooms for the state's medical assistance programs, including healthy options, and the basic health plan. To determine payment sources and rates paid, the agencies may seek information in relation to such factors as:

(A) The rates paid to primary care providers for their medical assistance programs, including healthy options, and basic health plan contracts; and

(B) How these rates compare with nonpublic pay clients for the same services.

The agencies are authorized to attain this information from health plans or providers. The agencies shall maintain the confidentiality of data collected for the purpose of the study;

(ii) Determine which primary care providers serve a relatively high number of low-income clients, and how that affects their medical practice. For purposes of the study, "primary care providers" includes pediatricians, family practitioners, general practitioners, internists, physician assistants, and advanced registered nurse practitioners; and

(iii) Develop proposals to support these providers' medical practices. The agencies must determine what constitutes a relatively high percentage of low-income clients for individual primary care providers who contract for medical assistance administration programs, including healthy options, and the basic health plan, and recommend whether and at what point this disproportionately high percentage should result in additional compensation to the primary care provider. The agencies shall recommend a method to calculate a payment adjustment designed to help support medical practices, according to the study's findings.

(b) In conducting the study, the agencies shall determine which regions of the state to include in the study, based on factors the agencies determine will provide the most representative data state-wide. The agencies shall also consult with interested parties, including any organization or agency affected by this subsection, throughout the course of the study.

(c) The agencies shall report to the legislature by December 1, 2000, with the results of the primary health care provider study. The report shall include recommendations on: (i) What constitutes a disproportionately high percentage of low-income clients; (ii) possible payment adjustments for these providers;

(iii) methods to implement such a rate adjustment; and (iv) what such a payment adjusted program will cost.

(17) From funds appropriated in this section, the medical assistance program shall assist the Washington state institute for public policy with the assessment of options for expanding medicaid eligibility required in section 607 of this 2000 act. Such assistance shall include analysis of medicaid enrollment and expenditure data needed for enrollment and cost projections; information and advice on state and federal medicaid requirements; and liaison with state and federal officials in other states undertaking similar expansions.

(18) \$290,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of the asset exemption provisions of House Bill No. 2686. If these provisions are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

**Sec. 210.** 2000 2nd sp.s. c 1 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$	8,770,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((8,635,000))</del>
		<u>8,600,000</u>
General Fund--Federal Appropriation.....	\$	<del>((81,906,000))</del>
		<u>81,797,000</u>
General Fund--Private/Local Appropriation .....	\$	1,865,000
..... TOTAL APPROPRIATION	\$	<u>101,032,000</u>

((10

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities served by those organizations.

(2) \$190,000 of the general fund--state appropriation for fiscal year 2000, \$240,000 of the general fund--state appropriation for fiscal year 2001, and \$1,590,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals enrolled for services with the developmental disabilities program who complete their high school curriculum in 1999 or 2000.

**Sec. 211.** 2000 2nd sp.s. c 1 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$	26,004,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((20,119,000))</del>
		<u>26,135,000</u>
General Fund--Federal Appropriation.....	\$	<del>((43,227,000))</del>
		<u>47,157,000</u>
General Fund--Private/Local Appropriation .....	\$	720,000
..... TOTAL APPROPRIATION	\$	<u>100,016,000</u>

((90

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided for the incremental cost of lease renewals and for the temporary increased costs for relocating staff out of state office building no. 2 (OB2) during the renovation of that building. Of this increase, \$2,400,000 is provided for relocating staff. This amount is recognized as one-time-only funding for the 1999-01 biennium. As part of the 2001-2003 budget request, the department shall update the estimate of increased cost for relocating staff, including specifying what portion of that increase is due to providing more square footage per FTE in the new leased space compared to the space occupied previously.

(2) The department may transfer up to \$528,000 of the general fund--state appropriation for fiscal year



2000, \$1,057,000 of the general fund--state appropriation for fiscal year 2001, and \$812,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs to implement administrative reductions.

(3) The department may transfer and allot up to \$5,560,000 of the general fund--state appropriation for fiscal year 2001 and \$3,518,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs in the department to achieve fiscal reductions assumed in this section. In selecting reductions in the various other programs, the department shall place a higher priority on reductions in administrative support functions as opposed to direct client services. Reductions in positions providing direct client services shall be implemented only if those reductions can be justified by reduced workload or through reorganization or other efficiencies that do not result in a risk of failing to meet federal or state certification or licensing standards. In achieving the level of savings assumed in this subsection, the department shall not eliminate or reduce funding and/or staff that would shift or transfer filing or appeal workload to superior courts. By September 1, 2000, the department shall report its plan to implement the savings in this section to the fiscal committees of the legislature.

(4) \$187,000 of the general fund--state appropriation for fiscal year 2000, \$746,000 of the general fund--state appropriation for fiscal year 2001, and ~~(((\$2,251,000))~~ \$2,500,000 of the general fund--federal appropriation are provided to implement a new fraud and abuse detection system. By December 1, 2000, the department shall provide a report to the fiscal committees of the legislature that will include: The actual cost recovery in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost avoidance in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost recovery and actual cost avoidance achieved to date after implementation in fiscal year 2000 and 2001, compared to the savings included in sections 202, 205, 206, and 209 of this 2000 act; and the criteria and methodology used for determining cost recovery and cost avoidance.

**Sec. 212.** 2000 2nd sp.s. c 1 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$	31,190,000	
General Fund--State Appropriation (FY 2001) .....	\$	31,225,000	
General Fund--Federal Appropriation.....	\$	<del>((21,932,000))</del>	
		<u>21,984,000</u>	
..... TOTAL APPROPRIATION	\$		<del>((84</del>
		<u>84,399,000</u>	

**Sec. 213.** 2000 2nd sp.s. c 1 s 216 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund--Federal Appropriation.....	\$	100,000	
Death Investigations Account--State Appropriation .....	\$	148,000	
Public Safety and Education Account--State Appropriation.....	\$	<del>((17,632,000))</del>	
		<u>16,492,000</u>	
Municipal Criminal Justice Assistance Account--Local Appropriation .....	\$	<u>412,000</u>	
..... TOTAL APPROPRIATION	\$		<del>((17</del>
		<u>17,152,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the public safety and education account appropriation is provided solely for information technology upgrades and improvements for the criminal justice training commission.

(2) \$481,000 of the public safety and education account appropriation is provided solely for the implementation of provisions of chapter 351, Laws of 1997 (criminal justice training) dealing with supervisory and management training of law enforcement personnel. Within the funds provided in this subsection, the

criminal justice training commission shall provide the required training in the least disruptive manner to local law enforcement agencies and may include, but is not limited to, regional on-site training, interactive training, and credit for training given by the home department.

(3) \$1,990,000 of the public safety and education account appropriation is provided solely for expanding the basic law enforcement academy (BLEA) from 469 hours to 720 hours. The funds provided in this subsection are assumed sufficient for the criminal justice training commission to provide expanded BLEA training to 330 attendees in fiscal year 2000 and 660 attendees in fiscal year 2001.

(4) \$180,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (sexually violent offender records). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$276,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) \$50,000 of the public safety and education account appropriation is provided solely for additional domestic violence training courses for 911 operators.

(7) \$215,000 of the public safety and education account appropriation is provided solely for the Washington association of sheriffs and police chiefs to conduct a study of law enforcement services and expenditures for both counties and cities within the county for counties with populations over one hundred fifty thousand. The study shall begin no later than July 1, 2000, and shall be completed by ~~((June 30))~~ October 31, 2001. The final report shall be distributed by the Washington association of sheriffs and police chiefs to the appropriate standing committees of the legislature. The study shall:

(a) Make recommendations to improve the efficiency of delivering law enforcement services. The recommendations may be made to law enforcement jurisdictions, Washington association of sheriffs and police chiefs, units of local government, and the legislature;

(b) Research, compile, and analyze data sufficient to provide a comprehensive analysis of the costs and total expenditures for law enforcement. These costs include but are not limited to special services, defined as but not limited to: SWAT teams, bomb disposal units, air support, marine units, hostage negotiation teams, homicide investigation units, drug units, canine units, arson investigation teams, computer fraud and forensics units, domestic violence and special assault units, and gang and youth violence units. The study shall identify duplications and inefficiencies in current service delivery;

(c) Obtain data from all local governments on the types of costs identified in (b) of this subsection. This data will be compiled and analyzed by the agency or organization that conducts the study for each county; and

(d) Obtain data from those counties and law enforcement agencies where master interlocal agreements, joint specialty service units, and other cooperative arrangements have been developed between law enforcement agencies to improve the effectiveness, efficiency, and ensured quality of specialty law enforcement services.

**Sec. 214.** 2000 2nd sp.s. c 1 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2000) .....	\$	7,268,000
General Fund--State Appropriation (FY 2001) .....	\$	7,240,000
Public Safety and Education Account--State Appropriation.....	\$	<del>((18,756,000))</del>
		<u>20,156,000</u>
Public Safety and Education Account--Federal Appropriation.....	\$	5,950,000
Public Safety and Education Account--Private/Local Appropriation .....	\$	3,057,000
Electrical License Account--State Appropriation .....	\$	24,402,000
Farm Labor Revolving Account--Private/Local Appropriation .....	\$	28,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$	2,211,000
Public Works Administration Account--State Appropriation .....	\$	2,996,000
Accident Account--State Appropriation.....	\$	167,092,000
Accident Account--Federal Appropriation.....	\$	9,112,000

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Medical Aid Account--State Appropriation .....	\$	169,172,000
Medical Aid Account--Federal Appropriation .....	\$	1,592,000
Plumbing Certificate Account--State Appropriation .....	\$	971,000
Pressure Systems Safety Account--State Appropriation .....	\$	2,167,000

..... TOTAL APPROPRIATION	\$	<u>423,414,000</u>	((42
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The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods.

(2) \$2,665,000 of the public safety and education account--state appropriation is provided solely for additional costs for client benefits in the crime victims compensation program, provided that no more than \$5,095,000 of the appropriations provided in subsection (1) of this section is expended for department administration of the crime victims compensation program.

(3) From within funds provided, the department shall improve customer service and satisfaction for injured workers by speeding up the process for reporting injuries, and shall enhance vocational rehabilitation services for injured workers.

**Sec. 215.** 2000 2nd sp.s. c 1 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2000) .....	\$	1,640,000
General Fund--State Appropriation (FY 2001) .....	\$	1,628,000
General Fund--Federal Appropriation .....	\$	134,000
General Fund--Private/Local Appropriation .....	\$	78,000
Industrial Insurance Premium Refund Account--State Appropriation .....	\$	78,000

Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation .....	\$	2,000,000
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..... TOTAL APPROPRIATION	\$	3,560,000
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The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$39,000 of the general fund--state appropriation is provided solely as an additional state contribution toward the cost of constructing a memorial on the state capitol grounds to the men and women who served in the nation's armed forces during the second world war.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for disbursement to the national World War II memorial fund for construction and maintenance of the national monument honoring the men and women from Washington and the other states who served in the nation's armed forces during the second world war.

(c) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to conduct a predesign study for replacement of aging skilled nursing facilities. The predesign study shall comply with the requirements of sections 902 and 903, chapter 379, Laws of 1999.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	2,466,000	
General Fund--State Appropriation (FY 2001) .....	\$	2,494,000	
General Fund--Federal Appropriation.....	\$	<del>((26,000))</del>	
		<u>78,000</u>	
General Fund--Private/Local Appropriation .....	\$	1,495,000	
..... TOTAL APPROPRIATION	\$		<del>((6,4</del>
		<u>6,533,000</u>	

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	5,346,000	
General Fund--State Appropriation (FY 2001) .....	\$	4,790,000	
General Fund--Federal Appropriation.....	\$	23,002,000	
General Fund--Private/Local Appropriation .....	\$	16,527,000	
..... TOTAL APPROPRIATION	\$		49,6

**Sec. 216.** 2000 2nd sp.s. c 1 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2000) .....	\$	62,840,000	
General Fund--State Appropriation (FY 2001) .....	\$	64,284,000	
General Fund--Federal Appropriation.....	\$	<del>((268,032,000))</del>	
		<u>268,081,000</u>	
General Fund--Private/Local Appropriation .....	\$	<del>((68,648,000))</del>	
		<u>74,989,000</u>	
Hospital Commission Account--State Appropriation .....	\$	2,378,000	
Health Professions Account--State Appropriation .....	\$	37,529,000	
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.....	\$		14,8
State Drinking Water Account--State Appropriation.....	\$	2,531,000	
Drinking Water Assistance Account--Federal Appropriation.....	\$	5,456,000	
Waterworks Operator Certification--State Appropriation .....	\$	593,000	
Water Quality Account--State Appropriation .....	\$	3,124,000	
Accident Account--State Appropriation.....	\$	258,000	
Medical Aid Account--State Appropriation .....	\$	45,000	
State Toxics Control Account--State Appropriation.....	\$	2,614,000	
Health Services Account Appropriation .....	\$	12,992,000	
Medical Test Site Licensure Account--State Appropriation.....	\$	1,651,000	
Youth Tobacco Prevention Account--State Appropriation.....	\$	1,804,000	
Tobacco Prevention and Control Account--State Appropriation.....	\$	15,620,000	
..... TOTAL APPROPRIATION	\$		<del>((56</del>
		<u>571,645,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,434,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) The department or any successor agency is authorized to raise existing fees charged to the nursing

assistants, podiatrists, and osteopaths; for certificate of need; for temporary worker housing; for state institution inspection; for residential care facilities and for transient accommodations, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(3) \$339,000 of the general fund--state appropriation for fiscal year 2000, \$339,000 of the general fund--state appropriation for fiscal year 2001, and \$678,000 of the general fund--federal appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse. \$339,000 of the general fund--federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) \$1,685,000 of the general fund--state fiscal year 2000 appropriation and \$1,686,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(5) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act.

If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6) \$620,000 of the tobacco prevention and control account appropriation and \$209,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5516 or, if the bill is not enacted, for the development of a sustainable, long-term, comprehensive tobacco control program. The plan shall identify a specific set of outcome measures that shall be used to track long range progress in reducing the use of tobacco. Nationally accepted measures that can be used to compare progress with other states shall be included. The plan shall emphasize programs that have demonstrated effectiveness in achieving progress towards the specified outcome measures. Components of the plan that do not have a record of success may be included, provided that the plan also includes the means of evaluating those components. The plan shall also include an inventory of existing publically funded programs that seek to prevent the use of tobacco, alcohol, or other drugs by children and youth and recommendations to coordinate and consolidate these programs in order to achieve greatest positive outcomes within total available resources. A preliminary plan shall be submitted to the appropriate committees of the legislature by December 1, 1999.

(7) \$2,075,000 of fiscal year 2000 general fund--state appropriation and \$2,075,000 of fiscal year 2001 general fund--state appropriation are provided for the Washington poison center. The department shall require the center to develop a long range financing plan that identifies options for diversifying funding for center operations, including, but not limited to, federal grants, private sector grants and sponsorships, and multistate or regional operating agreements. The plan shall be submitted to the appropriate committees of the legislature by December 1, 2000.

(8) \$50,000 of fiscal year 2000 general fund--state appropriation and \$50,000 of fiscal year 2001 general fund--state appropriation are provided solely for fund raising and other activities for the development of early hearing loss clinics. The development plan for these clinics shall not assume ongoing general fund--state appropriations.

(9) \$15,000,000 of the tobacco prevention and control account appropriation is provided solely for the implementation of a sustainable, long-term tobacco control program. The integrated components of the program may include: Community-based programs, cessation, public awareness and education, youth access, and assessment and evaluation. A final plan will define the sustainable implementation of the long-term program given the remaining available balance in the tobacco prevention and control account. This plan shall be submitted to the appropriate committees of the legislature by September 1, 2000.

(10) \$24,000 of the fiscal year 2000 general fund--state appropriation and \$117,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 6199 (patient bill of rights). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

Sec. 217. 2000 2nd sp.s. c 1 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in chapter 309, Laws of 1999, as amended, shall be expended for the programs and in the amounts specified therein. However, after April 1, ~~((2000))~~ 2001, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2000))~~ 2001 between the correctional operations and community supervision programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2000) .....	\$	26,064,000
General Fund--State Appropriation (FY 2001) .....	\$	28,022,000
Public Safety and Education Account--State Appropriation.....	\$	2,962,000
Violence Reduction and Drug Enforcement Account Appropriation .....	\$	2,000,000
Cost of Supervision Fund Appropriation .....	\$	2,254,000
..... TOTAL APPROPRIATION	\$	61,3

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$72,000 of the general fund--state appropriation for fiscal year 2000, \$212,000 of the general fund--state appropriation for fiscal year 2001, \$2,962,000 of the public safety and education account appropriation, \$2,000,000 of the violence reduction drug enforcement account appropriation, and \$2,254,000 of the cost of supervision fund appropriation are provided solely for replacement of the department's offender-based tracking system. These amounts are subject to section 902 of this act.

(b) \$462,000 of the general fund--state appropriation for fiscal year 2000 and \$538,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2000) .....	\$	360,685,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((364,386,000))</del>
		<u>371,428,000</u>
General Fund--Federal Appropriation.....	\$	<del>((35,577,000))</del>
		<u>25,830,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	<del>((1,614,000))</del>
		<u>2,684,000</u>
Public Health Services Account Appropriation .....	\$	<del>((1,884,000))</del>
		<u>1,117,000</u>
Institutional Welfare Betterment Account Appropriation.....	\$	2,570,000
..... TOTAL APPROPRIATION	\$	<u>764,314,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Not more than \$3,000,000 may be expended to provide financial assistance to counties for monitoring

and treatment services provided to felony offenders involved in drug court programs pursuant to sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). The secretary may negotiate terms, conditions, and amounts of assistance with counties or groups of counties operating drug courts, and may review charging and other documents to verify eligibility for payment. The secretary may contract with the division of alcohol and substance abuse, department of social and health services, for monitoring and treatment services provided pursuant to this subsection.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) \$583,000 of the general fund--state appropriation for fiscal year 2000 and \$1,178,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(f) \$151,000 of the general fund--state appropriation for fiscal year 2000 and \$57,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(g) \$18,000 of the general fund--state appropriation for fiscal year 2000 and \$334,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Senate Bill No. 5538 (sentencing) or section 3 of House Bill No. 1544 (sentencing corrections). If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(h) \$171,000 of the general fund--state appropriation for fiscal year 2000 and \$1,094,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(i) The department of corrections shall submit to the appropriate policy and fiscal committees of the senate and house of representatives by December 15, 1999, a report on how the department plans to manage hepatitis C in the inmate population. In developing the plan, the department shall work with recognized experts in the field and shall take notice of the current national institutes of health hepatitis C guidelines and hepatitis C protocols observed in other correctional settings. Included in the plan shall be offender education about the disease, how and when offenders would be tested, how the disease would be managed if an inmate is determined to have hepatitis C, and an estimate of the number of inmates in the Washington prison system with hepatitis C. The proposed plan must also include recommendations to the legislature on ways to improve hepatitis C disease management and what level of funding would be necessary to appropriately test for and treat the disease.

(j) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following:

(A) Enter into a long-term ground lease or a long-term lease with purchase option for development of a Tacoma prerelease facility for approximately \$360,000 per year. Prior to entering into any lease, the department of corrections shall obtain written confirmation from the city of Tacoma and Pierce county that the prerelease facility planned for the site meets all land use, environmental protection, and community notification requirements.

(B) Enter into a financing contract in the amount of \$21,350,000 to acquire, construct, or remodel a 400-bed, expandable to 600-bed, Tacoma prerelease facility.

(C) Lease-develop with the option to purchase or lease-purchase approximately 100 work release beds in facilities throughout the state for \$7,000,000.

(k) ~~(\$1,884,000)~~ \$1,117,000 of the public health services account appropriation is provided solely for costs associated with the testing, treatment, and other activities related to managing hepatitis C in the inmate population.

(l) \$117,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Second Substitute Senate Bill No. 6255 (anhydrous ammonia). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(m) \$2,570,000 of the institutional welfare betterment account appropriation is provided solely for deposit in the public health services account.

(n) During the 1999-01 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account as of January 1, 2000.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2000) .....	\$	48,451,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((53,787,000))</del>
		<u>53,311,000</u>
Public Safety and Education Account--State Appropriation.....	\$	9,861,000
..... TOTAL APPROPRIATION	\$	<u>111,623,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) Amounts provided in this subsection are sufficient for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability).

(c) \$109,000 of the general fund--state appropriation for fiscal year 2000 and \$126,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5011 (dangerous mentally ill offenders). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(d) \$219,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in Engrossed Second Substitute Senate Bill No. 5421 (offender accountability act) and sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing).

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2000) .....	\$	817,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((3,523,000))</del>
		<u>150,000</u>
Institutional Welfare Betterment Account Appropriation.....	\$	3,509,000
..... TOTAL APPROPRIATION	\$	<u>4,476,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:



(a) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(b) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2000).....	\$	12,898,000	
General Fund--State Appropriation (FY 2001).....	\$	<del>((11,983,000))</del>	
		<u>12,255,000</u>	
..... TOTAL APPROPRIATION	\$		((24
		<u>25,153,000</u>	

Sec. 218. 1999 c 309 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2000).....	\$	1,481,000	
General Fund--State Appropriation (FY 2001).....	\$	1,513,000	
General Fund--Federal Appropriation.....	\$	<del>((11,062,000))</del>	
		<u>11,612,000</u>	
General Fund--Private/Local Appropriation .....	\$	80,000	
..... TOTAL APPROPRIATION	\$		((14
		<u>14,686,000</u>	

Sec. 219. 2000 2nd sp.s. c 1 s 222 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 2000).....	\$	1,263,000	
General Fund--State Appropriation (FY 2001).....	\$	1,259,000	
General Fund--Federal Appropriation.....	\$	209,498,000	
General Fund--Private/Local Appropriation .....	\$	29,135,000	
Unemployment Compensation Administration Account--Federal Appropriation .....	\$	<del>((169,985,000))</del>	
		<u>177,799,000</u>	
Administrative Contingency Account--State Appropriation.....	\$	9,443,000	
Employment Service Administrative Account--State Appropriation.....	\$	19,457,000	
..... TOTAL APPROPRIATION	\$		((44
		<u>447,854,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems project to improve the agency's labor exchange system are conditioned upon compliance with section 902 of this act.

(2) \$327,000 of the unemployment compensation administration account--federal appropriation is provided consistent with section 903(c)(2) of the federal social security act to address deficiencies in the tax and wage information system (TAXIS) and to improve the quality and timeliness of employer tax information and employee wage records.

(3) \$2,567,000 of the employment service administrative account--state appropriation is provided solely for implementation of Substitute House Bill No. 3077 (unemployment insurance). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

**PART III**

JOURNAL OF THE HOUSE  
**NATURAL RESOURCES**

**Sec. 301.** 2000 2nd sp.s. c 1 s 301 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2000) .....	\$	36,462,000
General Fund--State Appropriation (FY 2001) .....	\$	42,225,000
General Fund--Federal Appropriation.....	\$	55,141,000
General Fund--Private/Local Appropriation .....	\$	4,234,000
Special Grass Seed Burning Research Account--State Appropriation.....	\$	14,000
Reclamation Revolving Account--State Appropriation .....	\$	1,735,000
Flood Control Assistance Account--State Appropriation .....	\$	<del>(3,989,000)</del>
		<u>3,957,000</u>
Public Safety and Education Account--State Appropriation.....	\$	749,000
State Emergency Water Projects Revolving Account--State Appropriation.....	\$	317,000
Waste Reduction/Recycling/Litter Control Account--State Appropriation.....	\$	13,193,000
State Drought Preparedness Account--State Appropriation.....	\$	<del>((675,000))</del>
		<u>350,000</u>
Salmon Recovery Account--State Appropriation.....	\$	1,120,000
State and Local Improvements Revolving Account (Water Supply Facilities)-- State Appropriation.....		\$
Water Quality Account--State Appropriation .....	\$	3,881,000
Wood Stove Education and Enforcement Account--State Appropriation.....	\$	551,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$	3,155,000
State Toxics Control Account--State Appropriation.....	\$	<del>((48,369,000))</del>
		<u>48,608,000</u>
State Toxics Control Account--Private/Local Appropriation .....	\$	377,000
Local Toxics Control Account--State Appropriation.....	\$	4,587,000
Water Quality Permit Account--State Appropriation.....	\$	21,763,000
Underground Storage Tank Account--State Appropriation .....	\$	2,475,000
Environmental Excellence Account--State Appropriation.....	\$	20,000
Biosolids Permit Account--State Appropriation .....	\$	572,000
Hazardous Waste Assistance Account--State Appropriation.....	\$	3,943,000
Air Pollution Control Account--State Appropriation.....	\$	4,576,000
Oil Spill Administration Account--State Appropriation .....	\$	9,172,000
Air Operating Permit Account--State Appropriation .....	\$	3,549,000
Freshwater Aquatic Weeds Account--State Appropriation.....	\$	1,430,000
Oil Spill Response Account--State Appropriation .....	\$	7,078,000
Metals Mining Account--State Appropriation .....	\$	43,000
Water Pollution Control Revolving Account--State Appropriation.....	\$	439,000
Water Pollution Control Revolving Account--Federal Appropriation.....	\$	2,200,000
..... TOTAL APPROPRIATION	\$	<u>278,473,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,432,000 of the general fund--state appropriation for fiscal year 2000, \$3,438,000 of the general fund--state appropriation for fiscal year 2001, \$394,000 of the general fund--federal appropriation, \$2,070,000 of the oil spill administration account--state appropriation, \$819,000 of the state toxics control account--state appropriation, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(3) \$374,000 of the general fund--state appropriation for fiscal year 2000 and \$283,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to digitize water rights documents and to provide this information to watershed planning groups.

(4) \$1,566,000 of the general fund--federal appropriation, \$1,033,000 of the general fund--private/local appropriation, and \$919,000 of the water quality account appropriation are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for study of the impacts of gravel removal on the hydrology of Maury Island. The study shall consider impacts to the nearshore environment and aquifer recharge, and assess the potential for groundwater or marine sediment contamination. The department shall contract for the study, which shall be completed by June 30, 2000.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for a study of the impacts of gravel deposit on the Highline aquifer. The study shall consider impacts to instream flow and sedimentation of Des Moines, Miller, and Walker creeks. The department shall contract for the study, which shall be completed by June 30, 2000.

(7) The entire freshwater aquatic weeds account appropriation shall be distributed according to the provisions of RCW 43.21A.660. Funding may be provided for chemical control of Eurasian watermilfoil.

(8) \$15,000 of the general fund--state appropriation for fiscal year 2000 and \$15,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to monitor and address, in coordination with the marine operations division of the department of transportation, odor problems in Fauntleroy Cove.

(9) \$144,000 of the general fund--state appropriation for fiscal year 2000 and \$133,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for water quality activities related to forest practices.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the department to form an advisory committee for the purpose of updating the department's storm water management plan and the Puget Sound storm water management manual. The advisory committee shall be appointed no later than September 1, 1999, and it shall provide its recommendations on storm water management to the legislature by December 31, 2000.

(11) \$383,000 of the general fund--state appropriation for fiscal year 2000 and \$384,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for an agency permit assistance center, including four regional permit assistance offices.

(12) \$438,000 of the general fund--state appropriation for fiscal year 2000, \$1,025,000 of the general fund--state appropriation for fiscal year 2001, and \$1,870,000 of the general fund--federal appropriation are provided solely for the establishment of total maximum daily loads for water bodies across the state, and for pilot projects to evaluate the ability of existing voluntary and regulatory programs to improve water quality in water quality limited segments listed pursuant to section 303(d) of the federal clean water act. In areas with a ground water management area, total maximum daily loads that include a ground water element will be done in cooperation with the ground water management area process. Pilot projects shall include the following allocations from the general fund--state amounts provided in this subsection: \$100,000 shall be provided to a

conservation district in the Palouse region; \$100,000 shall be provided to the Lake Whatcom management committee through the city of Bellingham; and \$250,000 shall be provided to the Roza-Sunnyside irrigation district joint board of control. Each pilot project sponsor shall provide a report to the legislature by January 1, 2001, describing the water quality goals of the project, how the goals relate to meeting state water quality standards, the strategies to accomplish those goals, and the method of evaluating project effectiveness. The pilot project sponsors shall also submit final reports to the legislature at project completion.

(13) \$591,000 of the general fund--state appropriation for fiscal year 2000 and \$1,131,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to process water rights applications.

(14) \$414,000 of the general fund--state appropriation for fiscal year 2000 and \$383,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for technical assistance and project review for water conservation and reuse projects.

(15) The entire salmon recovery account appropriation is provided to increase compliance with existing water quality and water resources laws.

(16) \$4,250,000 of the general fund--state appropriation for fiscal year 2000 and \$4,750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to local governments to conduct watershed planning. Of the general fund--state amounts provided in this subsection: (a) \$500,000 is provided solely for a grant to the Methow river planning unit to develop baseline hydrological data for the Methow river; and (b) \$85,000 is provided for the lower Yakima/Naches/upper Yakima planning unit contingent upon recommendations of the governor's fact finder that a dual watershed assessment process is necessary. If such a recommendation is not provided, this amount is available for the purposes of this subsection.

(17) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$82,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department, in cooperation with the department of fish and wildlife, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities.

(18) \$276,000 of the general fund--state appropriation for fiscal year 2000 and \$207,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5424 (aquatic plant management). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(19) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the continuation of the southwest Washington coastal erosion study.

(20) \$638,000 of the oil spill administration account appropriation is provided solely to implement Substitute House Bill No. 2247 (oil spill response tax). Of this amount: (a) \$120,000 is provided solely for spill response equipment; (b) \$307,000 is provided solely to develop an oil spill risk management plan; and (c) \$211,000 is provided solely for spills information management improvements. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(21) \$145,000 of the general fund--state fiscal year 2000 appropriation and \$145,000 of the general fund--state fiscal year 2001 appropriation are provided solely for training and technical assistance to support the activities of county water conservancy boards.

(22) \$3,154,000 of the general fund--state appropriation for fiscal year 2000 and \$6,649,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain the state's air quality program. Within the funds provided in this subsection, the department shall maintain funding for local air pollution control authorities at no less than ninety percent of the level of grants provided prior to January 1, 2000.

(23) \$749,000 of the public safety and education account appropriation for fiscal year 2001 is provided solely for methamphetamine lab clean up activities.

(24) \$300,000 of the state drought preparedness account--state appropriation for fiscal year 2001 is provided solely for a preconstruction and feasibility analysis of the Roza irrigation district off-stream storage project at Washout canyon. Moneys may be expended from the amount provided in this subsection only to the extent that matching funds in cash and in-kind contributions are provided by the Roza irrigation district. If this match is not provided by the district, the amount provided in this subsection shall lapse.

(25) \$1,500,000 of the state toxics control account appropriation is provided solely for cleanup actions

related to the Everett smelter site in the city of Everett. The department shall seek recovery of the funds expended for this purpose from the liable parties by way of a settlement agreement or court action under the authority of chapter 70.105D RCW, the model toxics control act. Moneys collected as a result of a cost recovery action at the Everett smelter site shall be used first to reimburse the local toxics control account for the total amount of this appropriation. This appropriation is the result of a one-time loan from the local toxics control account and does not imply that the legislature will use this loan source or the state toxics control account for future cleanup of the Everett smelter site.

(26) ~~(\$375,000)~~ \$50,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(27) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for creating the task force on water storage. The purpose of the task force is to examine the role of increased water storage in providing water supplies to meet the needs of fish, population growth, and economic development, and to enhance the protection of people's lives and their property and the protection of aquatic habitat through flood control facilities. For this purpose, increased storage may be in the form of surface storage including off-stream storage, underground storage, or the enlargement or enhancement of existing structures. The task force shall also examine means of providing funding for increased water storage.

The department of ecology shall provide staff support for the task force and the director of the department of ecology shall convene the first meeting of the task force not less than thirty days after the effective date of this section.

No member of the task force shall receive compensation, per diem, or reimbursement of expenses from the task force or the department of ecology for his or her activities as a member of the task force. However, each may receive such compensation, per diem, and/or reimbursement as is authorized by the entity he or she is employed by, is appointed from, or represents on the task force.

Following its examination, the task force shall report its recommendations to the appropriate committees of the legislature by December 31, 2000.

(28) Within the funds appropriated in this section, the department shall develop for review by the legislature a proposed long-term strategy to address persistent, bio-accumulative and toxic chemicals in the environment. The department shall submit its proposal to the appropriate legislative committees by December 30, 2000.

(29) \$1,650,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to the oil spill administration account to be used for a rescue tug. By December 1, 2000, the department shall report to the appropriate fiscal committees of the legislature on the activities of the dedicated rescue tug. The report shall include information on rescues, assists, or responses performed by the tug. The report shall also indicate the class of vessels involved and the nature of the rescue, assist, or response.

**Sec. 302.** 2000 2nd sp.s. c 1 s 302 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2000) .....	\$	27,522,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((28,227,000))</del>
		<u>28,259,000</u>
General Fund--Federal Appropriation .....	\$	2,113,000
General Fund--Private/Local Appropriation .....	\$	<del>((59,000))</del>
		<u>167,000</u>
Winter Recreation Program Account--State Appropriation .....	\$	763,000
Off Road Vehicle Account--State Appropriation .....	\$	264,000
Snowmobile Account--State Appropriation .....	\$	3,653,000
Aquatic Lands Enhancement Account--State Appropriation .....	\$	325,000
Public Safety and Education Account--State Appropriation .....	\$	48,000
Water Trail Program Account--State Appropriation .....	\$	14,000

Parks Renewal and Stewardship Account--State Appropriation.....	\$	25,907,000
..... TOTAL APPROPRIATION	\$	<u>89,035,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

- (1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03.
- (2) \$65,000 of the general fund--state appropriation for fiscal year 2000 and \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state parks and recreation commission to meet its responsibilities under the Native American graves protection and repatriation act (P.L. 101-601).
- (3) \$2,000,000 of the parks renewal and stewardship account appropriation is dependent upon the parks and recreation commission generating revenue to the account in excess of \$26,000,000 for the biennium. These funds shall be used for deferred maintenance and visitor and ranger safety activities.
- (4) \$772,000 of the general fund--state appropriation for fiscal year 2000 and \$849,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.
- (5) Fees approved by the state parks and recreation commission in 1998 for camping, group camping, extra vehicles, and the sno-park daily permit are authorized to exceed the fiscal growth factor under RCW 43.135.055.
- (6) \$79,000 of the general fund--state appropriation for fiscal year 2000 and \$79,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a grant for the operation of the Northwest avalanche center.
- (7) The state parks and recreation commission may increase fees adopted prior to January 1, 2000, for implementation on or after July 1, 2000, in excess of the fiscal growth factor under RCW 43.135.055.
- (8) \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a study on existing and future recreational needs and opportunities on the west slope of the Cascade foothills. The study shall include an inventory of existing land and facilities, an assessment of projected demand, and recommendations for regional coordination among public and private outdoor recreation providers to promote expanded recreation opportunities within the Cascade foothills. The study shall be submitted to the governor and the appropriate committees of the legislature by June 30, 2001.

**Sec. 303.** 2000 2nd sp.s. c 1 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2000) .....	\$	42,616,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((44,567,000))</del>
		<u>45,212,000</u>
General Fund--Federal Appropriation.....	\$	<del>((37,380,000))</del>
		<u>55,005,000</u>
General Fund--Private/Local Appropriation .....	\$	<del>((16,800,000))</del>
		<u>23,850,000</u>
Off Road Vehicle Account--State Appropriation.....	\$	490,000
Aquatic Lands Enhancement Account--State Appropriation .....	\$	5,992,000
Public Safety and Education Account--State Appropriation.....	\$	586,000
Recreational Fisheries Enhancement Account--State Appropriation.....	\$	3,596,000
Salmon Recovery Account--State Appropriation.....	\$	10,105,000
Warm Water Game Fish Account--State Appropriation.....	\$	<del>((2,499,000))</del>
		<u>2,899,000</u>
Eastern Washington Pheasant Enhancement Account--State Appropriation.....	\$	851,000
Wildlife Account--State Appropriation.....	\$	<del>((41,133,000))</del>

	<u>42,223,000</u>
Wildlife Account--Federal Appropriation.....	\$ 38,040,000
Wildlife Account--Private/Local Appropriation .....	\$ 15,072,000
Game Special Wildlife Account--State Appropriation .....	\$ 1,939,000
Game Special Wildlife Account--Federal Appropriation .....	\$ 9,603,000
Game Special Wildlife Account--Private/Local Appropriation.....	\$ 350,000
Environmental Excellence Account--State Appropriation.....	\$ 15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation.....	\$ 1,750,000
Oil Spill Administration Account--State Appropriation .....	\$ 969,000
..... TOTAL APPROPRIATION	\$ <u>301,163,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,252,000 of the general fund--state appropriation for fiscal year 2000 and \$1,244,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-02, DFW-03, DFW-04, and DFW-05.

(2) \$776,000 of the salmon recovery account appropriation is provided solely for the department's review of forest practices applications and related hydraulic permit applications.

(3) \$1,500,000 of the salmon recovery account appropriation is provided solely for the department to update the salmon and steelhead stock inventory and, in cooperation with the department of ecology, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities.

(4) \$232,000 of the general fund--state appropriation for fiscal year 2000 and \$232,000 of the general fund--state appropriation for fiscal year 2001 are provided for the control of European green crab (*Carcinus maenas*). The department shall submit a report to the governor and the appropriate legislative committees by September 1, 2000, evaluating the effectiveness of various control strategies and providing recommendations on long-term control strategies. \$248,000 of this amount is for implementation of Puget Sound work plan and agency action item DFW-23.

(5) \$191,000 of the general fund--state appropriation for fiscal year 2000 and \$191,000 of the general fund--state appropriation for fiscal year 2001 are provided for noxious weed control and survey activities on department lands. Of this amount, \$48,000 is provided for the biological control of yellowstar thistle.

(6) All salmon habitat restoration and protection projects proposed for funding by regional fisheries enhancement groups shall be submitted by January 1st or July 1st of each year for review to the salmon recovery funding board.

(7) \$2,340,000 of the salmon recovery account appropriation and \$7,000,000 of the general fund--federal appropriation are provided solely to implement a license buy-back program for commercial fishing licenses.

(8) \$511,000 of the general fund--state appropriation for fiscal year 2000 and \$488,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(9) Any indirect cost reimbursement received by the department from federal grants must be spent on agency administrative activities and cannot be redirected to direct program activities.

(10) \$43,000 of the general fund--state appropriation for fiscal year 2000 and \$42,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) \$32,000 of the general fund--state appropriation for fiscal year 2000 and \$33,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the

spread of species that are introduced.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Senate Bill No. 5508 (crab catch record cards). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) \$6,440,000 of the general fund--state appropriation for fiscal year 2000, \$5,796,000 of the general fund--state appropriation for fiscal year 2001, \$12,260,000 of the wildlife account--state appropriation, \$710,000 of the aquatic lands enhancement account appropriation, and \$500,000 of the public safety and education account appropriation are provided solely for operation of the enforcement division. Within these funds, the department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within these funds, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(14) \$500,000 of the salmon recovery account, \$624,000 of the general fund--state appropriation for fiscal year 2000, and \$624,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to implement a hatchery endangered species act response. The strategy shall include emergency hatchery responses and retrofitting of hatcheries for salmon recovery.

(15) \$45,000 of the general fund--state appropriation for fiscal year 2000 and \$46,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for operation of the Rod Meseberg (ringold) warm water fish hatchery to implement House Bill No. 1716 (warm water fish culture). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(16) \$2,500,000 of the salmon recovery account appropriation is provided solely for grants to lead entities established in accordance with RCW 75.46.060.

(17) \$200,000 of the salmon recovery account appropriation is provided solely for salmon and steelhead predation control and bycatch monitoring strategies.

(18) \$50,000 of the general fund--state appropriation for fiscal year 2000, \$50,000 of the general fund--state appropriation for fiscal year 2001, and \$200,000 of the wildlife account--state appropriation are provided solely for field surveys and harvest management for Washington elk herds.

(19) \$155,000 of the general fund--state appropriation for fiscal year 2000 and \$345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to purchase and implement the automated recreational license data base system.

(20) \$1,400,000 of the general fund--state appropriation for fiscal year 2000 and \$1,400,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fish passage barrier and screening technical assistance, engineering services, and construction assistance for local governments, state agencies, volunteer groups, and regional fisheries enhancement groups.

(21) \$1,500,000 of the salmon recovery account appropriation is provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources.

(22) \$400,000 of the wildlife account appropriation is provided solely to implement House Bill No. 1681 (trout purchase by state). The fish and wildlife commission may authorize expenditure of these funds only if the costs of the program will be recovered by the increase in license sales directly attributable to the planting of privately grown trout. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(23) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(24) \$245,000 of the state wildlife account appropriation is provided solely for winter feeding of deer and winter range rehabilitation on the Chiliwist wildlife area.

(25) Within the appropriation from the wildlife account the department shall, at a minimum, operate Reiter Pond at fiscal year 2000 production levels.

(26) Within the appropriations in this section the department shall, at a minimum, operate the Colville



hatchery at fiscal year 2000 production levels.

(27) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(28) \$400,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of the Puget Sound work plan agency action items DFW-10 and DFW-18, implementing a comprehensive Puget Sound ground fish and forage fish recovery plan.

(29) \$203,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for data collection and analysis related to Lake Washington sockeye.

(30) \$800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for additional enforcement staff to respond and take appropriate action in response to public complaints regarding bear and cougar.

(31) \$500,000 of the general fund--state appropriation for fiscal year 2001 and \$200,000 of the wildlife account--state appropriation are provided solely to implement an endangered species act strategy for state hatchery operations, including fish passage improvements, screen compliance, rearing strategies, and restoration of production.

(32) \$789,000 of the salmon recovery account appropriation is provided solely for screening of irrigation diversions and projects to improve instream flows in the Methow river basin.

(33) \$645,000 of the general fund--state appropriation is provided solely for fire suppression costs during the 2000 fire season and to feed elk and deer.

**Sec. 304.** 2000 2nd sp.s. c 1 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2000) .....	\$ 25,784,000
General Fund--State Appropriation (FY 2001) .....	\$ ((28,576,000))
	<u>33,674,000</u>
General Fund--Federal Appropriation.....	\$ ((2,865,000))
	<u>6,511,000</u>
General Fund--Private/Local Appropriation .....	\$ 1,604,000
Forest Development Account--State Appropriation.....	\$ ((48,086,000))
	<u>48,056,000</u>
Off Road Vehicle Account--State Appropriation.....	\$ 3,668,000
Surveys and Maps Account--State Appropriation.....	\$ 2,221,000
Aquatic Lands Enhancement Account--State Appropriation .....	\$ 2,656,000
Resources Management Cost Account--State Appropriation .....	\$ ((79,097,000))
	<u>79,032,000</u>
Surface Mining Reclamation Account--State Appropriation .....	\$ 1,435,000
Disaster Response Account--State Appropriation.....	\$ 2,651,000
Salmon Recovery Account--State Appropriation.....	\$ 3,483,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation .....	\$ 1,014,000
Natural Resource Conservation Areas Stewardship Account Appropriation .....	\$ 1,100,000
Air Pollution Control Account--State Appropriation.....	\$ 687,000
Metals Mining Account--State Appropriation .....	\$ 63,000
Agricultural College Trust Management Account Appropriation .....	\$ ((1,736,000))
	<u>1,913,000</u>
..... TOTAL APPROPRIATION	\$
	<u>215,552,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$18,000 of the general fund--state appropriation for fiscal year 2001, and \$1,058,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$7,304,000 of the general fund--state appropriation for fiscal year 2000, \$7,304,000 of the general fund--state appropriation for fiscal year 2001, and \$2,651,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression.

(3) \$331,000 of the general fund--state appropriation for fiscal year 2000 and \$339,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for geologic studies to evaluate ground stability in high growth areas and to provide geologic expertise to small communities.

(4) \$663,000 of the general fund--state appropriation for fiscal year 2000 and \$689,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) \$3,483,000 of the salmon recovery account appropriation and \$3,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of chapter 4, Laws of 1999 sp. sess.

(a) Of the salmon recovery account appropriation in this subsection:

(i) \$2,580,000 is provided solely for costs associated with adopting and implementing new forest rules for protection of riparian habitat and water quality; road maintenance and abandonment planning; fish and water quality compliance staff; geographic information systems improvements for forest roads and hydrography; and updating the forest practices permit application system; and

(ii) \$903,000 is provided solely to implement sections 501 through 505 of chapter 4, Laws of 1999 sp. sess., including:

(A) The establishment of a small landowner office;

(B) Administration of the forestry riparian easement program;

(C) Contracting with private consultants to perform timber cruises;

(D) Development of small landowner options through alternate management plans;

(E) Evaluation of cumulative impacts of alternate plans;

(F) Establishment of a small landowners advisory committee;

(G) Development of criteria for determining compensation for qualifying timber; and

(H) Collection and reporting of the statistical information on small landowners as directed in section 503 of chapter 4, Laws of 1999 sp. sess.

(b) Of the general fund--state appropriation in this subsection:

(i) \$2,128,000 is provided solely for cooperative monitoring, evaluation, and research projects; hazard zonation; adopting and implementing new forest rules to protect riparian habitat and water quality; and geographic information systems improvements for forest roads and hydrography; and

(ii) \$872,000 is provided solely for the department to implement sections 501 through 505 of chapter 4, laws of 1999 sp. sess., including providing technical assistance for small forest landowners for the following:

(A) Determining streamside buffers;

(B) Preparation of road management plans;

(C) Participation in watershed analysis and adaptive management;

(D) Determining culvert replacement needs; and

(E) Developing alternative plans to comply with forest and fish rules.

(6) \$44,000 of the resource management cost account appropriation is provided solely for maintenance and safety improvements at the Gull Harbor marine station. The department shall develop a plan for use or disposal of the marine station by December 1, 1999.

(7) \$582,000 of the resource management cost account appropriation is provided solely to expand geoduck resource management activities.

(8) \$172,000 of the resource management cost account appropriation is provided solely to convert aquatic land maps and records to an electronic format.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control. Within these amounts, the department shall continue support for a field study of biological control methods.

(10) \$2,000,000 of the general fund--state appropriation for fiscal year 2000 and \$2,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fire protection activities.

(11) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(12) \$1,100,000 of the natural resources conservation areas stewardship account is provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

(13) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

~~((14))~~ (14) \$2,000,000 of the forest development account appropriation is provided solely for immediate road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

~~((15))~~ (15) The department shall submit a report of the uses of the access road revolving fund to the legislature and the office of financial management no later than December 1, 2000. The report shall include the following:

- (a) Distribution of funds from fiscal year 1996 through fiscal year 2000;
- (b) Types of activities funded;
- (c) Method for prioritizing road projects, state-wide and by region; and
- (d) Proposed plan for road maintenance and repair in the 2001-2003 biennium.

(16) \$5,143,000 of the general fund--state appropriation and \$3,646,000 of the general fund--federal appropriation are provided solely for the costs of fighting wildfires on state and federal lands during the 2000 fire season.

**PART IV  
TRANSPORTATION**

**Sec. 401.** 2000 2nd sp.s. c 1 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2000) .....	\$ 5,630,000
General Fund--State Appropriation (FY 2001) .....	\$ <del>((4,871,000))</del>
	<u>5,023,000</u>
Architects' License Account--State Appropriation .....	\$ <del>((678,000))</del>
	<u>668,000</u>
Cemetery Account--State Appropriation.....	\$ 205,000
Profession Engineers' Account--State Appropriation .....	\$ 2,703,000
Real Estate Commission--State Appropriation .....	\$ <del>((6,824,000))</del>
	<u>6,784,000</u>
Master License Account--State Appropriation .....	\$ 7,317,000
Uniform Commercial Code Account--State Appropriation .....	\$ 3,448,000
Real Estate Education Account--State Appropriation.....	\$ 630,000
Funeral Directors and Embalmers Account--State Appropriation .....	\$ 472,000
Washington Real Estate Research Account Appropriation .....	\$ 313,000
..... TOTAL APPROPRIATION	\$
	<u>33,193,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2000, \$25,000 of the general fund--state appropriation for fiscal year 2001, and \$100,000 of the professional engineers' account appropriation are provided solely for Second Substitute Senate Bill No. 5821 (on-site wastewater treatment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) \$313,000 of the Washington real estate research account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5720 (real estate research). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

**Sec. 402.** 2000 2nd sp.s. c 1 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2000).....	\$ 21,496,000
General Fund--State Appropriation (FY 2001).....	\$ <del>((20,826,000))</del>
	<u>20,939,000</u>
General Fund--Federal Appropriation.....	\$ 3,999,000
General Fund--Private/Local Appropriation .....	\$ 344,000
Death Investigations Account--State Appropriation .....	\$ 3,689,000
Public Safety and Education Account--State Appropriation.....	\$ 9,611,000
County Criminal Justice Assistance Account--State Appropriation .....	\$ 2,887,000
Municipal Criminal Justice Assistance Account--State Appropriation .....	\$ 1,118,000
Fire Service Trust Account--State Appropriation .....	\$ 125,000
Disaster Response Account--State Appropriation.....	\$ 1,386,000
Fire Service Training Account--State Appropriation.....	\$ 6,730,000
State Toxics Control Account--State Appropriation.....	\$ 442,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$ 260,000
Fingerprint Identification Account--State Appropriation .....	\$ 2,958,000
..... TOTAL APPROPRIATION	\$ <u>75,984,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) \$255,000 of the general fund--state appropriation for fiscal year 2000 and \$95,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for replacement of fire training equipment at the fire service training academy.

(2) \$604,000 of the public safety and education account appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5108 (missing/exploited children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$2,816,000 of the death investigation account appropriation is provided solely for the implementation of Substitute House Bill No. 1560 (forensic lab services). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$2,900,000 of the fire service training account appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5102 (fire fighter training). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse. In providing the fire fighter one training program required by the bill, the state patrol shall, to the extent possible, utilize existing public and private fire fighting training facilities in southeastern Washington.

(5) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(6) \$66,000 of the general fund--state appropriation for fiscal year 2000 and \$58,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities of the missing children's clearinghouse as related to services performed under subsection 202(1) of this act. If that subsection is not enacted, the amount provided in this subsection shall lapse.

(7) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(8) \$300,000 of the death investigations account--state appropriation is provided solely for the operation of the state toxicology laboratory. If House Bill No. 2330 (liquor disbursements) is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) \$1,386,000 of the disaster response account--state appropriation is provided solely for costs associated with the state patrol's participation in support of the world trade organization conference.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 2420 (oil/gas pipeline safety). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

**PART V  
EDUCATION**

**Sec. 501.** 2000 2nd sp.s. c 1 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund--State Appropriation (FY 2000) .....	\$	34,844,000
General Fund--State Appropriation (FY 2001) .....	\$	42,315,000
General Fund--Federal Appropriation.....	\$	<del>((83,099,000))</del>
		<u>93,143,000</u>
..... TOTAL APPROPRIATION	\$	<u>170,302,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

**(1) AGENCY OPERATIONS**

(a) \$404,000 of the general fund--state appropriation for fiscal year 2000 and \$403,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$348,000 of the general fund--state appropriation is provided for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(c) \$128,000 of the general fund--state appropriation is provided solely for increased costs of providing a norm-referenced test to all third grade students and retests of certain third grade students and other costs in accordance with chapter 319, Laws of 1998 (student achievement).

(d) \$145,000 of the general fund--state appropriation is provided for an institutional education program director.

**(2) STATE-WIDE PROGRAMS**

(a) \$2,524,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center. Of this amount, \$350,000 is provided to add a math van.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,754,000 of the general fund--state appropriation is provided for educational centers, including state

support activities. \$100,000 of this amount is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$100,000 a biennium.

(d) \$100,000 of the general fund--state appropriation is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(e) \$5,923,000 of the general fund--state appropriation is provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(f) \$5,649,000 of the general fund--state appropriation for FY 2001 is provided for school safety allocations to school districts. The amount provided in this subsection (2)(f) is subject to the following conditions and limitations:

(i) School districts may use funds allocated under this subsection (2)(f) for school safety purposes for the 2000-01 school year, including but not limited to the following: Planning; training; equipment; before, during, and after-school safety; and minor building renovations.

(ii) Allocations to school districts shall be made beginning on July 1, 2000, at a maximum rate of \$10.00 multiplied by the full-time equivalent enrollment of the district. A district's allocation shall be reduced by any amount awarded to that district for security and safety grants under section 501 (2)(e) of this act and under sections 1 (2) and 2 of chapter 12, Laws of 1999 sp. sess. For purposes of this subsection "full-time equivalent enrollment" means the average K-12 full-time equivalent enrollment from September 1, 1999, to May 31, 2000, or 150 full-time equivalent students, whichever is greater.

(g) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$200,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(h) \$1,500,000 of the general fund--state appropriation for fiscal year 2000 and \$1,500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(i) A maximum of \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(j) \$5,702,000 of the general fund--state appropriation is provided solely for shared infrastructure costs, data equipment maintenance, and depreciation costs for operation of the K-20 telecommunications network.

(k) \$4,000,000 of the general fund--state appropriation is provided solely for a K-20 telecommunications network technical support system in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 may be expended for state-level administration and staff training on the K-20 network.

(l) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for allocation to the primary coordinators of the state geographic alliance to improve the teaching of geography in schools.

(m) \$2,000,000 of the general fund--state appropriation is provided for start-up grants for alternative

programs and services that improve instruction and learning for at-risk students. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including:

- (i) Students who are disruptive or have been suspended, expelled, or subject to other disciplinary actions;
- (ii) Students with unexcused absences who need intervention;
- (iii) Students who have left school; and
- (iv) Students involved with the court system.

(n) \$1,600,000 of the general fund--state appropriation is provided for grants for magnet schools.

(o) \$4,300,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to amounts shown in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(p) \$431,000 of the general fund--state appropriation is provided solely to implement Engrossed House Bill No. 2760 (educator quality). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(q) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to schools and school districts to establish school safety plans.

(r) \$5,242,000 of the general fund--state is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(s) \$50,000 of the general fund--state appropriation is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices.

(t) \$750,000 of the general fund--state appropriation is provided solely for computer system programming and upgrades to benefit the office of the superintendent of public instruction, schools, and school districts.

(u) \$21,000 of the general fund--state appropriation for fiscal year 2000 appropriation and \$21,000 of the general fund--state appropriation for fiscal year 2001 appropriation are provided solely for the increased costs resulting from Engrossed Second Substitute House Bill No. 1477 (school district organization). If the bill is not enacted by June 30, 1999, the amounts in this subsection shall lapse.

(v) \$1,500,000 of the general fund--state appropriation is provided solely for the excellence in mathematics training program as specified in Substitute House Bill No. 1569 (excellence in mathematics). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(w) \$2,000,000 of the general fund--state appropriation is provided solely for teacher institutes during the summer of 2000, programs, and administration costs, as provided for in Engrossed Second Substitute House Bill No. 2085 (disruptive students). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(x) \$200,000 of the general fund--state appropriation is provided solely for support for vocational student leadership organizations.

(y) \$1,100,000 of the general fund--state appropriation is provided for an equal matching grant to the Northeast vocational area cooperative to establish high-technology learning centers to provide college-level technology curriculum for high school students leading to an information technology certificate or degree. Only the following sources may be used as matching for the state funds: Private sector contributions; operating levy revenues; capital levy revenues; technology levy revenues; or other local funds not from federal or state sources.

(z) \$75,000 of the general fund--state appropriation is provided for speech pathology grants to charitable organizations as qualified under the internal revenue code and incorporated under the laws of the state of Washington. These grants shall be used for the purpose of providing childhood speech pathology by nationally certified speech pathologists to children who have demonstrated a lack of verbal communication skills and who would benefit from such a program. Speech pathology services shall be provided at no cost to the child receiving the benefits or to the parents or guardians of the child.

(aa) \$500,000 of the general fund--state appropriation is provided solely for competitive grants to school districts to obtain curriculum or programs that allow high school students to have access to internet-based curriculum that leads directly to higher education credits or provides preparation for tests that lead to higher

education credit in subjects including but not limited to mathematics, languages, and science.

(bb) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for grants to school districts for programs to prepare high school students to achieve information technology industry skills certifications. The funds may be expended to provide or improve internet access; purchase and install networking or computer equipment; train faculty; or acquire curriculum materials. A match of cash or in-kind contributions from nonstate sources equal to at least half of the cash amount of the grant is required. To assure continuity of the curriculum with higher education institutions, the grant program will be designed and implemented by an interagency team comprised of representatives from the office of the superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management. School districts may apply for grants in cooperation with other school districts or community or technical colleges and must demonstrate in the grant application a cooperative relationship with a community or technical college in information technology programs. Preference for grants shall be made to districts with sound technology plans, which offer student access to computers outside of school hours, which demonstrate involvement of the private sector in information technology programs, and which serve the needs of low-income communities.

(cc) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington civil liberties education program pursuant to Engrossed Second Substitute House Bill No. 1572 (civil liberties education). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(dd) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the World War II oral history project pursuant to Substitute House Bill No. 2418 (WWII oral history project). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(ee) \$431,000 of the general fund--state appropriation is provided solely for the purchase of filtering servers necessary for districts to implement a computer technology filtering system for schools. Priority shall be given to districts that do not have any filtering systems in place. Funding shall be provided only at the request of that district's school board.

(ff) \$297,000 of the general fund--state appropriation is provided solely for training in oral medications administration. If Substitute Senate Bill No. 6328 (oral medications training) is enacted, the funds are provided to implement the provisions of the bill. If the bill is not enacted by June 30, 2000, the superintendent shall provide training in administration of oral medications using the model program developed by the office of the superintendent of public instruction.

**Sec. 502.** 2000 2nd sp.s. c 1 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2000).....	\$ 3,507,296,000	
General Fund--State Appropriation (FY 2001).....	<del>\$(3,480,701,000))</del>	
	<u>3,489,806,000</u>	
..... TOTAL APPROPRIATION	\$	((6,9
	<u>6,997,102,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 1999-00 and 2000-01 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this



subsection:

- (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
- (ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;
- (iii) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2

certificated instructional staff units for grade 4. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students for the 1999-00 school year and the 2000-01 school year. Districts documenting staffing ratios of less than 1 certificated staff per 19.5 students shall be allocated the greater of the total ratio in subsections (2)(a)(i) and (iv) of this section or the actual documented ratio; and

(B) Skills center programs meeting the standards for skill center funding recommended by the superintendent of public instruction, January 1999, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Indirect cost charges, as defined by the superintendent of public instruction, to vocational-secondary programs shall not exceed 10 percent; and

(iii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1999-00 and 2000-01 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 16.49 percent in the 1999-00 school year and 15.62 percent in the 2000-01 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 15.56 percent in the 1999-00 school year and 15.82 percent in the 2000-01 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time

equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,117 per certificated staff unit in the 1999-00 school year and a maximum of \$8,239 per certificated staff unit in the 2000-01 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$19,933 per certificated staff unit in the 1999-00 school year and a maximum of \$20,232 per certificated staff unit in the 2000-01 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$15,467 per certificated staff unit in the 1999-00 school year and a maximum of \$15,699 per certificated staff unit in the 2000-01 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$365.28 for the 1999-00 school year and \$479.94 for the 2000-01 school year per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1998-99 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of (~~(\$10,598,000)~~) \$10,423,000 outside the basic education formula during fiscal years 2000 and 2001 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$457,000 may be expended in fiscal year 2000 and a maximum of \$464,000 may be expended in fiscal year 2001;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended each fiscal year;

(c) A maximum of \$585,000 may be expended for school district emergencies provided that up to \$260,000 shall be for the Toutle Lake school district emergency;

(d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) A maximum of \$3,117,000 of the general fund--state appropriation for fiscal year 2000 and (~~(\$779,000)~~) \$604,000 of the general fund--state appropriation for fiscal year 2001 are provided for the 1999-00 school year for districts which experience an enrollment decline in the 1999-00 school year from the 1998-99 school year of more than 4.5 percent in full-time equivalent enrollment or more than 300 full-time equivalent students. The superintendent shall allocate funds to eligible school districts for up to one-half of the enrollment loss at the basic education unenhanced rate for the district. School districts receiving small school factor bonus funds shall not be eligible for enrollment decline funds to the extent that the district has no state apportionment loss as a result of the enrollment decline.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under chapter 309, Laws of 1999, including appropriations for salary and benefits increases, is 4.0 percent from the 1998-99 school to the 1999-00 school year, and 3.0 percent from the 1999-00 school year to the 2000-01 school year. This subsection supersedes section 1, chapter 10, Laws of 1999 sp. sess.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**Sec. 503.** 2000 2nd sp.s. c 1 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE  
COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2000) .....	\$	186,314,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((344,013,000))</del>
		<u>345,596,000</u>
..... TOTAL APPROPRIATION	\$	<u>531,910,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((406,511,000))~~ \$407,693,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1999, and another 3.0 percent effective September 1, 2000, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 15.85 percent for school year 1999-00 and 14.98 percent for school year 2000-01 for certificated staff and 12.06 percent for school year 1999-00 and 12.32 percent for school year 2000-01 for classified staff. The appropriation also includes 1.67 percent effective September 1, 1999, for three learning improvement days pursuant to section 503(7) of this act and the salary allocation schedule adjustments for beginning and senior certificated instructional staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living, learning improvement days for certificated instructional staff, and incremental fringe benefit allocations based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.60 per weighted pupil-mile for the 1999-00 school year and \$1.23 per weighted pupil-mile for the 2000-01 school year;

(ii) For education of highly capable students, an increase of \$14.04 per formula student for the 1999-00 school year and \$21.09 per formula student for the 2000-01 school year; and

(iii) For transitional bilingual education, an increase of \$36.19 per eligible bilingual student for the 1999-00 school year and \$54.51 per eligible student for the 2000-01 school year; and

(iv) For learning assistance, an increase of \$13.97 per entitlement unit for the 1999-00 school year and \$23.04 per entitlement unit for the 2000-01 school year.

(c) The appropriations in this section include \$417,000 for fiscal year 2000 and ~~((1,214,000))~~ \$1,227,000 for fiscal year 2001 for salary increase adjustments for substitute teachers.

(2) ~~((123,816,000))~~ \$124,217,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$335.75 per month for the 1999-00 and 2000-01 school years. The appropriations in this section provide for a rate increase to \$388.02 per month for the 1999-00 school year and \$425.89 per month for the 2000-01 school year at the following rates:

- (a) For pupil transportation, an increase of \$0.48 per weighted pupil-mile for the 1999-00 school year and \$0.82 for the 2000-01 school year;
  - (b) For education of highly capable students, an increase of \$3.32 per formula student for the 1999-00 school year and \$5.72 for the 2000-01 school year;
  - (c) For transitional bilingual education, an increase of \$8.46 per eligible bilingual student for the 1999-00 school year and \$14.59 for the 2000-01 school year; and
  - (d) For learning assistance, an increase of \$6.65 per funded unit for the 1999-00 school year and \$11.47 for the 2000-01 school year.
- (3) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 504.** 2000 2nd sp.s. c 1 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2000) .....	\$ 181,204,000
General Fund--State Appropriation (FY 2001) .....	\$ ((181,061,000))
	<u>183,660,000</u>
..... TOTAL APPROPRIATION	\$ <u>364,864,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) A maximum of \$1,473,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.
- (3) \$10,000 of the fiscal year 2000 appropriation and \$10,000 of the fiscal year 2001 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.
- (4) Allocations for transportation of students shall be based on reimbursement rates of \$34.96 per weighted mile in the 1999-00 school year and \$35.17 per weighted mile in the 2000-01 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

**Sec. 505.** 2000 2nd sp.s. c 1 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2000) .....	\$ 387,011,000
General Fund--State Appropriation (FY 2001) .....	\$ ((385,482,000))
	<u>391,076,000</u>
General Fund--Federal Appropriation.....	\$ ((171,667,000))
	<u>176,111,000</u>
..... TOTAL APPROPRIATION	\$ <u>954,198,000</u>

((94

The appropriations in this section are subject to the following conditions and limitations:

- (1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW

28A.150.390. School districts shall ensure, to the greatest extent possible, that special education students receive their appropriate share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education allocation funded in this section.

(2) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(4) For the 1999-00 and 2000-01 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (5)(c) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" means the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1999-00 and the 2000-01 school years, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) A maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2000 and a maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2001 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (4) of this section. Safety net funding shall be awarded by the state safety net oversight committee.

(a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(b) The committee shall then consider unusual needs of districts due to a special education population which differs significantly from the assumptions of the state funding formula. Awards shall be made to districts that convincingly demonstrate need due to the concentration and/or severity of disabilities in the district. Differences in program costs attributable to district philosophy or service delivery style are not a basis for safety

net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with Substitute Senate Bill No. 5626 (medicaid payments to schools).

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$100,000 per year of the amounts provided in this subsection to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(8) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(9) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(10) To the extent necessary, \$5,500,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs of one or more individual special education students exceed \$5,500,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

**Sec. 506.** 2000 2nd sp.s. c 1 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2000) .....	\$	7,738,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((7,771,000))</del>	
		<u>7,276,000</u>	
..... TOTAL APPROPRIATION	\$		<u>15,014,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations include such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$507,000 may be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1999-00 and 2000-01 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1999-00 and 2000-01 school years.

**Sec. 507.** 2000 2nd sp.s. c 1 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2000) .....	\$	102,563,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((122,114,000))</del>	
		<u>124,107,000</u>	
..... TOTAL APPROPRIATION	\$		<u>226,670,000</u>

((22

**Sec. 508.** 2000 2nd sp.s. c 1 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2000) .....	\$	19,296,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((19,469,000))</del>	
		<u>18,249,000</u>	
General Fund--Federal Appropriation.....	\$	8,548,000	
..... TOTAL APPROPRIATION	\$		<u>46,093,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$92,000 of the general fund--state appropriation for fiscal year 2000 and ~~((143,000))~~ \$139,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and



programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 509. 2000 2nd sp.s. c 1 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2000) .....	\$	6,164,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((6,105,000))</del>	
		<u>6,090,000</u>	
..... TOTAL APPROPRIATION	\$		<del>((42</del>
		<u>12,254,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$312.19 per funded student for the 1999-00 school year and ~~((310.43))~~ \$310.40 per funded student for the 2000-01 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$350,000 of the appropriation is for the centrum program at Fort Worden state park.

(4) \$186,000 of the appropriation is for the Washington imagination network and future problem-solving programs.

Sec. 510. 2000 2nd sp.s. c 1 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2000) .....	\$	33,234,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((36,300,000))</del>	
		<u>35,413,000</u>	
..... TOTAL APPROPRIATION	\$		<del>((69</del>
		<u>68,647,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$268,000 of the general fund--state appropriation for fiscal year 2000 and \$322,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the commission established under PART I of Substitute Senate Bill No. 5418 or Second Substitute House Bill No. 1462. If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall be used for implementation of education reform and an accountability system by the office of the superintendent of public instruction.

(2) \$9,307,000 of the general fund--state appropriation for fiscal year 2000 and ~~((11,329,000))~~ \$10,442,000 of the general fund--state appropriation for fiscal year 2001 are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$6,818,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers. The 1999 teacher preparation and development report from the Washington institute for public policy found that (a) there are no state-wide standards for what teacher assistance programs are intended to accomplish and (b) the program has not been changed to reflect increased expectations for improved student learning under education reform. By November 15, 2001, the office of the superintendent of public instruction shall submit a report to the education and fiscal committees of the house of representatives and the senate documenting the outcomes of program changes implemented in response to the study.

(5) \$4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(6) \$7,200,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning or its successor, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(9) \$2,208,000 is provided solely for the leadership internship program for superintendents, principals, and program administrators.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to establish a mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance state-wide, the superintendent of public instruction, shall employ regional school improvement coordinators and mathematics school improvement specialists to provide assistance to schools and districts. The regional coordinators and specialists shall be hired by and work under the direction of a state-wide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement coordinators and specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(11) A maximum of \$1,000,000 of the general fund--state appropriation is provided to expand the number of summer accountability institutes offered by the superintendent of public instruction and the commission on student learning or its successor. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling but placing an emphasis on mathematics.

(12) \$8,000,000 of the general fund--state appropriation for fiscal year 2000 and \$8,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a

school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets one of the following conditions:

(i) The program is recommended either by the education commission of the states or the Northwest regional educational laboratory; or

(ii) The program is developed by schools or school districts and is approved by the office of the superintendent of public instruction based on the following criteria:

(A) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(B) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(C) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(D) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(E) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning, interim, and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from July 1, 1999, through August 31, 2001.

(13) \$120,000 of the general fund--state appropriation for fiscal year 2000 and \$272,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards.

(a) During the 1999-00 school year, teachers who have attained certification by the national board will receive a one-time 15 percent salary bonus. The bonus is provided in recognition of their outstanding performance. The bonuses shall be provided subject to the following conditions and limitations:

(i) For teachers achieving certification prior to September 1, 1999, the bonus shall begin on September 1, 1999.

(ii) Teachers enrolled in the program prior to September 1, 1999, achieving certification during the 1999-2000 school year shall be eligible for the bonus for the number of months during the school year that the individual has achieved certification.

(b) During the 2000-01 school year, teachers who have attained certification by the national board during the 2000-01 school year or in prior school years will receive an annual bonus of \$3,500. The annual bonus will be paid in a lump sum amount. The annual bonus provided under this subsection shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than two bonus payments under this subsection.

(14) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(15) \$35,000 of the general fund--state appropriation for fiscal year 2000 and \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

**Sec. 511.** 2000 2nd sp.s. c 1 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2000) .....	\$	35,876,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((37,605,000))</del>	
		<u>37,776,000</u>	
..... TOTAL APPROPRIATION	\$		((73
		<u>73,652,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) The superintendent shall distribute a maximum of \$646.06 per eligible bilingual student in the 1999-00 school year and \$641.64 in the 2000-01 school year, exclusive of salary and benefit adjustments provided in section ~~((503 of this act))~~ 504, chapter 1, Laws of 2000 2nd sp. sess..

**Sec. 512.** 2000 2nd sp.s. c 1 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2000) .....	\$	68,936,000	
General Fund--State Appropriation (FY 2001) .....	\$	<del>((69,470,000))</del>	
		<u>68,392,000</u>	
..... TOTAL APPROPRIATION	\$		((43
		<u>137,328,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Funding for school district learning assistance programs shall be allocated at maximum rates of \$382.08 per funded unit for the 1999-00 school year and \$381.90 per funded unit for the 2000-01 school year.
- (3) A school district's funded units for the 1999-2000 and 2000-01 school years shall be the sum of the following:
  - (a) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and
  - (b) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and
  - (c) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and
  - (d) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the

district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(4) School districts may carry over from one year to the next up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

**Sec. 513.** 2000 2nd sp.s. c 1 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS**

General Fund--State Appropriation (FY 2000) .....	\$ 32,981,000
General Fund--State Appropriation (FY 2001) .....	\$ ((27,315,000))
	<u>27,389,000</u>
..... TOTAL APPROPRIATION	\$ <u>60,370,000</u>

((60

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 1999-00 school year shall be at a maximum annual rate of \$28.81 per full-time equivalent student and \$28.81 per full-time equivalent student for the 2000-01 school year. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve:

PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); or

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

**Sec. 514.** 2000 2nd sp.s. c 1 s 518 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BETTER SCHOOLS PROGRAM**

General Fund--State Appropriation (FY 2001) .....	\$ ((57,500,000))
	<u>56,096,000</u>

Better schools program funds are appropriated to provide additional school improvement resources to help students meet the essential academic learning requirements and student assessment performance standards.

~~((It is the intent of the legislature that these funds will be appropriated on an ongoing basis in future biennia.))~~

Allocations received under this section shall be used for the following new and expanded educational enhancements as follows:

(1) ~~((37,389,000))~~ \$35,985,000 of the appropriation shall be allocated for class size reduction and expanded learning opportunities as follows:

(a) For the 2000-01 school year, an additional 2.2 certificated instructional staff units for grades K-4 per thousand full-time equivalent students are provided to supplement the certificated staffing allocations under section 502 (2)(a) of this act. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used (i) for reducing class sizes in grades K-4 or (ii) to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(b) Any district maintaining a ratio equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection to employ additional certificated instructional staff or classified instructional assistants in grades K-12 or to provide additional classroom opportunities under (a) of this subsection in grades K-12.

(c) Salary calculations, nonemployee related costs, and substitute teacher allocations shall be calculated in the same manner as provided under section 502 of this act. The allocation includes salary and benefit increases equivalent to those provided under section 503 of this act.

(2) \$20,111,000 of the appropriation shall be allocated for professional development and training as follows:

(a) For fiscal year 2001, the funds shall be used for additional professional development for certificated and classified staff, including additional paid time for curriculum and lesson redesign and development work and training to ensure that instruction is aligned with state standards and student needs.

(b) For fiscal year 2001, the superintendent shall allocate the funds to school districts at a rate of \$20.04 per student based on the October 1999 P-105 unduplicated headcount.

(c) School districts shall allocate the funds to schools and the expenditure of the funds shall be determined by the staff at each school site.

**Sec. 515.** 2000 2nd sp.s. c 1 s 519 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD OF EDUCATION**

Education Savings Account--State Appropriation .....	\$	<del>((78,612,000))</del>	
			<u>28,077,000</u>
Education Construction Account--State Appropriation .....	\$	35,000,000	
.....		TOTAL APPROPRIATION	\$
			<u>63,077,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(((\$42,612,000 in fiscal year 2000 and \$36,000,000 in fiscal year 2001 are))~~ \$28,077,000 of the education savings account is appropriated to the common school construction account.

(2) The education construction account appropriation shall be deposited in the common school construction account.

**PART VI  
HIGHER EDUCATION**

**Sec. 601.** 2000 2nd sp.s. c 1 s 602 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2000) .....	\$	456,291,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((489,677,000))</del>
		<u>490,377,000</u>
General Fund--Federal Appropriation.....	\$	11,404,000

Education Construction Account--State Appropriation .....	\$	1,000,000	
Employment and Training Trust Account--State Appropriation .....	\$	888,000	
.....			TOTAL APPROPRIATION
			\$
			<u>959,960,000</u>

((95

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2)(a) \$5,000,000 of the general fund--state appropriation for fiscal year 2000 and \$5,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase salaries and related benefits for part-time faculty. The state board for community and technical colleges shall allocate these funds to college districts based on the headcount of part-time faculty under contract for the 1998-99 academic year. To earn these funds, a college district must match the state funds with local revenue, the amounts for which shall be determined by the state board. State fund allocations that go unclaimed by a college district shall lapse. The board may provide salary increases to part-time faculty in a total amount not to exceed \$10,000,000 from tuition revenues. The board shall report to the office of financial management and legislative fiscal committees on the distribution of state funds, match requirements of each district, and the wage adjustments for part-time faculty by October 1 of each fiscal year.

(b) Each college district shall examine its current ratio of part-time to full-time faculty by discipline and report to the board a plan to reduce wage disparity and reliance on part-time faculty through salary improvements, conversion of positions to full-time status, and other remedies deemed appropriate given labor market conditions and educational programs offered in each community. The board shall set long-term performance targets for each district with respect to use of part-time faculty and monitor progress annually. The board shall report to the fiscal and higher education committees of the legislature on implementation of this subsection by no later than December 1, 1999, with recommendations for the ensuing biennium provided no later than December 1, 2000.

(3) \$1,155,000 of the general fund--state appropriation for fiscal year 2000 and \$2,345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) \$950,000 of the general fund--state appropriation for fiscal year 2000 and \$950,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to lower the part-time faculty retirement eligibility threshold to fifty percent of the full-time workload.

(5) \$332,000 of the general fund--state appropriation for fiscal year 2000 and \$3,153,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for Cascadia Community College start-up and enrollment costs.

(6) \$1,441,000 of the general fund--state appropriation for fiscal year 2000 and \$1,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(7) \$27,775,000 of the general fund--state appropriation for fiscal year 2000, \$28,761,000 of the general fund--state appropriation for fiscal year 2001, and the entire employment and training trust account appropriation are provided solely as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) The state board for community and technical colleges shall submit a plan for allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general

fund--state appropriation for fiscal year 2001 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$567,000 of the general fund--state appropriation for fiscal year 2000 and \$568,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for administration and customized training contracts through the job skills program.

(10) \$750,000 of the general fund--state appropriation for fiscal year 2000 and \$750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to expand information technology and computer science programs. Successful grant applications from a college, partnerships of colleges, or partnerships of colleges and K-12 school districts must include a match of cash, in-kind, or donations equivalent to the grant amount. Grant applications shall receive priority that prepare students to meet industry standards, achieve industry skill certificates, or continue to upper division computer science or computer engineering studies. No college may receive more than \$300,000 from appropriations in this section. The state board for community and technical colleges shall report the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Pierce College branch at Puyallup.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) Funding in this section provides for the collection and reporting of Washington enrollment data, and related activities, for the distance learning information project described in section 129 of this act.

(14) \$425,000 of the general fund--state appropriation is provided solely for allocation to Olympic college. Olympic college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses, concentrating on but not limited to business, education, and human relations, to Bremerton. Moneys may be used by Olympic college during either fiscal year to equip and support a state-owned or state-leased facility in Bremerton where contracted courses are delivered.

(15) \$1,000,000 of the education construction account--state appropriation for fiscal year 2001 is provided to replace failing roofs at Columbia basin college.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2001 is provided for assistance to students with disabilities.

(17) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a student centered online delivery system to broaden access and increase use of college catalogs, schedules, and registration systems.

(18) \$658,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for maintenance and operations of Cascadia college phase 2, and for facilities previously authorized for construction with certificates of participation:

- (a) Workforce training facility at Columbia basin college;
- (b) Student services auditorium at Columbia basin college;
- (c) Music building at Edmonds community college;
- (d) Student center at South Puget Sound community college;
- (e) Addition to the Lair student center at Spokane community college;
- (f) Addition to the student union building at Yakima Valley community college; and
- (g) Classroom and child care facility at Whatcom community college.

(19) \$700,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for lawsuit settlement costs at Green River community college.

**Sec. 602.** 2000 2nd sp.s. c 1 s 606 (uncodified) is amended to read as follows:



**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2000) .....	\$	42,060,000
General Fund--State Appropriation (FY 2001) .....	\$	44,726,000
..... TOTAL APPROPRIATION	\$	

86,7

The appropriations in this section are subject to the following conditions and limitations:

(1) \$312,000 of the general fund--state appropriation for fiscal year 2000 and \$312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment, retention, and equity salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) The office of financial management shall hold and release funds to the university at the rate of \$4,756 per enrolled state FTE student in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Of the amounts held pursuant to this subsection, \$300,000 shall be released to the university for the sole purpose of implementing enrollment improvement initiatives, and any remaining moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year shall lapse to the education savings account at the close of the biennium.

**PART VII  
SPECIAL APPROPRIATIONS**

**Sec. 701.** 2000 2nd sp.s. c 1 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2000) .....	\$	634,792,000
General Fund--State Appropriation (FY 2001) .....	\$	<del>((435,288,000))</del>
		<u>436,354,000</u>
State Building Construction Account--State Appropriation .....	\$	6,797,000
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation.....	\$	2,565,000
..... TOTAL APPROPRIATION	\$	
		<u>1,080,508,000</u>

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The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2000 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2000.

**Sec. 702.** 2000 2nd sp.s. c 1 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2000) .....	\$	23,678,000
General Fund--State Appropriation (FY 2001) .....	\$	23,283,000
Higher Education Construction Account--State Appropriation .....	\$	<del>((695,000))</del>
		<u>545,000</u>
State Higher Education Construction Account--State Appropriation .....	\$	<u>150,000</u>
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation.....	\$	<del>((119,977,000))</del>
		<u>117,077,000</u>

Stadium and Exhibition Center Construction--State Appropriation .....	\$	1,970,000
..... TOTAL APPROPRIATION	\$	<u>166,703,000</u>

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The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**Sec. 703.** 2000 2nd sp.s. c 1 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2000) .....	\$	567,000
General Fund--State Appropriation (FY 2001) .....	\$	568,000
Higher Education Construction Account--State Appropriation .....	\$	<del>((83,000))</del>
		<u>63,000</u>
State Building Construction Account--State Appropriation .....	\$	1,237,000
<u>State Higher Education Construction Account--State Appropriation</u> .....	\$	<u>20,000</u>
Public Safety Reimbursable Bond Account--State Appropriation.....	\$	0
Stadium/Exhibition Center Construction Account--State Appropriation .....	\$	250,000
..... TOTAL APPROPRIATION	\$	2,700,000

Total Bond Retirement and Interest Appropriations contained in sections 701 through 704 of this act and section 704, chapter 309, Laws of 1999.....~~\$(1,295,863,000))~~  
1,292,963,000

**Sec. 704.** 1999 c 309 s 708 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL**

<u>General Fund--State Appropriation (FY 2001)</u> .....	\$	<u>1,000,000</u>
<u>Disaster Response Account--State Appropriation</u> .....	\$	<u>4,000,000</u>

~~((The sum of three million dollars or so much thereof as may be available on June 30, 1999, from the total amount of unspent fiscal year 1999 fire contingency funding in))~~ The appropriations in this section are subject to the following conditions and limitations: The general fund--state appropriation is provided solely for deposit into the disaster response account. The disaster response account((, is appropriated)) appropriation is provided for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. **Sec. 705.** A new section is added to 1999 c 309 (uncodified) to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

- (a) Gregory Sykes, claim number SCJ 2001-01 ..... \$ 6,647
- (b) Daniel Anker, claim number SCJ 2001-02.....\$ 17,584
- (c) Joshua Swaney, claim number SCJ 2001-03 .....\$ 32,000
- (d) Yanis Nadzins, claim number SCJ 2001-04 ..... \$ 5,000
- (e) Shawn Kostelec, claim number SCJ 2001-05..... \$ 2,800
- (f) Terry Hanson, claim number SCJ 2001-07 ..... \$ 6,742
- (g) Allen West, claim number SCJ 2001-08 ..... \$ 9,001
- (h) Kim McLemore, claim number SCJ 2001-09..... \$ 920

- (i) Norma Vasquez, claim number SCJ 2001-11 ..... \$ 1,110
- (j) Clifford Stewart, claim number SCJ 2001-12 ..... \$ 2,948
- (k) Lee Sumerlin, claim number SCJ 2001-14..... \$ 135
- (l) Maxwell Jones, claim number SCJ 2001-16 ..... \$ 6,840
- (2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:
  - (a) Carl Anderson, claim number SCG 2001-02 .....\$ 30,357
  - (b) Marshall Anderson, claim number SCG 2001-03 .....\$ 20,439
  - (c) Richard Anderson, claim number SCG 2001-04 .....\$ 34,196
  - (d) Bud Hamilton, claim number SCG 2001-05 .....\$ 97,761
  - (e) Ice Brothers, claim number SCG 2001-06.....\$ 23,922
  - (f) Dick Rubenser, claim number SCG 2001-07 .....\$ 14,100

**NEW SECTION. Sec. 706.** A new section is added to 1999 c 309 (uncodified) to read as follows:

Any program costs or money in this act that is shifted to the general fund from another fund or account requires an adjustment to the state expenditure limit under RCW 43.135.035(5).

**NEW SECTION. Sec. 707.** A new section is added to 1999 c 309 (uncodified) to read as follows:

**FOR WASHINGTON STATE UNIVERSITY--AGRICULTURAL COLLEGE TRUST LANDS.**

The sum of sixteen million dollars is appropriated from the education construction account to the agricultural permanent account as full and final payment of the agricultural college trust land settlement effective May 24, 1999, between the office of financial management and Washington State University, and shall be used to support financing of the health sciences building in Spokane.

**Sec. 708.** 2000 2nd sp.s. c 1 s 730 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE**

The sum of \$33,183,801 is appropriated from the health services account to the department of community, trade, and economic development for distribution for the purposes of public health. Of the amounts provided, \$11,061,266 is to be distributed for (~~calendar~~) fiscal year 2000 for the period from (~~July~~) January 1 through (~~December 31~~) June 30, and \$22,122,535 is to be distributed for (~~calendar~~) fiscal year 2001, to the following counties and health districts in the amounts designated:

County or Health District	FY 2000	FY 2001	1999 -2001 Bien nium
Adams County Health District	15,165	30,330	45,495
Asotin County Health District	30,008	60,015	90,023
Benton-Franklin Health District	551,371	1,102,742	1,654,113
Chelan-Douglas Health District	79,726	159,451	239,177
Clallam County Health and Human Services Department	68,512	137,024	205,536
Southwest Washington Health District	512,816	1,025,631	1,538,447
Columbia County Health District	19,857	39,715	59,572
Cowlitz County Health Department	129,921	259,842	389,763

Garfield County Health District	7,363	14,726	22,089
Grant County Health District	48,355	96,710	145,065
Grays Harbor Health Department	90,088	180,176	270,264
Island County Health Department	37,465	74,930	112,395
Jefferson County Health and Human Services	38,072	76,145	114,217
Seattle-King County Department of Public Health	4,153,122	8,306,245	12,459,367
Bremerton-Kitsap County Health District	271,037	542,074	813,111
Kittitas County Health Department	38,712	77,425	116,137
Klickitat County Health Department	24,002	48,004	72,006
Lewis County Health Department	49,704	99,409	149,113
Lincoln County Health Department	10,306	20,613	30,919
Mason County Department of Health Services	40,946	81,893	122,839
Okanogan County Health District	30,549	61,099	91,648
Pacific County Health Department	37,935	75,871	113,806
Tacoma-Pierce County Health Department	1,372,177	2,744,353	4,116,530
San Juan County Health and Community Services	15,058	30,116	45,174
Skagit County Health Department	98,115	196,230	294,345
Snohomish Health District	1,090,447	2,180,893	3,271,340
Spokane County Health District	1,027,015	2,054,031	3,081,046
Northeast Tri-County Health District	47,995	95,991	143,986
Thurston County Health Department	287,121	574,242	861,363
Wahkiakum County Health Department	6,748	13,495	20,243
Walla Walla County-City Health Department	83,532	167,063	250,595
Whatcom County Health Department	409,608	819,215	1,228,823
Whitman County Health Department	38,071	76,142	114,213
Yakima Health District	300,347	600,694	901,041
<b>TOTAL APPROPRIATIONS</b>	<b>\$11,061,266</b>	<b>\$22,122,535</b>	<b>\$33,183,801</b>

**NEW SECTION. Sec. 709.** A new section is added to 1999 c 309 (uncodified) to read as follows:

**FOR NISQUALLY EARTHQUAKE RELIEF**

Emergency Reserve Fund--State Appropriation .....\$ 56,336,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The emergency reserve fund appropriation is in response to the emergency caused by a natural disaster known as the Nisqually earthquake, declared by chapter 5, Laws of 2001, the governor, and the president of the United States.

(2) The emergency reserve fund appropriation is provided solely for deposit in the Nisqually earthquake account--state.

(3) \$728,000 is appropriated from the Nisqually earthquake account--state and \$558,000 is appropriated from the Nisqually earthquake account--federal to the military department solely for costs associated with coordinating the state's response to the February 28, 2001, earthquake with the federal emergency management agency.

(4) \$1,986,000 is appropriated from the Nisqually earthquake account--state and \$6,878,000 is appropriated from the Nisqually earthquake account--federal to the military department solely for public assistance costs associated with the earthquake for state and local agencies. Of the appropriation from the Nisqually earthquake account--state in this subsection, \$1,680,000 is provided for the state matching share for state agencies and \$306,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 2000 2nd sp.s. c 1 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

Local Toxics Control Account: For transfer to the state toxics control account on or before June 1, 2000, an amount equal to \$1,500,000. This transfer shall be repaid to the local toxics control account from moneys in the state toxics control account by June 30, 2005. The transfer shall be repaid prior to June 30, 2005, to the extent that moneys are received from the cost recovery action at the Everett smelter site .....	\$ 1,500,000
Park Land Trust Revolving Fund: For transfer to the common school construction fund, \$13,350,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to ( <del>(\$13,550,000)</del> ) <u>\$13,650,400</u> . Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit .....	\$ (( <del>13,550,000</del> )) <u>13,650,400</u>
Park Land Trust Revolving Fund: For transfer to the natural resources real property replacement account, \$3,200,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to \$3,300,000. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit.....	

**Sec. 802.** 1999 c 309 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

General Fund: For transfer to the Water Quality Account .....	\$ 83,423,000
General Fund: For transfer to the Flood Control Assistance Account .....	\$ 4,000,000
State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account.....	\$ 3,800,000
Water Quality Account: For transfer to the Water Pollution Control Account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit.....	\$ 16,350,000
State Treasurer's Service Account: For transfer to the general fund on or before	

JOURNAL OF THE HOUSE

June 30, 2001, an amount up to \$10,000,000 in excess of the cash requirements of the State Treasurer's Service Account .....	\$	10,000,000
Public Works Assistance Account: For transfer to the Drinking Water Assistance Account .....	\$	7,700,000
County Sales and Use Tax Equalization Account: For transfer to the County Public Health Account .....	\$	2,577,664
Public Health Services Account: For transfer to the County Public Health Account .....	\$	1,056,000
State Emergency Water Projects Revolving Account: For transfer to the State Drought Preparedness Account .....	\$	6,800,000
Tobacco Settlement Account: For transfer to the Health Services Account <u>in an amount not to exceed the actual balance of the tobacco settlement account</u> .....	\$	223,087,000
State Toxics Control Account: For transfer to the ..... local toxics control account on or before June 30, 2001, up to \$2,500,000, but not greater than the loan enacted in the 1999 supplemental budget. The exact amount and timing of the transfer shall be determined by the office of financial management, based on state toxics control account fund balances .....	\$	2,500,000
<u>Health Services Account: For transfer to the state general fund by June 30, 2001, for health services purposes consistent with RCW 43.72.900. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2001 to reflect this transfer</u> .....	\$	<u>121,000,000</u>

**PART IX  
MISCELLANEOUS**

**Sec. 901.** 2000 c 241 s 4 (uncodified) is amended to read as follows:

**JOINT TASK FORCE ON LOCAL GOVERNMENTS**

This act expires March 30, (~~2002~~) 2001.

**NEW SECTION. Sec. 902.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 903.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1999 c 309 ss 106, 111, 119, 130, 133, 134, 138, 223, 708, and 803 (uncodified); amending 2000 c 241 s 4 (uncodified); amending 2000 2nd sp.s. c 1 ss 107, 108, 109, 111, 112, 114, 115, 117, 118, 119, 124, 126, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 222, 301, 302, 305, 306, 401, 402, 501, 502, 504, 505, 507, 508, 510, 511, 512, 514, 515, 516, 517, 518, 519, 602, 606, 701, 703, 704, 730, and 802 (uncodified); adding new sections to 1999 c 309 (uncodified); creating new sections; making appropriations; and declaring an emergency."

And the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1314.

ONE HUNDRED THIRD DAY, APRIL 20, 2001  
**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

1885

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1314 as amended by the Senate.

Representatives Sommers and Sehlin spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1314 as amended by the Senate and the bill passed the House by the following vote: Yeas - 88, Nays - 4, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Miloscia, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Van Luven, Wood, Woods, and Speaker Chopp - 88.

Voting nay: Representatives Dunn, McIntire, Mielke, and Tokuda - 4.

Excused: Representatives DeBolt, Kenney, Mitchell, Murray, Voloria, and Speaker Ballard - 6.

Substitute House Bill No. 1314 as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 19, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5333,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5413,  
SUBSTITUTE SENATE BILL NO. 5438,  
SUBSTITUTE SENATE BILL NO. 5474,  
SUBSTITUTE SENATE BILL NO. 5637,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5695,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1062,  
SUBSTITUTE HOUSE BILL NO. 1094,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286,  
SUBSTITUTE HOUSE BILL NO. 1450,  
SUBSTITUTE HOUSE BILL NO. 1650,  
HOUSE BILL NO. 2126,

**MESSAGE FROM THE SENATE**

Mr. Speakers:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5606 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Engrossed Substitute Senate Bill No. 5606 was returned to second reading for purposes of amendment.

### SECOND READING

Representative Boldt moved the adoption of the following amendment (207):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to authorize the department of social and health services to investigate the background of current and future department employees to the same extent and with the same effect as it has authorized the state to investigate the background and exclude from the provision of service current and future care providers, contractors, volunteers, and others. The department of social and health services must coordinate with the department of personnel to develop rules that address the procedures for undertaking background checks, and specifically what action would be taken against a current employee who is disqualified from his or her current position because of a background check not previously performed.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.96A RCW to read as follows:

This chapter is not applicable to the department of social and health services when employing a person, who in the course of his or her employment, has or may have unsupervised access to any person who is under the age of eighteen, who is under the age of twenty-one and has been sentenced to a term of confinement under the supervision of the department of social and health services under chapter 13.40 RCW, who is a vulnerable adult under chapter 74.34 RCW, or who is a vulnerable person. For purposes of this section "vulnerable person" means an adult of any age who lacks the functional, mental, or physical ability to care for himself or herself.

**Sec. 3.** RCW 28A.400.303 and 1992 c 159 s 2 are each amended to read as follows:

School districts, educational service districts, the state school for the deaf, the state school for the blind, and their contractors hiring employees who will have regularly scheduled unsupervised access to children shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation before hiring an employee. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting entity shall provide a copy of the record report to the applicant. When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the district, the state school for the deaf, the state school for the blind, or contractor may waive the requirement. The district, pursuant to chapter 41.59 or 41.56 RCW, the state school for the deaf, the state school for the blind, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

**Sec. 4.** RCW 28A.400.305 and 1996 c 126 s 5 are each amended to read as follows:

The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW on record check information. The rules shall include, but not be limited to the following:

(1) Written procedures providing a school district, state school for the deaf, or state school for the blind employee or applicant for certification or employment access to and review of information obtained based on the



record check required under RCW 28A.400.303 (~~and 28A.400.304~~); and

(2) Written procedures limiting access to the superintendent of public instruction record check data base to only those individuals processing record check information at the office of the superintendent of public instruction, the appropriate school district or districts, the state school for the deaf, the state school for the blind, and the appropriate educational service district or districts.

**Sec. 5.** RCW 43.20A.710 and 2000 c 87 s 2 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges (~~(¶)~~) and disciplinary board final decisions of:

(a) (~~Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of~~) Any current employee or applicant seeking or being considered for any position with the department who will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities(~~(;~~

~~\_\_\_\_\_ (b) Persons being considered for state employment in positions involving unsupervised access to vulnerable adults to conduct~~). This includes, but is not limited to, positions conducting comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(~~(¶)~~) (b) Individual providers who are paid by the state and providers who are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

(~~(¶)~~) (c) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) An individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records both through the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2)(b).

(4) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(5) The secretary shall provide the results of the background check on individual providers to the persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(6) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

**NEW SECTION. Sec. 6.** A new section is added to chapter 41.06 RCW to read as follows:

(1) The board shall amend any existing rules established under RCW 41.06.475 and adopt rules developed in cooperation and agreement with the department of social and health services to implement the provisions of this act.

(2) The legislature's delegation of authority to the agency under this act is strictly limited to:

(a) The minimum delegation necessary to administer the act's clear and unambiguous directives; and

(b) The administration of circumstances and behaviors foreseeable at the time of enactment.

**NEW SECTION. Sec. 7.** A new section is added to chapter 41.06 RCW to read as follows:

The personnel resources board must develop policy recommendations addressing the action that will be taken if a background check result disqualifies an employee from his or her current position. A report of the recommendations developed must be delivered to the legislature by December 1, 2001."

Correct the title.

Representatives Boldt and Tokuda spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Boldt and Tokuda spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5606 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5606 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives DeBolt, Kenney, Mitchell, Murray, and Veloria - 5.

Engrossed Substitute Senate Bill No. 5606 as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 67.16.200 and 2000 c 223 s 1 are each amended to read as follows:

(1) A racing association licensed by the commission to conduct a race meet may seek approval from the commission to conduct parimutuel wagering on its program at a satellite location or locations within the state of Washington. The sale of parimutuel pools at satellite locations shall be conducted only during the licensee's race meet and simultaneous to all parimutuel wagering activity conducted at the licensee's live racing facility in the state of Washington. The commission's authority to approve satellite wagering at a particular location is subject to the following limitations:

(a) The commission may approve only one satellite location in each county in the state; however, the commission may grant approval for more than one licensee to conduct wagering at each satellite location. A satellite location shall not be operated within twenty driving miles of any class 1 racing facility. For the purposes of this section, "driving miles" means miles measured by the most direct route as determined by the commission; and

(b) A licensee shall not conduct satellite wagering at any satellite location within sixty driving miles of any other racing facility conducting a live race meet.

(2) Subject to local zoning and other land use ordinances, the commission shall be the sole judge of whether approval to conduct wagering at a satellite location shall be granted.

(3) The licensee shall combine the parimutuel pools of the satellite location with those of the racing facility for the purpose of determining odds and computing payoffs. The amount wagered at the satellite location shall be combined with the amount wagered at the racing facility for the application of take out formulas and distribution as provided in RCW 67.16.102, 67.16.105, 67.16.170, and 67.16.175. A satellite extension of the licensee's racing facility shall be subject to the same application of the rules of racing as the licensee's racing facility.

(4) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to locations outside of the state of Washington approved by the commission and in accordance with the interstate horse racing act of 1978 (15 U.S.C. Sec. 3001 to 3007) or any other applicable laws. The commission may permit parimutuel pools on the simulcast races to be combined in a common pool. A racing association that transmits simulcasts of its races to locations outside this state shall pay at least fifty percent of the fee that it receives for sale of the simulcast signal to the horsemen's purse account for its live races after first deducting the actual cost of sending the signal out of state.

(5) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to licensed racing associations located within the state of Washington and approved by the commission for the receipt of the simulcasts. The commission shall permit parimutuel pools on the simulcast races to be combined in a common pool. The fee for in-state, track-to-track simulcasts shall be five and one-half percent of the gross parimutuel receipts generated at the receiving location and payable to the sending racing association. A racing association that transmits simulcasts of its races to other licensed racing associations shall pay at least fifty percent of the fee that it receives for the simulcast signal to the horsemen's purse account for its live race meet after first deducting the actual cost of sending the simulcast signal. A racing association that receives races simulcast from class 1 racing associations within the state shall pay at least fifty percent of its share of the parimutuel receipts to the horsemen's purse account for its live race meet after first deducting the purchase price and the actual direct costs of importing the race.

(6) A class 1 racing association may be allowed to import simulcasts of horse races from out-of-state racing facilities. With the prior approval of the commission, the class 1 racing association may participate in an interstate common pool and may change its commission and breakage rates to achieve a common rate with other participants in the common pool.

(a) The class 1 racing association shall make written application with the commission for permission to import simulcast horse races for the purpose of parimutuel wagering. Subject to the terms of this section, the commission is the sole authority in determining whether to grant approval for an imported simulcast race.

(b) ~~((During the conduct of its race meeting, a class 1 racing association may be allowed to import no more than one simulcast race card program during each live race day.))~~ A licensed racing association may also be approved to import one simulcast race of regional or national interest on each live race day. ~~((A class 1 racing association may be permitted to import two simulcast programs on two nonlive race days per each week during its live meet. A licensee shall not operate parimutuel wagering on more than five days per week. Parimutuel wagering on imported simulcast programs shall only be conducted at the live racing facility of a class 1 racing association.))~~

(c) The commission may allow simulcast races of regional or national interest to be sent to satellite locations. The simulcasts shall be limited to one per day except for Breeder's Cup special events day.

(d) When open for parimutuel wagering, a class 1 racing association which imports simulcast races shall also conduct simulcast parimutuel wagering within its licensed racing enclosure on all races simulcast from other class 1 racing associations within the state of Washington.

(e) ~~((When not conducting a live race meeting, a class 1 racing association may be approved to conduct simulcast parimutuel wagering on imported simulcast races.))~~ The conduct of ~~((simulcast))~~ parimutuel wagering on ~~((the))~~ imported simulcast races shall be for not more than fourteen hours during any twenty-four hour period, for not more than five days per week and only at ~~((its))~~ the live racing facility of a class 1 racing association.

(f) On any imported simulcast race, the class 1 racing association shall pay fifty percent of its share of the parimutuel receipts to the horsemen's purse account for its live race meet after first deducting the purchase price of the imported race and the actual costs of importing the race.

(7) For purposes of this section, a class 1 racing association is defined as a licensee approved by the commission to conduct during each twelve-month period at least forty days of live racing. If a live race day is canceled due to reasons directly attributable to acts of God, labor disruptions affecting live race days but not directly involving the licensee or its employees, or other circumstances that the commission decides are beyond the control of the class 1 racing association, then the canceled day counts toward the forty-day requirement. The commission may by rule increase the number of live racing days required to maintain class 1 racing association status or make other rules necessary to implement this section.

(8) This section does not establish a new form of gaming in Washington or allow expanded gaming within the state beyond what has been previously authorized. Simulcast wagering has been allowed in Washington before April 19, 1997. Therefore, this section does not allow gaming of any nature or scope that was prohibited before April 19, 1997. This section is necessary to protect the Washington equine breeding and racing industries, and in particular those sectors of these industries that are dependent upon live horse racing. The purpose of this section is to protect these industries from adverse economic impacts and to promote fan attendance at class 1 racing facilities. Therefore, imported simulcast race card programs shall not be disseminated to any location outside the live racing facility of the class 1 racing association and a class 1 racing association is strictly prohibited from simulcasting imported race card programs to any location outside its live racing facility."

In line 3 of the title, after "facilities;" strike the remainder of the title and insert "and amending RCW 67.16.200."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 1571 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 19, 2001

Mr. Speakers:

The President has signed:

SENATE BILL NO. 5333,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5413,  
SUBSTITUTE SENATE BILL NO. 5438,  
SUBSTITUTE SENATE BILL NO. 5474,  
SUBSTITUTE SENATE BILL NO. 5637,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5695,  
SUBSTITUTE SENATE BILL NO. 5896,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SENATE AMENDMENTS TO HOUSE BILL**

April 9, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) It is declared to be the public policy of the state of Washington to promote and facilitate the orderly development and economic stability of its communities. Local governments need the ability to raise revenue to finance public improvements that are designed to encourage economic growth and development in geographic areas characterized by high levels of unemployment and stagnate employment and income growth. The construction of necessary public improvements in accordance with local economic development plans will encourage investment in job-producing private development and expand the public tax base.

(2) It is the purpose of this chapter:

(a) To encourage taxing districts to cooperate in the allocation of future tax revenues that are used to finance public improvements designed to encourage private development in selected areas, in particular in those local governments that are located adjacent to another state or international border;

(b) To assist those local governments that have a competitive disadvantage in its ability to attract business, private investment, or commercial development due to its location near a state or international border; and

(c) To prevent or arrest the decay of selected areas due to the inability of existing financial methods to provide needed public improvements, and to encourage private investment designed to promote and facilitate the orderly redevelopment of selected areas.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value of real property" means the valuation of real property as placed on the last completed assessment roll.

(2) "Local government" means any city, town, county, port district, or any combination thereof.

(3) "Ordinance" means any appropriate method of taking legislative action by a local government.

(4) "Public improvements" means:

(a) Infrastructure improvements within the increment area that include:

(i) Street and road construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

- (vi) Park facilities and recreational areas; and
- (vii) Storm water and drainage management systems; and
- (b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the increment area, including the management and promotion of retail trade activities in the increment area;

(ii) Providing maintenance and security for common or public areas in the increment area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

(5) "Public improvement costs" means the costs of: (a) Design, planning, acquisition, site preparation, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) relocating, maintaining, and operating property pending construction of public improvements; (c) relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the tax allocation base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and (f) administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of community revitalization financing to fund the costs of the public improvements.

(6) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065. Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(7) "Tax allocation base value" means the true and fair value of real property located within an increment area for taxes imposed in the year in which the increment area is created, plus twenty-five percent of any increase in the true and fair value of real property located within an increment area that is placed on the assessment rolls after the increment area is created.

(8) "Tax allocation revenues" means those tax revenues derived from the imposition of regular property taxes on the increment value and distributed to finance public improvements.

(9) "Increment area" means the geographic area from which taxes are to be appropriated to finance public improvements authorized under this chapter.

(10) "Increment value" means seventy-five percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area is created.

(11) "Taxing districts" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

(12) "Value of taxable property" means the value of the taxable property as defined in RCW 39.36.015.

**NEW SECTION. Sec. 3.** A local government may finance public improvements using community revitalization financing subject to the following conditions:

(1) The local government adopts an ordinance designating an increment area within its boundaries and specifying the public improvements proposed to be financed in whole or in part with the use of community revitalization financing;

(2) The public improvements proposed to be financed in whole or in part using community revitalization financing are expected to encourage private development within the increment area and to increase the fair market value of real property within the increment area;

(3) Private development that is anticipated to occur within the increment area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(4) Taxing districts, in the aggregate, that levy at least seventy-five percent of the regular property tax within which the increment area is located approves the community revitalization financing of the project under section 5(1) of this act; and

(5) In an increment area that includes any portion of a fire protection district as defined in Title 52 RCW, the fire protection district must approve their participation in the community revitalization financing of the project under this act. Approval by the fire protection district shall be considered as part of the required participation by taxing districts under subsection (4) of this section.

**NEW SECTION. Sec. 4.** Public improvements that are financed with community revitalization financing may be undertaken and coordinated with other programs or efforts undertaken by the local government and other taxing districts and may be funded in part from revenue sources other than community revitalization financing.

**NEW SECTION. Sec. 5.** Before adopting an ordinance creating the increment area, a local government must:

(1) Obtain written agreement for the use of community revitalization financing to finance all or a portion of the costs of the designated public improvements from taxing districts that, in the aggregate, levy at least seventy-five percent of the regular property tax on property within the increment area. A signed, written agreement from taxing districts that in the aggregate levy at least seventy-five percent of the regular property tax within the increment area, constitutes concurrence by all taxing districts in the increment area in the public improvement and participation in the public improvement to the extent of providing limited funding under community revitalization financing authorized under this chapter. The agreement must be authorized by the governing body of taxing districts that in the aggregate levy at least seventy-five percent of the regular property tax on property within the increment area;

(2) Hold a public hearing on the proposed financing of the public improvement in whole or in part with community revitalization financing. Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed increment area at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed increment area. Notices must describe the contemplated public improvements, estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by community revitalization financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed increment area, and estimate the period during which community revitalization financing is contemplated to be used. The public hearing may be held by either the governing body of the local government, or a committee of the governing body that includes at least a majority of the whole governing body; and

(3) Adopt an ordinance establishing the increment area that describes the public improvements, describes the boundaries of the increment area, estimates the cost of the public improvements and the portion of these costs to be financed by community revitalization financing, estimates the time during which regular property taxes are to be apportioned, provides the date when the apportionment of the regular property taxes will commence, and finds that the conditions of section 3 of this act are met.

**NEW SECTION. Sec. 6.** The local government shall:

(1) Publish notice in a legal newspaper of general circulation within the increment area that describes the public improvement, describes the boundaries of the increment area, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

(2) Deliver a certified copy of the ordinance to the county treasurer, the county assessor, and the governing body of each taxing district within which the increment area is located.

**NEW SECTION. Sec. 7.** (1) Commencing in the calendar year following the passage of the ordinance, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the increment area as follows:

(a) Each taxing district shall receive that portion of its regular property taxes produced by the rate of tax

levied by or for the taxing district on the tax allocation base value for that community revitalization financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The local government that created the increment area shall receive an additional portion of the regular property taxes levied by or for each taxing district upon the increment value within the increment area. However, the local government that created the increment area may agree to receive less than the full amount of this portion as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the taxing districts that imposed regular property taxes, or have regular property taxes imposed for them, in the increment area for collection that year in proportion to their regular tax levy rates for collection that year. The local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by community revitalization financing.

(2) The county assessor shall allocate twenty-five percent of any increased real property value occurring in the increment area to the tax allocation base value and seventy-five percent to the increment value. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in an increment area, and the associated distribution to the local government of receipts from regular property taxes that are imposed on the increment value, must cease when tax allocation revenues are no longer necessary or obligated to pay the costs of the public improvements. Any excess tax allocation revenues and earnings on the tax allocation revenues remaining at the time the apportionment of tax receipts terminates must be returned to the county treasurer and distributed to the taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the increment area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

**NEW SECTION. Sec. 8.** (1) A local government designating an increment area and authorizing the use of community revitalization financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from tax allocation revenues it receives, subject to the following requirements:

(a) The ordinance adopted by the local government creating the increment area and authorizing the use of community revitalization financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices required by section 5 of this act.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a local government designating an increment area and authorizing the use of community revitalization financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the increment area.

**NEW SECTION. Sec. 9.** A direct or collateral attack on a public improvement, public improvement ordinance, or increment area purported to be authorized or created in conformance with applicable legal requirements, including this chapter, may not be commenced more than thirty days after publication of notice as required by section 6 of this act.

**NEW SECTION. Sec. 10.** This chapter supplements and neither restricts nor limits any powers which



the state or any local government might otherwise have under any laws of this state.

**NEW SECTION.** **Sec. 11.** A new section is added to chapter 27.12 RCW to read as follows:

In addition to other authority that a rural county library district or intercounty rural library district possesses, a rural county library district or an intercounty rural library district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a rural county library district or intercounty rural library district to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 12.** A new section is added to chapter 35.61 RCW to read as follows:

In addition to other authority that a metropolitan park district possesses, a metropolitan park district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a metropolitan park district to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 13.** A new section is added to chapter 36.32 RCW to read as follows:

In addition to other authority that a county possesses, a county may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a county to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 14.** A new section is added to chapter 36.68 RCW to read as follows:

In addition to other authority that a park and recreation service area possesses, a park and recreation service area may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a park and recreation service area to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 15.** A new section is added to chapter 36.69 RCW to read as follows:

In addition to other authority that a park and recreation district possesses, a park and recreation district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a park and recreation district to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 16.** A new section is added to chapter 36.75 RCW to read as follows:

In addition to other authority that a road district possesses, a road district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a road district to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 17.** A new section is added to chapter 52.12 RCW to read as follows:

In addition to other authority that a fire protection district possesses, a fire protection district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a fire protection district to otherwise participate in the public

improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 18.** A new section is added to chapter 53.08 RCW to read as follows:

In addition to other authority that a port district possesses, a port district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a port district to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 19.** A new section is added to chapter 54.16 RCW to read as follows:

In addition to other authority that a public utility district possesses, a public utility district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a public utility district to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 20.** A new section is added to chapter 67.38 RCW to read as follows:

In addition to other authority that a cultural arts, stadium, and convention center district possesses, a cultural arts, stadium, and convention center district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a cultural arts, stadium, and convention center district to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 21.** A new section is added to chapter 68.52 RCW to read as follows:

In addition to other authority that a cemetery district possesses, a cemetery district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a cemetery district to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 22.** A new section is added to chapter 70.44 RCW to read as follows:

In addition to other authority that a public hospital district possesses, a public hospital district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a public hospital district to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 23.** A new section is added to chapter 86.15 RCW to read as follows:

In addition to other authority that a flood control zone district possesses, a flood control zone district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a flood control zone district to otherwise participate in the public improvements if that authority exists elsewhere.

**NEW SECTION.** **Sec. 24.** A new section is added to chapter 84.55 RCW to read as follows:

Limitations on regular property taxes that are provided in this chapter shall continue in a taxing district whether or not an increment area exists within the taxing district as provided under chapter 39.-- RCW (sections 1 through 10 and 29 of this act).

**Sec. 25.** RCW 36.33.220 and 1973 1st ex.s. c 195 s 142 are each amended to read as follows:

The legislative authority of any county may budget, in accordance with the provisions of chapter 36.40 RCW, and expend any portion of the county road property tax revenues for any service to be provided in the unincorporated area of the county notwithstanding any other provision of law, including chapter 36.82 RCW and RCW 84.52.050 and 84.52.043. County road property tax revenues that are diverted under chapter 39.-- RCW (sections 1 through 10 and 29 of this act) may be expended as provided under chapter 39.-- RCW (sections 1 through 10 and 29 of this act).

**Sec. 26.** RCW 36.79.140 and 1997 c 81 s 6 are each amended to read as follows:

At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account(~~(= PROVIDED HOWEVER)~~), except that: (1) Counties with a population of less than eight thousand are exempt from this eligibility restriction(~~(= AND PROVIDED FURTHER, That)~~); (2) counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are also exempt from this eligibility restriction; and (3) this restriction shall not apply to any moneys diverted from the road district levy under chapter 39.-- RCW (sections 1 through 10 and 29 of this act). The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 36.79.080.

**Sec. 27.** RCW 36.82.040 and 1973 1st ex.s. c 195 s 41 are each amended to read as follows:

For the purpose of raising revenue for establishing, laying out, constructing, altering, repairing, improving, and maintaining county roads, bridges, and wharves necessary for vehicle ferriage and for other proper county purposes, the board shall annually at the time of making the levy for general purposes make a uniform tax levy throughout the county, or any road district thereof, of not to exceed two dollars and twenty-five cents per thousand dollars of assessed value of the last assessed valuation of the taxable property in the county, or road district thereof, unless other law of the state requires a lower maximum levy, in which event such lower maximum levy shall control. All funds accruing from such levy shall be credited to and deposited in the county road fund except that revenue diverted under RCW 36.33.220 shall be placed in a separate and identifiable account within the county current expense fund and except that revenue diverted under chapter 39.-- RCW (sections 1 through 10 and 29 of this act) shall be expended as provided under chapter 39.-- RCW (sections 1 through 10 and 29 of this act).

**Sec. 28.** RCW 46.68.124 and 1990 c 33 s 586 are each amended to read as follows:

(1) The equivalent population for each county shall be computed as the sum of the population residing in the county's unincorporated area plus twenty-five percent of the population residing in the county's incorporated area. Population figures required for the computations in this subsection shall be certified by the director of the office of financial management on or before July 1st of each odd-numbered year.

(2) The total annual road cost for each county shall be computed as the sum of one twenty-fifth of the total estimated county road replacement cost, plus the total estimated annual maintenance cost. Appropriate costs for bridges and ferries shall be included. The county road administration board shall be responsible for establishing a uniform system of roadway categories for both maintenance and construction and also for establishing a single statewide cost per mile rate for each roadway category. The total annual cost for each county will be based on the established statewide cost per mile and associated mileage for each category. The mileage to be used for these computations shall be as shown in the county road log as maintained by the county road administration board as of July 1, 1985, and each two years thereafter. Each county shall be responsible for submitting changes, corrections, and deletions as regards the county road log to the county road administration board. Such changes, corrections, and deletions shall be subject to verification and approval by the county road administration board prior to inclusion in the county road log.

(3) The money need factor for each county shall be the county's total annual road cost less the following four amounts:

(a) One-half the sum of the actual county road tax levied upon the valuation of all taxable property within the county road districts pursuant to RCW 36.82.040, including any amount of such tax diverted under chapter 39.-- RCW (sections 1 through 10 and 29 of this act), for the two calendar years next preceding the year of computation of the allocation amounts as certified by the department of revenue;

(b) One-half the sum of all funds received by the county road fund from the federal forest reserve fund pursuant to RCW 28A.520.010 and 28A.520.020 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(c) One-half the sum of timber excise taxes received by the county road fund pursuant to chapter 84.33 RCW in the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(d) One-half the sum of motor vehicle license fees and motor vehicle and special fuel taxes refunded to the county, pursuant to RCW 46.68.080 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer.

(4) The state treasurer and the department of revenue shall furnish to the county road administration board the information required by subsection (3) of this section on or before July 1st of each odd-numbered year.

(5) The county road administration board, shall compute and provide to the counties the allocation factors of the several counties on or before September 1st of each year based solely upon the sources of information herein before required: PROVIDED, That the allocation factor shall be held to a level not more than five percent above or five percent below the allocation factor in use during the previous calendar year. Upon computation of the actual allocation factors of the several counties, the county road administration board shall provide such factors to the state treasurer to be used in the computation of the counties' fuel tax allocation for the succeeding calendar year. The state treasurer shall adjust the fuel tax allocation of each county on January 1st of every year based solely upon the information provided by the county road administration board.

NEW SECTION. **Sec. 29.** Sections 1 through 10 of this act expire July 1, 2010.

NEW SECTION. **Sec. 30.** Sections 1 through 10 and 29 of this act constitute a new chapter in Title 39 RCW.

NEW SECTION. **Sec. 31.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 36.33.220, 36.79.140, 36.82.040, and 46.68.124; adding a new section to chapter 27.12 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.75 RCW; adding a new section to chapter 52.12 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter

54.16 RCW; adding a new section to chapter 67.38 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 39 RCW; and providing an expiration date."

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 1418 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 19, 2001

Mr. Speakers:

The Senate reconsidered, and under suspension of the rules, SUBSTITUTE HOUSE BILL NO. 1391 was returned to second reading for purpose of amendment. The Senate further adopted amendment AAS-2511.2 and passed the measure, as amended by the Senate.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 44.04 RCW to read as follows:

The joint legislative audit and review committee, the legislative transportation committee, the joint committee on pension policy, the legislative evaluation and accountability program committee, and the joint legislative systems committee are subject to such operational policies, procedures, and oversight as are deemed necessary by the facilities and operations committee of the senate and the executive rules committee of the house of representatives to ensure operational adequacy of the agencies of the legislative branch. As used in this section, "operational policies, procedures, and oversight" includes the development process of biennial budgets, contracting procedures, personnel policies, and compensation plans, selection of a chief administrator, facilities, and expenditures. This section does not grant oversight authority to the facilities and operations committee of the senate over any standing committee of the house of representatives or oversight authority to the executive rules committee of the house of representatives over any standing committee of the senate.

**NEW SECTION. Sec. 2.** A new section is added to chapter 44.28 RCW to read as follows:

The administration of the joint legislative audit and review committee is subject to section 1 of this act.

**Sec. 3.** RCW 44.28.060 and 1996 c 288 s 7 are each amended to read as follows:

The members of the joint committee shall form an executive committee consisting of one member from each of the four major political caucuses, which shall include a chair and a vice-chair. The chair and vice-chair shall serve for a period not to exceed two years. The chair and the vice-chair may not be members of the same political party. The chair shall alternate between the members of the majority parties in the senate and the house of representatives.

Subject to section 1 of this act, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the joint committee, as well as other duties delegated to it by the joint committee. The executive committee shall recommend applicants for the position of the legislative auditor to the membership of the joint committee. The legislative auditor shall be hired with the approval of a majority of the membership of the joint committee. Subject to section 1 of this act, the executive committee shall set the salary of the legislative auditor.

The joint committee shall adopt rules and procedures for its orderly operation. The joint committee may create subcommittees to perform duties under this chapter.

**Sec. 4.** RCW 44.28.065 and 1996 c 288 s 8 are each amended to read as follows:

The legislative auditor shall:

(1) Establish and manage the office of the joint legislative audit and review committee to carry out the

functions of this chapter;

(2) Direct the audit and review functions described in this chapter and ensure that performance audits are performed in accordance with the "Government Auditing Standards" published by the comptroller general of the United States as applicable to the scope of the audit;

(3) Make findings and recommendations to the joint committee and under its direction to the committees of the state legislature concerning the organization and operation of state agencies and the expenditure of state funds by units of local government;

(4) Subject to section 1 of this act, in consultation with and with the approval of the executive committee, hire staff necessary to carry out the purposes of this chapter. Subject to section 1 of this act, employee salaries, other than the legislative auditor, shall be set by the legislative auditor with the approval of the executive committee;

(5) Assist the several standing committees of the house and senate in consideration of legislation affecting state departments and their efficiency; appear before other legislative committees; and assist any other legislative committee upon instruction by the joint legislative audit and review committee;

(6) Provide the legislature with information obtained under the direction of the joint legislative audit and review committee;

(7) Maintain a record of all work performed by the legislative auditor under the direction of the joint legislative audit and review committee and keep and make available all documents, data, and reports submitted to the legislative auditor by any legislative committee.

**NEW SECTION. Sec. 5.** A new section is added to chapter 44.40 RCW to read as follows:  
The administration of the legislative transportation committee is subject to section 1 of this act.

**Sec. 6.** RCW 44.40.015 and 1999 sp.s. c 1 s 617 are each amended to read as follows:

The members of the legislative transportation committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

Subject to section 1 of this act, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, determining the number of legislative transportation committee staff, and other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation committee, and subject to section 1 of this act, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, and setting policies for legislative transportation ((~~committee-~~committee)) committee staff utilization.

**Sec. 7.** RCW 44.40.040 and 1979 c 151 s 157 are each amended to read as follows:

The members of the legislative transportation committee and the house and senate transportation committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120 (~~(as now or hereafter amended)~~). Subject to section 1 of this act, all expenses incurred by the committee, and the house and senate transportation committees, including salaries of employees of the legislative transportation committee, shall be paid upon voucher forms as provided by the office of financial management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

**Sec. 8.** RCW 44.40.090 and 1977 ex.s. c 235 s 10 are each amended to read as follows:

Subject to section 1 of this act, powers and duties enumerated by this chapter shall be delegated to the senate and house transportation committees during periods when the legislative transportation committee is not

appointed.

**Sec. 9.** RCW 44.40.100 and 1977 ex.s. c 235 s 11 are each amended to read as follows:

Subject to section 1 of this act, the legislative transportation committee (~~(and/or)~~) and the senate and house transportation committees may enter into contracts on behalf of the state to carry out the purposes of this chapter (~~(44.40 RCW as amended)~~); and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

NEW SECTION. **Sec. 10.** A new section is added to chapter 44.44 RCW to read as follows:

The administration of the joint committee on pension policy is subject to section 1 of this act.

**Sec. 11.** RCW 44.44.030 and 1987 c 25 s 2 are each amended to read as follows:

(1) Subject to section 1 of this act, the state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the actuary and approved by the joint committee on pension policy, and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

(2) All actuarial valuations and experience studies performed by the office of the state actuary shall be signed by a member of the American academy of actuaries. If the state actuary is not such a member, the state actuary, after approval by the committee, shall contract for a period not to exceed two years with a member of the American academy of actuaries to assist in developing actuarial valuations and experience studies.

NEW SECTION. **Sec. 12.** A new section is added to chapter 44.48 RCW to read as follows:

The administration of the legislative evaluation and accountability program committee is subject to section 1 of this act.

**Sec. 13.** RCW 44.48.050 and 1977 ex.s. c 373 s 5 are each amended to read as follows:

Subject to section 1 of this act, all expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the administrator and signed by the chairman or vice chairman of the committee and attested by the secretary of said committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated by law for the committee: PROVIDED, That the senate and the house may authorize the committee to draw on funds appropriated by the legislature for legislative expenses.

**Sec. 14.** RCW 44.48.090 and 1979 c 151 s 158 are each amended to read as follows:

The committee shall have the following powers:

(1) To have timely access, upon written request of the administrator, to all machine readable, printed, and other data of state agencies relative to expenditures, budgets, and related fiscal matters;

(2) To suggest changes relative to state accounting and reporting systems to the office of financial management or its successor and to require timely written responses to such suggestions; and

(3) Subject to section 1 of this act, to enter into contracts; and when entering into any contract for computer access, make necessary provisions relative to the scheduling of computer time and usage in recognition of the unique requirements and priorities of the legislative process.

**Sec. 15.** RCW 44.48.120 and 1977 ex.s. c 373 s 12 are each amended to read as follows:

The committee is hereby authorized and empowered to appoint an officer to be known as the LEAP administrator who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee.

Subject to section 1 of this act, the committee is hereby authorized and empowered to select and employ temporary and permanent personnel and fix their salaries.

The duties of the administrator shall be as follows:

- (1) To manage the LEAP operations.
- (2) To assist the several standing committees of the house and senate; to appear before other legislative committees; and to assist any other legislative committee upon instruction by the committee.
- (3) To provide the legislature with information obtained under the direction of the committee.
- (4) To maintain a record of all work performed by the administrator under the direction of the committee and to keep and make available all documents, data, and reports submitted to the administrator by any legislative committee.

**NEW SECTION. Sec. 16.** A new section is added to chapter 44.68 RCW to read as follows:  
The administration of the joint legislative systems committee is subject to section 1 of this act.

**Sec. 17.** RCW 44.68.040 and 1986 c 61 s 4 are each amended to read as follows:

Subject to section 1 of this act:

- (1) The systems committee, after consultation with the administrative committee, shall employ a legislative systems coordinator. The coordinator shall serve at the pleasure of the systems committee, which shall fix the coordinator's salary.
- (2) The coordinator shall serve as the executive and administrative head of the center, and shall assist the administrative committee in managing the information processing and communications systems of the legislature as directed by the administrative committee.

**Sec. 18.** RCW 44.68.050 and 1986 c 61 s 5 are each amended to read as follows:

The administrative committee shall, subject to the approval of the systems committee and subject to section 1 of this act:

- (1) Adopt policies, procedures, and standards regarding the information processing and communications systems of the legislature;
- (2) Establish appropriate charges for services, equipment, and publications provided by the legislative information processing and communications systems, applicable to legislative and nonlegislative users as determined by the administrative committee;
- (3) Employ or engage and fix the compensation for personnel required to carry out the purposes of this chapter;
- (4) Enter into contracts for (a) the sale, exchange, or acquisition of equipment, supplies, services, and facilities required to carry out the purposes of this chapter and (b) the distribution of legislative information;
- (5) Generally assist the systems committee in carrying out its responsibilities under this chapter, as directed by the systems committee."

In line 1 of the title, after "legislature;" strike the remainder of the title and insert "amending RCW 44.28.060, 44.28.065, 44.40.015, 44.40.040, 44.40.090, 44.40.100, 44.44.030, 44.48.050, 44.48.090, 44.48.120, 44.68.040, and 44.68.050; adding a new section to chapter 44.04 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 44.40 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 44.48 RCW; and adding a new section to chapter 44.68 RCW."

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1391.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be the final



passage of Substitute House Bill No. 1391 as amended by the Senate.

Representatives Kessler and Mastin spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1391 as amended by the Senate and the bill passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Talcott, Tokuda, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 86.

Excused: Representatives Buck, G. Chandler, Clements, DeBolt, Doumit, Dunshee, Kenney, Linville, Mulliken, Sehlin, Sump, and Van Luven - 12.

Substitute House Bill No. 1391 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 19, 2001

Mr. Speakers:

The Senate receded from the amendment by Committee on Human Services & Corrections to HOUSE BILL NO. 1898. Under suspension of the rules House Bill No. 1898, was returned to second reading for purpose of amendment. The Senate adopted amendment 1898 AAS 04/19/01 S-2716.1, and passed the bill as amended by the Senate.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.15.020 and 1999 c 267 s 11 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032

through 74.13.036;

(e) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(f) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

~~((f))~~ (g) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

~~((g))~~ (h) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

~~((h))~~ (i) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

~~((i))~~ (j) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

~~((j))~~ (k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

~~((k))~~ (l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental

disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where:

(i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(j) Licensed physicians or lawyers;

(k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(l) Facilities approved and certified under chapter 71A.22 RCW;

(m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer

skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary is authorized to license emergency respite centers. The department may adopt rules to specify licensing requirements for emergency respite centers."

On page 1, line 1 of the title, after "nurseries;" strike the remainder of the title and insert "amending RCW 74.15.020; and adding a new section to chapter 74.15 RCW."

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Bill No. 1898.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of House Bill No. 1898 as amended by the Senate.

Representatives Hankins and Tokuda spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1898 as amended by the Senate and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Talcott, Tokuda, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Excused: Representatives G. Chandler, DeBolt, Doumit, Dunshee, Kenney, Linville, Mulliken, Sump, and Van Luven - 9.

House Bill No. 1898 as amended by the Senate having received the necessary constitutional majority, was declared passed.

There being no objection, the Committee on Technology, Telecommunications and Energy was relieved of House Bill No. 2247, and the bill was placed on the Second Reading calendar.

There being no objection, the Committee on Education was relieved of Second Substitute Senate Bill No. 5625, and the bill was placed on the Second Reading calendar.

### **INTRODUCTIONS AND FIRST READING**

HB 2234 by Representatives Ahern, Mastin, Mulliken, Roach, Schindler, Sump, Anderson, Jarrett, Armstrong, McMorris, Benson, Morell, Cox, Mielke, Pearson, Mitchell, Alexander and Casada

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on First Reading.

HB 2245 by Representatives Anderson, Pflug, Crouse, Cairnes, Bush, DeBolt, B. Chandler, Mielke, Schmidt, Delvin, Casada, Esser, McMorris, Pennington, Reardon, Berkey, Simpson, Linville, Barlean, Marine and Fromhold

AN ACT Relating to providing tax incentives to promote the production and distribution of electricity from alternative sources of energy; amending RCW 82.08.02567 and 82.12.02567; adding a new section to chapter 82.16 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 2251 by Representatives Lantz, Skinner, Tokuda, Darneille and Lovick

AN ACT Relating to petitions for visitation for persons related to the child or acting in a parental role; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2252 by Representatives Lantz, Skinner, Tokuda, Darneille and Lovick

AN ACT Relating to third-party visitation; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2253 by Representatives Anderson, Fromhold, Dunn, McDermott, Ericksen, Jackley, Ruderman and Linville

AN ACT Relating to public access to information data bases; adding a new section to chapter 27.04 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2254 by Representatives Clements, Grant, Linville and G. Chandler

AN ACT Relating to reimbursing county horticultural pest and disease boards for the cost of pest control activities; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

2SSB 6177 by Senate Committee on Ways & Means

AN ACT Relating to the management of state energy supply and demand; amending RCW 74.38.070, 19.29A.040, 80.50.020, 80.50.060, 80.50.030, 80.50.040, 80.50.090, 80.50.100, 44.39.010, 44.39.015, 80.52.030, 39.35.010, 39.35.030, 39.35.050, 39.35A.020, 39.35C.010, 39.35C.020, 43.19.668, 43.19.669, 43.19.670, 43.19.675, and 43.19.680; adding new sections to chapter 82.16 RCW; adding a new section to chapter 19.29A

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RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 80.50 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 80.52 RCW; adding a new section to chapter 82.34 RCW; adding a new section to chapter 39.35A RCW; adding a new section to chapter 39.35C RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Rules.

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Held on First Reading.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Held on First Reading.

SB 6036 by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.

Held on First Reading.

SCR 8415 by Senators Snyder and West

Amending cutoff dates.

Held on First Reading.

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

**REPORTS OF STANDING COMMITTEES**

April 18, 2001

HB 1058 Prime Sponsor, Representative Ruderman: Providing assistance to treat breast and cervical cancer.  
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sehlin,

Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Mastin; Mulliken; Pearson; Ruderman; Schmidt; Schual-Berke and Talcott.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mastin, Mulliken, Pearson, Ruderman, Schmidt, Schual-Berke, and Talcott.

Excused: Representatives Buck, Kessler, McIntire, Pflug, and Tokuda.

Passed to Committee on Rules for second reading.

April 18, 2001

HB 2227 Prime Sponsor, Representative Ahern: Establishing the eastern Washington veterans' home. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Mastin; Mulliken; Pearson; Ruderman; Schmidt; Schual-Berke and Talcott.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Alexander, Benson, Boldt, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mastin, Mulliken, Pearson, Ruderman, Schmidt, Schual-Berke, and Talcott.

Excused: Representatives Buck, Kessler, McIntire, Pflug, and Tokuda.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

Speaker Ballard assumed the chair.

## SECOND READING

### **HOUSE BILL NO. 2247 by Representatives Crouse, Poulsen and Edwards**

#### **Managing energy supply and demand.**

The bill was read the second time.

Speaker Ballard announced that House Bill No. 2247 was co-prime sponsored by Representatives Crouse and Poulsen.

Representative Poulsen moved the adoption of the following amendment (209):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 80.50.010 and 1996 c 4 s 1 are each amended to read as follows:

The legislature finds that the present and predicted growth in energy demands in the state of Washington

requires the development of a procedure for the selection and utilization of sites for energy facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods, that the location and operation of such facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public. Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; and to pursue beneficial changes in the environment.

(3) To provide abundant energy at reasonable cost.

(4) To avoid costs of complete site restoration and demolition of improvements and infrastructure at unfinished nuclear energy sites, and to use unfinished nuclear energy facilities for public uses, including economic development, under the regulatory and management control of local governments and port districts.

(5) To avoid costly duplication in the siting process and ensure that decisions are made timely and without unnecessary delay.

**Sec. 2.** RCW 80.50.060 and 1977 ex.s. c 371 s 5 are each amended to read as follows:

(1) The provisions of this chapter shall apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (7) and ~~((17), as now or hereafter amended))~~ (14). No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after July 15, 1977, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.

(3) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (7) and ~~((17), as now or hereafter amended))~~ (14).

~~((3))~~ (4) Applications for certification of energy facilities made prior to July 15, 1977 shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

~~((4))~~ (5) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

**Sec. 3.** RCW 80.50.020 and 1995 c 69 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter~~((;))~~.

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires~~((;))~~.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association,



firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized((;)).

(4) "Site" means any proposed or approved location of an energy facility((;)).

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility((;)).

(6) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid: PROVIDED, That common carrier railroads or motor vehicles shall not be included((;)).

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquified petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal power commission((;)).

(8) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies((;)).

(9) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities((;)).

(10) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense((;)).

(11) "Council" means the energy facility site evaluation council created by RCW 80.50.030((;)).

(12) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080((;)).

(13) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars((;)).

(14) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of ~~((two))~~ three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of ~~((fifty))~~ one hundred thousand kilowatts or more, including associated facilities. For the purposes of this subsection, "floating thermal power plants" means a thermal power plant that is suspended on the surface of water by means of a barge, vessel, or other floating platform;

(b) Facilities which will have the capacity to receive liquified natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquified petroleum gas which has been or will be transported over marine

waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(e) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum into refined products(~~(;)~~).

(15) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapters 35.63, 35A.63, or 36.70 RCW(~~(;)~~).

(16) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapters 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.

(17) "Alternative energy resource" means: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; or (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

**Sec. 4.** RCW 80.50.030 and 1996 c 186 s 108 are each amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The ~~((chairman))~~ chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The ~~((chairman))~~ chair may designate a member of the council to serve as acting ~~((chairman))~~ chair in the event of the ~~((chairman's))~~ chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The ~~((chairman))~~ chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

(b) The ~~((chairman))~~ chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington state department of community, trade, and economic development shall provide all administrative and staff support for the council. The director of the department of community, trade, and economic development has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW.

(3)(a) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

~~((a))~~ (i) Department of ecology;

~~((b))~~ (ii) Department of fish and wildlife;

~~((c))~~ ~~Department of health;~~

~~\_\_\_\_\_~~ ~~(d) Military department;~~

~~\_\_\_\_\_~~ (e) (iii) Department of community, trade, and economic development;

~~((f))~~ (iv) Utilities and transportation commission; and

~~((g))~~ (v) Department of natural resources(~~(;)~~);

~~\_\_\_\_\_~~ ~~(h) Department of agriculture;~~

~~\_\_\_\_\_~~ ~~(i) Department of transportation)).~~

(b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:

(i) Department of agriculture;

(ii) Department of health;

(iii) Military department; and

(iv) Department of transportation.

(c) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after the effective date of this section. For

applications filed before the effective date of this section, council membership is mandatory for those agencies listed in (b) of this subsection.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

**NEW SECTION. Sec. 5.** A new section is added to chapter 80.50 RCW to read as follows:

(1) After the council has received a site application, council staff shall assist applicants in identifying issues presented by the application.

(2) Council staff shall review all information submitted and recommend resolutions to issues in dispute that would allow site approval.

(3) Council staff may make recommendations to the council on conditions that would allow site approval.

**Sec. 6.** RCW 80.50.040 and 1990 c 12 s 4 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.05 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, and operational conditions of certification of energy facilities subject to this chapter;

(3) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.05 RCW;

(4) To prescribe the form, content, and necessary supporting documentation for site certification;

(5) To receive applications for energy facility locations and to investigate the sufficiency thereof;

(6) To make and contract, when applicable, for independent studies of sites proposed by the applicant;

(7) To conduct hearings on the proposed location of the energy facilities;

(8) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(9) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or subsection (12) of this section: PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement: PROVIDED FURTHER, That the council (~~shall~~) may retain authority for determining compliance relative to monitoring;

(10) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication;

(11) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

(12) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities:

PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: AND PROVIDED FURTHER, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter; and

(13) To serve as an interagency coordinating body for energy-related issues.

**Sec. 7.** RCW 80.50.090 and 1989 c 175 s 173 are each amended to read as follows:

(1) The council shall conduct ~~((a))~~ an informational public hearing in the county of the proposed site ~~((within sixty days of))~~ as soon as practicable but not later than sixty days after receipt of an application for site certification: PROVIDED, That the place of such public hearing shall be as close as practical to the proposed site.

(2) Subsequent to the informational public hearing, the council ~~((must))~~ shall conduct a public hearing to determine ~~((at the initial public hearing))~~ whether or not the proposed site is consistent and in compliance with county or regional land use plans or zoning ordinances. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the county or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site.

(3) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100 a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act, shall be held. At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification.

(4) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

NEW SECTION. **Sec. 8.** A new section is added to chapter 80.50 RCW to read as follows:

The governor shall undertake an evaluation of the operations of the council to assess means to enhance its efficiency. The assessment must include whether the efficiency of the siting process would be improved by conducting the process under the state environmental policy act in a particular sequence relative to the adjudicative proceeding. The results of this assessment may include recommendations for administrative changes, statutory changes, or expanded staffing levels.

NEW SECTION. **Sec. 9.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Direct service industrial customer" means a person who is an industrial customer that contracts for the purchase of power from the Bonneville Power Administration for direct consumption as of the effective date of this section. "Direct service industrial customer" includes a person who is a subsidiary that is more than fifty percent owned by a direct service industrial customer and who receives power from the Bonneville Power Administration pursuant to the parent's contract for power.

(b) "Facility" means a gas turbine electrical generation facility that does not exist on the effective date of this section and is owned by a direct service industrial customer for the purpose of producing electricity to be consumed by the direct service industrial customer.

(c) "Average annual employment" means the total employment in this state for a calendar year at the direct service industrial customer's location where electricity from the facility will be consumed.

(2) Effective July 1, 2001, a credit is allowed against the tax due under this chapter to a direct service

industrial customer who purchases natural or manufactured gas from a gas distribution business subject to the public utility tax under chapter 82.16 RCW. The credit is equal to the value of natural or manufactured gas purchased from a gas distribution business and used to generate electricity at the facility multiplied by the rate in effect for the public utility tax on gas distribution businesses under RCW 82.16.020. This credit may be used each reporting period for sixty months following the first month natural or manufactured gas was purchased from a gas distribution business by a direct service industrial customer who constructs a facility.

(3) Application for credit shall be made by the direct service industrial consumer before the first purchase of natural or manufactured gas. The application shall be in a form and manner prescribed by the department and shall include but is not limited to information regarding the location of the facility, the projected date of first purchase of natural or manufactured gas to generate electricity at the facility, the date construction is projected to begin or did begin, the applicant's average annual employment in the state for the six calendar years immediately preceding the year in which the application is made, and affirm the applicant's status as a direct service industrial customer. The department shall rule on the application within thirty days of receipt.

(4) Credit under this section is limited to the amount of tax imposed under this chapter. Refunds shall not be given in place of credits and credits may not be carried over to subsequent calendar years.

(5) All or part of the credit shall be disallowed and must be paid if the average of the direct service industrial customer's average annual employment for the five calendar years subsequent to the calendar year containing the first month of purchase of natural or manufactured gas to generate electricity at a facility is less than the six-year average annual employment stated on the application for credit under this section. The direct service industrial customer will certify to the department by June 1st of the sixth calendar year following the calendar year in which the month of first purchase of gas occurs the average annual employment for each of the five prior calendar years. All or part of the credit that shall be disallowed and must be paid is commensurate with the decrease in the five-year average of average annual employment as follows:

Decrease in Average Annual Employment Over

<u>Five-Year Period</u>	<u>% of Credit to be Paid</u>
Less than 10%	10%
10% or more but less than 25% .....	25%
25% or more but less than 50% .....	50%
50% or more but less than 75% .....	75%
75% or more	100%

(6)(a) The direct service industrial customer shall begin paying the credit that is disallowed and is to be paid in the sixth calendar year following the calendar year in which the month following the month of first purchase of natural or manufactured gas to generate electricity at the facility occurs. The first payment will be due on or before December 31st with subsequent annual payments due on or before December 31st of the following four years according to the following schedule:

<u>Payment Year</u>	<u>% of Credit to be Paid</u>
	110%
	215%
	320%
	425%
	530%

(b) The department may authorize an accelerated payment schedule upon request of the taxpayer.

(c) Interest shall not be charged on the credit that is disallowed for the sixty-month period the credit may be taken, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed. The debt for credit that is disallowed and must be paid will not be extinguished by insolvency or other failure of the direct service industrial customer. Transfer of ownership of the facility does not affect eligibility

for this credit. However, the credit is available to the successor only if the eligibility conditions of this section are met.

(7) The employment security department shall make, and certify to the department of revenue, all determinations of employment under this section as requested by the department.

(8) A person claiming this credit shall supply to the department quarterly reports containing information necessary to document the total volume of natural or manufactured gas purchased in the quarter, the value of that total volume, and the percentage of the total volume used to generate electricity at the facility.

**NEW SECTION. Sec. 10.** A new section is added to chapter 82.12 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Direct service industrial customer" means a person who is an industrial customer that contracts for the purchase of power from the Bonneville power administration for direct consumption as of the effective date of this section. "Direct service industrial customer" includes a person who is a subsidiary that is more than fifty percent owned by a direct service industrial customer and who receives power from the Bonneville Power Administration pursuant to the parent's contract for power.

(b) "Facility" means a gas turbine electrical generation facility that does not exist on the effective date of this section and is owned by a direct service industrial customer for the purpose of producing electricity to be consumed by the direct service industrial customer.

(c) "Average annual employment" means the total employment in this state for a calendar year at the direct service industrial customer's location where electricity from the facility will be consumed.

(2) Effective July 1, 2001, the tax levied in RCW 82.12.022 on the first sixty months' use of natural or manufactured gas by a direct service industrial customer that owns a facility shall be deferred. This deferral is limited to the tax on natural or manufactured gas used or consumed to generate electricity at the facility.

(3) Application for deferral shall be made by the direct service industrial customer before the first use of natural or manufactured gas. The application shall be in a form and manner prescribed by the department and shall include but is not limited to information regarding the location of the facility, the projected date of first use of natural or manufactured gas to generate electricity at the facility, the date construction is projected to begin or did begin, the applicant's average annual employment in the state for the six calendar years immediately preceding the year in which the application is made, and shall affirm the applicant's status as a direct service industrial customer. The department shall rule on the application within thirty days of receipt.

(4)(a) The direct service industrial customer shall begin paying the deferred tax in the sixth calendar year following the calendar year in which the month of first use of natural or manufactured gas to generate electricity at the facility occurs. The first payment will be due on or before December 31st with subsequent annual payments due on or before December 31st of the following four years according to the following schedule:

<u>Payment Year</u>	<u>% of Deferred Tax to be Paid</u>
1	10%
2	215%
3	320%
4	425%
5	30%

(b) The department may authorize an accelerated payment schedule upon request of the taxpayer.

(c) Interest shall not be charged on the tax deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed. The debt for deferred tax will not be extinguished by insolvency or other failure of the direct service industrial customer. Transfer of ownership of the facility does not affect deferral eligibility. However, the deferral is available to the successor only if the eligibility conditions of this section are met.

(5)(a) If the average of the direct service industrial customer's average annual employment for the five calendar years subsequent to the calendar year containing the first month of use of natural or manufactured gas to

generate electricity at a facility is equal to or exceeds the six-year average annual employment stated on the application for deferral under this section, the tax deferred need not be paid. The direct service industrial customer shall certify to the department by June 1st of the sixth calendar year following the calendar year in which the month of first use of gas occurs the average annual employment for each of the five prior calendar years.

(b) If the five-year average calculated in (a) of this subsection is less than the average annual employment stated on the application for deferral under this section, the tax deferred under this section shall be paid in the amount as follows:

<u>Decrease in Average Annual</u>		
<u>Employment Over</u>	.....	<u>% of Deferred</u>
<u>Five-Year Period</u>	.....	<u>Tax to be Paid</u>
Less than 10%	10%	
10% or more but less than 25%	.....	25%
25% or more but less than 50%	.....	50%
50% or more but less than 75%	.....	75%
75% or more	100%	

(c) Tax paid under this subsection shall be paid according to the schedule in subsection (4)(a) of this section and under the terms and conditions of subsection (4)(b) and (c) of this section.

(6) The employment security department shall make, and certify to the department of revenue, all determinations of employment under this section as requested by the department.

(7) A person claiming this deferral shall supply to the department quarterly reports containing information necessary to document the total volume of natural or manufactured gas purchased in the quarter, the value of that total volume, and the percentage of the total volume used to generate electricity at the facility.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Direct service industrial customer" means a person who is an industrial customer that contracts for the purchase of power from the Bonneville Power Administration for direct consumption as of the effective date of this section. "Direct service industrial customer" includes a person who is a subsidiary that is more than fifty percent owned by a direct service industrial customer and who receives power from the Bonneville Power Administration pursuant to the parent's contract for power.

(b) "Facility" means a gas turbine electrical generation facility that does not exist on the effective date of this section.

(c) "Average annual employment" means the total employment in this state for a calendar year at the direct service industrial customer's location where electricity from the facility will be consumed.

(2) Effective July 1, 2001, a credit is allowed against the tax due under this chapter on sales of electricity made from a facility to a direct service industrial customer if the contract for sale of electricity to a direct service industrial customer contains the following terms:

(a) Sales of electricity from the facility to the direct service industrial customer will be made for ten consecutive years or more;

(b) The price charged for the electricity will be reduced by an amount equal to the tax credit; and

(c) Disallowance of all or part of the credit under subsection (5) of this section is a breach of contract and the damages to be paid by the direct service industrial customer to the facility are the amount of tax credit disallowed.

(3) The credit is equal to the gross proceeds from the sale of the electricity to a direct service industrial customer multiplied by the rate in effect at the time of the sale for the public utility tax on light and power businesses under RCW 82.16.020. The credit may be used each reporting period for sixty months following the first month electricity is sold from a facility to a direct service industrial customer. Credit under this section is

limited to the amount of tax imposed under this chapter. Refunds shall not be given in place of credits and credits may not be carried over to subsequent calendar years.

(4) Application for credit shall be made before the first sale of electricity from a facility to a direct service industrial customer. The application shall be in a form and manner prescribed by the department and shall include but is not limited to information regarding the location of the facility, identification of the direct service industrial customer who will receive electricity from the facility, the projected date of the first sale of electricity to a direct service industrial customer, the date construction is projected to begin or did begin, and the average annual employment in the state of the direct service industrial customer who will receive electricity from the facility for the six calendar years immediately preceding the year in which the application is made. A copy of the contract for sale of electricity must be attached to the application. The department shall rule on the application within thirty days of receipt.

(5) All or part of the credit shall be disallowed and must be paid if the average of the direct service industrial customer's average annual employment for the five calendar years subsequent to the calendar year containing the first month of sale of electricity from a facility to a direct service industrial customer is less than the six-year average annual employment stated on the application for credit under this section. The direct service industrial customer shall certify to the department and to the facility by June 1st of the sixth calendar year following the calendar year in which the month of first sale occurs the average annual employment for each of the five prior calendar years. All or part of the credit that shall be disallowed and must be paid is commensurate with the decrease in the five-year average of average annual employment as follows:

<u>Decrease in Average Annual</u>	
<u>Employment Over</u>	
<u>Five-Year Period</u>	<u>% of Credit to be Paid</u>
Less than 10%	10%
10% or more but less than 25% .....	25%
25% or more but less than 50% .....	50%
50% or more but less than 75% .....	75%
75% or more	100%

(6)(a) Payments on credit that is disallowed shall begin in the sixth calendar year following the calendar year in which the month following the first month of sale of electricity from a facility to a direct service industrial customer occurs. The first payment will be due on or before December 31st with subsequent annual payments due on or before December 31st of the following four years according to the schedule in this subsection.

<u>Payment Year</u>	<u>% of Credit to be Paid</u>
1	10%
2	15%
3	20%
4	25%
5	30%

(b) The department may authorize an accelerated payment schedule upon request of the taxpayer.

(c) Interest shall not be charged on the credit that is disallowed for the sixty-month period the credit may be taken, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed. The debt for credit that is disallowed and must be paid will not be extinguished by insolvency or other failure of the taxpayer. Transfer of ownership of the facility does not affect eligibility for this credit. However, the credit is available to the successor only if the eligibility conditions of this section are met.

(7) The employment security department shall make, and certify to the department of revenue, all determinations of employment under this section as requested by the department.



**NEW SECTION. Sec. 12.** A new section is added to chapter 82.32 RCW to read as follows:

(1) The total combined credits and deferrals that may be taken under sections 9 through 11 of this act shall not exceed two million five hundred thousand dollars in any fiscal year. Each person is limited to no more than a total of one million five hundred thousand dollars in tax deferred and credit allowed in any fiscal year in which more than one person takes tax credits and claims tax deferral. The department may require reporting of the credits taken and amounts deferred in a manner and form as is necessary to keep a running total of the amounts.

(2) Credits and deferred tax are available on a first come basis. Priority for tax credits and deferrals among approved applicants shall be designated based on the first actual consumption of gas under section 9 or 10 of this act, or on the first actual use of electricity under section 11 of this act by each approved applicant. The department shall disallow any credits or deferred tax, or portion thereof, that would cause the total amount of credits taken and deferred taxes claimed to exceed the fiscal year cap or to exceed the per person fiscal year cap. If the fiscal cap is reached or exceeded the department shall notify those persons who have approved applications under sections 9 through 11 of this act that no more credits may be taken or tax deferred during the remainder of the fiscal year. In addition, the department shall provide written notice to any person who has taken any tax credits or claimed any deferred tax in excess of the fiscal year cap. The notice shall indicate the amount of tax due and shall provide that the tax be paid within thirty days from the date of such notice.

(3) No portion of an application for credit or deferral disallowed under this section may be carried back or carried forward nor may taxes ineligible for credit or deferral due to the fiscal cap having been reached or exceeded be carried forward or carried backward.

**NEW SECTION. Sec. 13.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Base credit" means the maximum amount of credit against the tax imposed by this chapter that each light and power business or gas distribution business may take each fiscal year as calculated by the department. The base credit is equal to the proportionate share that the total grants received by each light and power business or gas distribution business in the prior fiscal year bears to the total grants received by all light and power businesses and gas distribution businesses in the prior fiscal year multiplied by two million five hundred thousand dollars.

(b) "Billing discount" means a reduction in the amount charged for providing service to qualifying persons in Washington made by a light and power business or a gas distribution business. Billing discount does not include grants received by the light and power business or a gas distribution business.

(c) "Grant" means funds provided to a light and power business or gas distribution business by the department of community, trade, and economic development or by a qualifying organization.

(d) "Low-income home energy assistance program" means energy assistance programs for low-income households as defined on December 31, 2000, in the low-income home energy assistance act of 1981 as amended August 1, 1999, 42 U.S.C. Sec. 8623 et seq.

(e) "Qualifying person" means a Washington resident who applies for assistance and qualifies for a grant regardless of whether that person receives a grant.

(f) "Qualifying contribution" means money given by a light and power business or a gas distribution business to a qualifying organization, exclusive of money received in the prior fiscal year from its customers for the purpose of assisting other customers.

(g) "Qualifying organization" means an entity that has a contractual agreement with the department of community, trade, and economic development to administer in a specified service area low-income home energy assistance funds received from the federal government and such other funds that may be received by the entity.

(2) Subject to the limitations in this section, a light and power business or a gas distribution business may take a credit each fiscal year against the tax imposed under this chapter.

(a)(i) A credit may be taken for qualifying contributions if the dollar amount of qualifying contributions for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of qualifying contributions given in fiscal year 2000.

(ii) If no qualifying contributions were given in fiscal year 2000, a credit shall be allowed for the first fiscal year that qualifying contributions are given. Thereafter, credit shall be allowed if the qualifying contributions given exceed one hundred twenty-five percent of qualifying contributions given in the first fiscal year.

(iii) The amount of credit shall be fifty percent of the dollar amount of qualifying contributions given in the fiscal year in which the tax credit is taken.

(b)(i) A credit may be taken for billing discounts if the dollar amount of billing discounts for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of billing discounts given in fiscal year 2000.

(ii) If no billing discounts were given in fiscal year 2000, a credit shall be allowed in the first fiscal year that billing discounts are given. Thereafter, credit shall be allowed if the dollar amount of billing discounts given exceeds one hundred twenty-five percent of billing discounts given in the first fiscal year.

(iii) The amount of credit shall be fifty percent of the dollar amount of the billing discounts given in the fiscal year in which the tax credit is taken.

(c) The total amount of credit that may be taken for qualifying contributions and billing discounts in a fiscal year is limited to the base credit for the same fiscal year.

(3) The total amount of credit, statewide, that may be taken in any fiscal year shall not exceed two million five hundred thousand dollars. By May 1st of each year starting in 2002, the department of community, trade, and economic development shall notify the department of revenue in writing of the grants received in the current fiscal year by each light and power business and gas distribution business.

(4)(a) Not later than June 1st of each year beginning in 2002, the department shall publish the base credit for each light and power business and gas distribution business for the next fiscal year.

(b) Not later than July 1st of each year beginning in 2002, application for credit must be made to the department including but not limited to the following information: Billing discounts given by the applicant in fiscal year 2000; qualifying contributions given by the applicant in the prior fiscal year; the amount of money received in the prior fiscal year from customers for the purpose of assisting other customers; the base credit for the next fiscal year for the applicant; the qualifying contributions anticipated to be given in the next fiscal year; and billing discounts anticipated to be given in the next fiscal year. No credit under this section will be allowed to a light and power business or gas distribution business that does not file the application by July 1st.

(c) Not later than August 1st of each year beginning in 2002, the department shall notify each applicant of the amount of credit that may be taken in that fiscal year.

(d) The balance of base credits not used by other light and power businesses and gas distribution businesses shall be ratably distributed to applicants under the formula in subsection (1)(a) of this section. The total amount of credit that may be taken by an applicant is the base credit plus any ratable portion of unused base credit.

(5) The credit taken under this section is limited to the amount of tax imposed under this chapter for the fiscal year. The credit must be claimed in the fiscal year in which the billing reduction is made. Any unused credit expires. Refunds shall not be given in place of credits.

(6) No credit may be taken for billing discounts made before July 1, 2001. Within two weeks of the effective date of this section, the department of community, trade, and economic development shall notify the department of revenue in writing of the grants received in fiscal year 2001 by each light and power business and gas distribution business. Within four weeks of the effective date of this section, the department of revenue shall publish the base credit for each light and power business and gas distribution business for fiscal year 2002. Within eight weeks of the effective date of this section, application to the department must be made showing the information required in subsection (4)(b) of this section. Within twelve weeks of the effective date of this section, the department shall notify each applicant of the amount of credit that may be taken in fiscal year 2002.

**NEW SECTION. Sec. 14.** (1) The legislature hereby finds that:

(a) The economy of the state and the health, safety, and welfare of its citizens are threatened by the current energy supply and price instabilities;

(b) Many energy efficiency programs for public buildings launched during the 1970s and 1980s were not

maintained during the subsequent sustained period of low energy costs and abundant supply; and

(c) Conservation programs originally established in the 1970s and 1980s can be improved or updated. New programs drawing on recently developed technologies, including demand-side energy management systems, can materially increase the efficiency of energy use by the public sector.

(2) It is the policy of the state of Washington that:

(a) State government is committed to achieving significant gains in energy efficiency. Conventional conservation programs will be reviewed and updated in light of experience gained since their commencement;

(b) State government must play a leading role in demonstrating updated and new energy efficiency technologies. New programs or measures made possible by technological advances, such as demand-side response measures and energy management systems, shall be treated in the same manner as conventional conservation programs and will be integrated into the state's energy efficiency programs.

**Sec. 15.** RCW 39.35.010 and 1982 c 159 s 1 are each amended to read as follows:

The legislature hereby finds:

(1) That major publicly owned or leased facilities have a significant impact on our state's consumption of energy;

(2) That energy conservation practices including energy management systems and renewable energy systems adopted for the design, construction, and utilization of such facilities will have a beneficial effect on our overall supply of energy;

(3) That the cost of the energy consumed by such facilities over the life of the facilities shall be considered in addition to the initial cost of constructing such facilities;

(4) That the cost of energy is significant and major facility designs shall be based on the total life-cycle cost, including the initial construction cost, and the cost, over the economic life of a major facility, of the energy consumed, and of the operation and maintenance of a major facility as they affect energy consumption; and

(5) That the use of energy systems in these facilities which utilize renewable resources such as solar energy, wood or wood waste, or other nonconventional fuels (~~should~~), and which incorporate energy management systems, shall be considered in the design of all publicly owned or leased facilities.

**Sec. 16.** RCW 39.35.030 and 1996 c 186 s 402 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and all political subdivisions of the state.

(2) "Department" means the state department of general administration.

(3) "Major facility" means any publicly owned or leased building having twenty-five thousand square feet or more of usable floor space.

(4) "Initial cost" means the moneys required for the capital construction or renovation of a major facility.

(5) "Renovation" means additions, alterations, or repairs within any twelve-month period which exceed fifty percent of the value of a major facility and which will affect any energy system.

(6) "Economic life" means the projected or anticipated useful life of a major facility as expressed by a term of years.

(7) "Energy management system" means a program, energy efficiency equipment, technology, device, or other measure including, but not limited to, a management, educational, or promotional program, smart appliance, meter reading system that provides energy information capability, computer software or hardware, communications equipment or hardware, thermostat or other control equipment, together with related administrative or operational programs, that allows identification and management of opportunities for improvement in the efficiency of energy use, including but not limited to a measure that allows:

(a) Energy consumers to obtain information about their energy usage and the cost of energy in connection with their usage;

(b) Interactive communication between energy consumers and their energy suppliers;

(c) Energy consumers to respond to energy price signals and to manage their purchase and use of energy;

or

(d) For other kinds of dynamic, demand-side energy management.

(8) "Life-cycle cost" means the initial cost and cost of operation of a major facility over its economic life.

This shall be calculated as the initial cost plus the operation, maintenance, and energy costs over its economic life, reflecting anticipated increases in these costs discounted to present value at the current rate for borrowing public funds, as determined by the office of financial management. The energy cost projections used shall be those provided by the department. The department shall update these projections at least every two years.

~~((8))~~ (9) "Life-cycle cost analysis" includes, but is not limited to, the following elements:

- (a) The coordination and positioning of a major facility on its physical site;
- (b) The amount and type of fenestration employed in a major facility;
- (c) The amount of insulation incorporated into the design of a major facility;
- (d) The variable occupancy and operating conditions of a major facility; and
- (e) An energy-consumption analysis of a major facility.

~~((9))~~ (10) "Energy systems" means all utilities, including, but not limited to, heating, air-conditioning, ventilating, lighting, and the supplying of domestic hot water.

~~((10))~~ (11) "Energy-consumption analysis" means the evaluation of all energy systems and components by demand and type of energy including the internal energy load imposed on a major facility by its occupants, equipment, and components, and the external energy load imposed on a major facility by the climatic conditions of its location. An energy-consumption analysis of the operation of energy systems of a major facility shall include, but not be limited to, the following elements:

(a) The comparison of three or more system alternatives, at least one of which shall include renewable energy systems, and one of which shall comply at a minimum with the sustainable design guidelines of the United States green building council leadership in energy and environmental design silver standard or similar design standard as may be adopted by rule by the department;

(b) The simulation of each system over the entire range of operation of such facility for a year's operating period; and

(c) The evaluation of the energy consumption of component equipment in each system considering the operation of such components at other than full or rated outputs.

The energy-consumption analysis shall be prepared by a professional engineer or licensed architect who may use computers or such other methods as are capable of producing predictable results.

~~((11))~~ (12) "Renewable energy systems" means methods of facility design and construction and types of equipment for the utilization of renewable energy sources including, but not limited to, hydroelectric power, active or passive solar space heating or cooling, domestic solar water heating, windmills, waste heat, biomass and/or refuse-derived fuels, photovoltaic devices, and geothermal energy.

~~((12))~~ (13) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. Where these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by 18 C.F.R. 292.202 (c) through (m) as of July 28, 1991, shall apply.

~~((13))~~ (14) "Selected buildings" means educational, office, residential care, and correctional facilities that are designed to comply with the design standards analyzed and recommended by the department.

~~((14))~~ (15) "Design standards" means the heating, air-conditioning, ventilating, and renewable resource systems identified, analyzed, and recommended by the department as providing an efficient energy system or systems based on the economic life of the selected buildings.

**Sec. 17.** RCW 39.35.050 and 1996 c 186 s 403 are each amended to read as follows:

The department, in consultation with affected public agencies, shall develop and issue guidelines for administering this chapter. The purpose of the guidelines is to define a procedure and method for performance of life-cycle cost analysis to promote the selection of low-life-cycle cost alternatives. At a minimum, the guidelines must contain provisions that:

- (1) Address energy considerations during the planning phase of the project;
- (2) Identify energy components and system alternatives including energy management systems.

- renewable energy systems, and cogeneration applications prior to commencing the energy consumption analysis;
- (3) Identify simplified methods to assure the lowest life-cycle cost alternatives for selected buildings with between twenty-five thousand and one hundred thousand square feet of usable floor area;
  - (4) Establish times during the design process for preparation, review, and approval or disapproval of the life-cycle cost analysis;
  - (5) Specify the assumptions to be used for escalation and inflation rates, equipment service lives, economic building lives, and maintenance costs;
  - (6) Determine life-cycle cost analysis format and submittal requirements to meet the provisions of chapter 201, Laws of 1991;
  - (7) Provide for review and approval of life-cycle cost analysis.

**Sec. 18.** RCW 39.35A.020 and 1985 c 169 s 2 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Energy equipment and services" means energy management systems and any equipment, materials, or supplies that are expected, upon installation, to reduce the energy use or energy cost of an existing building or facility, and the services associated with the equipment, materials, or supplies, including but not limited to design, engineering, financing, installation, project management, guarantees, operations, and maintenance.

(2) "Energy management system" has the definition provided in RCW 39.35.030.

(3) "Municipality" has the definition provided in RCW 39.04.010.

~~((3))~~ (4) "Performance-based contract" means one or more contracts for energy equipment and services between a municipality and any other persons or entities, if the payment obligation for each year under the contract, including the year of installation, is either: (a) Set as a percentage of the annual energy cost savings attributable under the contract to the energy equipment and services; or (b) guaranteed by the other persons or entities to be less than the annual energy cost savings attributable under the contract to the energy equipment and services. Such guarantee shall be, at the option of the municipality, a bond or insurance policy, or some other guarantee determined sufficient by the municipality to provide a level of assurance similar to the level provided by a bond or insurance policy.

**NEW SECTION. Sec. 19.** A new section is added to chapter 39.35A RCW to read as follows:

The state department of general administration shall maintain a registry of energy service contractors and provide assistance to municipalities in identifying available performance-based contracting services.

**Sec. 20.** RCW 39.35C.010 and 1996 c 186 s 405 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. If these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by 18 C.F.R. Sec. 292.202 (c) through (m) apply.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results, but does not include thermal or electric energy production from cogeneration.

(3) "Cost-effective" means that the present value to a state agency or school district of the energy reasonably expected to be saved or produced by a facility, activity, measure, or piece of equipment over its useful life, including any compensation received from a utility or the Bonneville power administration, is greater than the net present value of the costs of implementing, maintaining, and operating such facility, activity, measure, or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(4) "Energy" means energy as defined in RCW 43.21F.025(1).

(5) "Energy audit" has the definition provided in RCW 43.19.670.

(6) "Energy efficiency project" means a conservation or cogeneration project.

~~((6))~~ (7) "Energy efficiency services" means assistance furnished by the department to state agencies and school districts in identifying, evaluating, and implementing energy efficiency projects.

~~((7))~~ (8) "Department" means the state department of general administration.

~~((8))~~ (9) "Performance-based contracting" means contracts for which payment is conditional on achieving contractually specified energy savings.

~~((9))~~ (10) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and all political subdivisions of the state.

~~((10))~~ (11) "Public facility" means a building or structure, or a group of buildings or structures at a single site, owned by a state agency or school district.

~~((11))~~ (12) "State agency" means every state office or department, whether elective or appointive, state institutions of higher education, and all boards, commissions, or divisions of state government, however designated.

~~((12))~~ (13) "State facility" means a building or structure, or a group of buildings or structures at a single site, owned by a state agency.

~~((13))~~ (14) "Utility" means privately or publicly owned electric and gas utilities, electric cooperatives and mutuals, whether located within or without Washington state.

~~((14))~~ (15) "Local utility" means the utility or utilities in whose service territory a public facility is located.

**Sec. 21.** RCW 39.35C.020 and 1996 c 186 s 406 are each amended to read as follows:

(1) Each state agency and school district shall implement cost-effective conservation improvements and maintain efficient operation of its facilities in order to minimize energy consumption and related environmental impacts and reduce operating costs. Each state agency shall undertake an energy audit and implement cost-effective conservation measures pursuant to the time schedules and requirements set forth in chapter 43.19 RCW, except that any state agency that, after December 31, 1997, has completed energy audits and implemented cost-effective conservation measures, or has contracted with an energy service company for energy audits and conservation measures, is deemed to have met the requirements of this subsection for those facilities included in the audits and conservation measures. Each school district shall undertake an energy audit and implement cost-effective conservation measures pursuant to the time schedules and requirements set forth in section 22 of this act. Performance-based contracting shall be the preferred method for completing energy audits and implementing cost-effective conservation measures.

(2) The department shall assist state agencies and school districts in identifying, evaluating, and implementing cost-effective conservation projects at their facilities. The assistance shall include the following:

(a) Notifying state agencies and school districts of their responsibilities under this chapter;

(b) Apprising state agencies and school districts of opportunities to develop and finance such projects;

(c) Providing technical and analytical support, including procurement of performance-based contracting services;

(d) Reviewing verification procedures for energy savings; and

(e) Assisting in the structuring and arranging of financing for cost-effective conservation projects.

(3) Conservation projects implemented under this chapter shall have appropriate levels of monitoring to verify the performance and measure the energy savings over the life of the project. The department shall solicit involvement in program planning and implementation from utilities and other energy conservation suppliers, especially those that have demonstrated experience in performance-based energy programs.

(4) The department shall comply with the requirements of chapter 39.80 RCW when contracting for architectural or engineering services.

(5) The department shall recover any costs and expenses it incurs in providing assistance pursuant to this section, including reimbursement from third parties participating in conservation projects. The department shall enter into a written agreement with the public agency for the recovery of costs.

**NEW SECTION. Sec. 22.** A new section is added to chapter 39.35C RCW to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, each school district shall conduct an

energy audit of its facilities. This energy audit may be conducted by contract or by other arrangement, including appropriate district staff. Performance-based contracting shall be the preferred method for implementing and completing energy audits.

(a) For each district facility, the energy consumption surveys shall be completed no later than December 31, 2001, and the walk-through surveys shall be completed no later than October 1, 2002. Upon completion of each walk-through survey, the district shall implement energy conservation maintenance and operation procedures that may be identified for any district facility. These procedures shall be implemented as soon as possible, but not later than twelve months after the walk-through survey.

(b) Except as provided in subsection (3) of this section, if a walk-through survey has identified potentially cost-effective energy conservation measures, the district shall undertake an investment grade audit of the facility. Investment grade audits shall be completed no later than June 30, 2003, and installation of cost-effective conservation measures recommended in the investment grade audit shall be completed no later than December 31, 2004.

(2) A school district that, after December 31, 1997, has completed energy audits and implemented cost-effective conservation measures, or has contracted with an energy service company for energy audits and conservation measures, is deemed to have met the requirements of this section for those facilities included in the audits and conservation measures.

(3) A school district that after reasonable efforts and consultation with the department is unable to obtain a contract with an energy service company to conduct an investment grade audit or install cost-effective conservation measures recommended in an investment grade audit, is exempt from the requirements of subsection (1)(b) of this section.

**Sec. 23.** RCW 43.19.668 and 1993 c 204 s 6 are each amended to read as follows:

The legislature finds and declares that the buildings, facilities, equipment, and vehicles owned or leased by state government consume significant amounts of energy and that energy conservation actions, including energy management systems, to provide for efficient energy use in these buildings, facilities, equipment, and vehicles will reduce the costs of state government. In order for the operations of state government to provide the citizens of this state an example of energy use efficiency, the legislature further finds and declares that state government should undertake an aggressive program designed to reduce energy use in state buildings, facilities, equipment, and vehicles within a reasonable period of time. The use of appropriate tree plantings for energy conservation is encouraged as part of this program.

**Sec. 24.** RCW 43.19.669 and 1980 c 172 s 2 are each amended to read as follows:

It is the purpose of RCW 43.19.670 through 43.19.685 to require energy audits in state-owned buildings, to require energy audits as a lease condition in all new, renewed, and renegotiated leases of buildings by the state, to undertake such modifications and installations as are necessary to maximize the efficient use of energy in these buildings, including but not limited to energy management systems, and to establish a policy for the purchase of state vehicles, equipment, and materials which results in efficient energy use by the state.

For a building that is leased by the state, energy audits and implementation of cost-effective energy conservation measures are required only for that portion of the building that is leased by the state when the state leases less than one hundred percent of the building. When implementing cost-effective energy conservation measures in buildings leased by the state, those measures must generate savings sufficient to finance the building modifications and installations over a loan period not greater than ten years and allow repayment during the term of the lease.

**Sec. 25.** RCW 43.19.670 and 1982 c 48 s 1 are each amended to read as follows:

As used in RCW 43.19.670 through 43.19.685, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Energy audit" means a determination of the energy consumption characteristics of a facility which consists of the following elements:

(a) An energy consumption survey which identifies the type, amount, and rate of energy consumption of

the facility and its major energy systems. This survey shall be made by the agency responsible for the facility.

(b) A walk-through survey which determines appropriate energy conservation maintenance and operating procedures and indicates the need, if any, for the acquisition and installation of energy conservation measures and energy management systems. This survey shall be made by the agency responsible for the facility if it has technically qualified personnel available. The director of general administration shall provide technically qualified personnel to the responsible agency if necessary.

(c) ~~((A technical assistance study))~~ An investment grade audit, which is an intensive engineering analysis of energy conservation and management measures for the facility, net energy savings, and a cost-effectiveness determination. This element is required only for those facilities designated in the ~~((technical assistance study))~~ schedule adopted under RCW 43.19.680~~((3))~~ (2).

(2) "Cost-effective energy conservation measures" means energy conservation measures that the investment grade audit concludes will generate savings sufficient to finance project loans of not more than ten years.

(3) "Energy conservation measure" means an installation or modification of an installation in a facility which is primarily intended to reduce energy consumption or allow the use of an alternative energy source, including:

- (a) Insulation of the facility structure and systems within the facility;
- (b) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated windows and door systems, additional glazing, reductions in glass area, and other window and door system modifications;
- (c) Automatic energy control systems;
- (d) Equipment required to operate variable steam, hydraulic, and ventilating systems adjusted by automatic energy control systems;
- (e) Solar space heating or cooling systems, solar electric generating systems, or any combination thereof;
- (f) Solar water heating systems;
- (g) Furnace or utility plant and distribution system modifications including replacement burners, furnaces, and boilers which substantially increase the energy efficiency of the heating system; devices for modifying flue openings which will increase the energy efficiency of the heating system; electrical or mechanical furnace ignitions systems which replace standing gas pilot lights; and utility plant system conversion measures including conversion of existing oil- and gas-fired boiler installations to alternative energy sources;
- (h) Caulking and weatherstripping;
- (i) Replacement or modification of lighting fixtures which increase the energy efficiency of the lighting system;

(j) Energy recovery systems; ~~((and))~~

(k) Energy management systems; and

(l) Such other measures as the director finds will save a substantial amount of energy.

~~((3))~~ (4) "Energy conservation maintenance and operating procedure" means modification or modifications in the maintenance and operations of a facility, and any installations within the facility, which are designed to reduce energy consumption in the facility and which require no significant expenditure of funds.

~~((4))~~ (5) "Energy management system" has the definition contained in RCW 39.35.030.

(6) "Energy savings performance contracting" means the process authorized by chapter 39.35C RCW by which a company contracts with a state agency to conduct no-cost energy audits, guarantee savings from energy efficiency, provide financing for energy efficiency improvements, install or implement energy efficiency improvements, and agree to be paid for its investment solely from savings resulting from the energy efficiency improvements installed or implemented.

(7) "Energy service company" means a company or contractor providing energy savings performance contracting services.

(8) "Facility" means a building, a group of buildings served by a central energy distribution system, or components of a central energy distribution system.

~~((5))~~ (9) "Implementation plan" means the annual tasks and budget required to complete all acquisitions and installations necessary to satisfy the recommendations of the energy audit.



**Sec. 26.** RCW 43.19.675 and 1982 c 48 s 2 are each amended to read as follows:

For each state-owned facility, the director of general administration, ((in cooperation with the director of the state energy office)) or the agency responsible for the facility if other than the department of general administration, shall conduct((by contract or other arrangement,)) an energy audit ((for each state owned)) of that facility. ((All energy audits shall be coordinated with and complement other governmental energy audit programs. The energy audit for each state owned facility located on the capitol campus shall be completed no later than July 1, 1981, and the results and findings of each energy audit shall be compiled and transmitted to the governor and the legislature no later than October 1, 1981.)) This energy audit may be conducted by contract or by other arrangement, including appropriate agency staff. Performance-based contracting shall be the preferred method for implementing and completing energy audits. For ((every other)) each state-owned facility, the energy consumption surveys shall be completed no later than October 1, ((1982)) 2001, and the walk-through surveys shall be completed no later than July 1, ((1983)) 2002.

**Sec. 27.** RCW 43.19.680 and 1996 c 186 s 506 are each amended to read as follows:

(1) Upon completion of each walk-through survey required by RCW 43.19.675, the director of general administration or the agency responsible for the facility if other than the department of general administration shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) ~~((By December 31, 1981, for the capitol campus the director of general administration shall prepare and transmit to the governor and the legislature an implementation plan.))~~ If a walk-through survey has identified potentially cost-effective energy conservation measures, the agency responsible for the facility shall undertake an investment grade audit of the facility. Investment grade audits shall be completed no later than December 1, 2002. Installation of cost-effective energy conservation measures recommended in the investment grade audit shall be completed no later than June 30, 2004.

(3) ~~((By December 31, 1983, for all other state owned facilities, the director of general administration shall prepare and transmit to the governor and the legislature the results of the energy consumption and walk-through surveys and a schedule for the conduct of technical assistance studies. This submission shall contain the energy conservation measures planned for installation during the ensuing biennium. Priority considerations for scheduling technical assistance studies shall include but not be limited to a facility's energy efficiency, responsible agency participation, comparative cost and type of fuels, possibility of outside funding, logistical considerations such as possible need to vacate the facility for installation of energy conservation measures, coordination with other planned facility modifications, and the total cost of a facility modification, including other work which would have to be done as a result of installing energy conservation measures. Energy conservation measure acquisitions and installations shall be scheduled to be twenty five percent complete by June 30, 1985, or at the end of the capital budget biennium which includes that date, whichever is later, fifty five percent complete by June 30, 1989, or at the end of the capital budget biennium which includes that date, whichever is later, eighty five percent complete by June 30, 1993, or at the end of the capital budget biennium which includes that date, whichever is later, and fully complete by June 30, 1995, or at the end of the capital budget biennium which includes that date, whichever is later. Each state agency shall implement energy conservation measures with a payback period of twenty four months or less that have a positive cash flow in the same biennium.))~~

For each biennium until all measures are installed, the director of general administration shall report to the governor and legislature installation progress, measures planned for installation during the ensuing biennium~~((, and changes, if any, to the technical assistance study schedule))~~. This report shall be submitted by December 31, ~~((1984))~~ 2004, or at the end of the following year whichever immediately precedes the capital budget adoption, and every two years thereafter until all measures are installed.

(4) ~~((The director of general administration shall adopt rules to facilitate private investment in energy conservation measures for state owned buildings consistent with state law.))~~ Agencies may contract with energy service companies as authorized by chapter 39.35C RCW for energy audits and implementation of cost-effective

energy conservation measures. The department shall provide technically qualified personnel to the responsible agency upon request. The department shall recover a fee for this service.

**NEW SECTION. Sec. 28.** A new section is added to chapter 19.29A RCW to read as follows:

(1) Beginning January 1, 2002, each electric utility must provide to its retail electricity customers a voluntary option to purchase qualified alternative energy resources in accordance with this section.

(2) Each electric utility must include with its retail electric customer's regular billing statements, at least quarterly, a voluntary option to purchase qualified alternative energy resources. The option may allow customers to purchase qualified alternative energy resources at fixed or variable rates and for fixed or variable periods of time, including but not limited to monthly, quarterly, or annual purchase agreements. A utility may provide qualified alternative energy resource options through either: (a) Resources it owns or contracts for; or (b) the purchase of credits issued by a clearinghouse or other system by which the utility may secure, for trade or other consideration, verifiable evidence that a second party has a qualified alternative energy resource and that the second party agrees to transfer such evidence exclusively to the benefit of the utility.

(3) For the purposes of this section, a "qualified alternative energy resource" means the electricity produced from generation facilities that are fueled by: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; (f) gas produced during the treatment of wastewater; (g) qualified hydropower; or (h) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(4) For the purposes of this section, "qualified hydropower" means the energy produced either: (a) As a result of modernizations or upgrades made after June 1, 1998, to hydropower facilities operating on the effective date of this section that have been demonstrated to reduce the mortality of anadromous fish; or (b) by run of the river or run of the canal hydropower facilities that are not responsible for obstructing the passage of anadromous fish.

(5) The rates, terms, conditions, and customer notification of each utility's option or options offered in accordance with this section must be approved by the governing body of the consumer-owned utility or by the commission for investor-owned utilities. All costs and benefits associated with any option offered by an electric utility under this section must be allocated to the customers who voluntarily choose that option and may not be shifted to any customers who have not chosen such option.

(6) Each consumer-owned utility must report annually to the department and each investor-owned utility must report annually to the commission beginning October 1, 2002, until October 1, 2012, describing the option or options it is offering its customers under the requirements of this section, the rate of customer participation, the amount of qualified alternative energy resources purchased by customers, and the amount of utility investments in qualified alternative energy resources. The department and the commission together shall report annually to the legislature, beginning December 1, 2002, until December 1, 2012, with the results of the utility reports.

**Sec. 29.** RCW 19.29A.040 and 1998 c 300 s 6 are each amended to read as follows:

The provisions of RCW 19.29A.020, 19.29A.030, (~~and~~) section 5, chapter 300, Laws of 1998, and section 28 of this act do not apply to a small utility. However, nothing in this section prohibits the governing body of a small utility from determining the utility should comply with any or all of the provisions of RCW 19.29A.020, 19.29A.030, (~~and~~) section 5, chapter 300, Laws of 1998, and section 28 of this act, which governing bodies are encouraged to do.

**Sec. 30.** RCW 44.39.010 and 1977 ex.s. c 328 s 13 are each amended to read as follows:

There is hereby created the joint committee on energy (~~and utilities~~) supply of the legislature of the state of Washington.

**Sec. 31.** RCW 44.39.015 and 1977 ex.s. c 328 s 14 are each amended to read as follows:

The committee shall consist of four senators and four representatives who shall be selected biennially as

follows:

(1) The president of the senate shall ~~((nominate))~~ appoint four members from the ~~((energy and utilities))~~ senate to serve on the committee, including the ~~((chairman,))~~ chair of the committee responsible for energy issues. ~~Two members ((being)) from each major political party((, to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members))~~ must be appointed.

(2) The speaker or co-speakers of the house of representatives shall ~~((nominate))~~ appoint four members from the ~~((energy and utilities))~~ house of representatives to serve on the committee, including the ~~((chairman,))~~ chair or co-chairs of the committee responsible for energy issues. ~~Two members ((being)) from each major political party((, to serve on the committee, and shall submit the list of nominees to the house of representatives for confirmation. Upon confirmation, the representatives shall be deemed installed as members. The chairmen of the senate and house energy and utilities committees shall alternately serve as chairman for one year terms. The chairman of the house committee shall serve as the initial chairman. The chairman may designate another committee member to serve as chairman in his or her absence))~~ must be appointed.

(3) The committee shall elect a chair and a vice-chair. The chair shall be a member of the house of representatives in even-numbered years and a member of the senate in odd-numbered years. In the case of a tie in the membership of the house of representatives in an even-numbered year, the committee shall elect co-chairs from the house of representatives in that year.

**NEW SECTION. Sec. 32.** A new section is added to chapter 82.34 RCW to read as follows:

(1) The following definitions apply throughout this section:

(a) "Qualifying facility" means an air pollution control facility as that term is defined in RCW 82.34.010(1)(a) to be installed or acquired for a thermal electric peaking plant with a capacity of less than one hundred megawatts and which is approved pursuant to the Washington clean air act, chapter 70.94 RCW.

(b) "Thermal electric peaking plant" means a natural gas-fired thermal electric generating facility operated by a light and power business and placed into service between January 1, 1978, and December 31, 1984, and that is registered for the calendar year 2000 pursuant to RCW 70.94.151.

(c) "Light and power business" has the same meaning as in RCW 82.16.010.

(2) A light and power business is exempt from sales tax on the installation or acquisition of up to two qualifying facilities after January 1, 2001, as provided in this section. Upon written request of a light and power business to which the approval issued under chapter 70.94 RCW is attached, the department shall make a determination as to whether a plant is a thermal electric peaking plant acquiring or installing a qualifying facility eligible under this section. The department shall consult with the department of community, trade, and economic development and the department of ecology in making the determination. If the determination is in the affirmative, the department shall issue the light and power business a sales and use tax exemption certificate in a form and manner as deemed appropriate by the department.

(3) The charges for installation or acquisition of a qualifying facility by the holder of the certificate are exempt from sales tax imposed under chapter 82.08 RCW and use tax imposed under chapter 82.12 RCW. The purchaser must provide the seller with a copy of the sales and use tax exemption certificate. The seller shall retain a copy of the certificate for the seller's files.

(4) The exemption in this section is limited to the installation or acquisition of a qualifying facility and does not apply to servicing, maintenance, operation, or repairs of a thermal electric peaking plant or of an air pollution control facility.

(5) This section expires June 30, 2003.

**NEW SECTION. Sec. 33.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 34.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect

immediately."

Correct the title.

Representatives Poulsen and Crouse spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Poulsen, Crouse, Morris, Bush, Cooper, Ericksen, Ruderman, Clements, Conway, Wood, Reardon, and Benson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 2247.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2247 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives G. Chandler, DeBolt, Edwards, Kenney, Ogden, and Schmidt - 6.

Engrossed House Bill No. 2247, having received the necessary constitutional majority, was declared passed.

Speaker Ballard called upon Representative Pennington to preside.

### **ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5625 by Senate Committee on Education**

#### **Creating the K-12 academic achievement and accountability act.**

The bill was read the second time.

Representative Talcott moved the adoption of the following amendment (208):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28A.655.030 and 1999 c 388 s 102 are each amended to read as follows:

The powers and duties of the academic achievement and accountability commission shall include, but are not limited to the following:

(1) For purposes of statewide accountability, the commission shall:

(a) Adopt and revise:

(i) Performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required statewide. The goals shall be in addition to any goals adopted in RCW 28A.655.050. The commission may also revise any goal adopted in RCW 28A.655.050;

(ii) Goals for dropout rates and reduction of dropout rates for middle schools, junior high schools, and high schools, if the superintendent of public instruction develops common definitions; and

(iii) Goals designed to accelerate the achievement of students who are disproportionately underachieving academically. The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and determine student scores that identify levels of student performance below and beyond the standard. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature under RCW 28A.655.050 and the commission under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of state assistance ~~((and those in which))~~ due to significant numbers of students persistently ~~((fail))~~ failing to meet state standards. In its deliberations, the commission shall consider the use of performance improvement goals and all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify, based on the commission's criteria and the level of available appropriations, schools and school districts in which state ~~((intervention measures))~~ assistance will be ~~((needed and a range of appropriate intervention strategies, beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies. Beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies, at the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the commission or the superintendent of public instruction to intervene in a school or school district))~~ available;

(f) Adopt student performance and improvement thresholds for use in evaluating school and district progress under state assistance and superintendent of public instruction intervention;

(i) For schools identified during the 2001-02 or 2002-03 school years, for the first three years in state assistance or superintendent of public instruction intervention, the threshold shall be based on the school's

progress toward reading improvement goals adopted under (a)(i) of this subsection and a minimum percentile score, as adopted by the commission, on statewide mandated norm-referenced standardized tests;

(i) For schools identified during the 2003-04 school year or in subsequent years, the threshold shall be based on the school's progress toward all performance improvement goals adopted under (a)(i) of this subsection and a minimum percentile score, as adopted by the commission, on statewide mandated norm-referenced standardized tests;

(g) Identify performance incentive systems that have improved or have the potential to improve student achievement;

~~((g))~~ (h) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and ~~((a recommendation))~~ recommend to the superintendent of public instruction ~~((of))~~ any improvements needed to the system;

~~((h))~~ (i) Annually report by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission. The report may include recommendations of actions to help improve student achievement;

~~((i))~~ (j) By December 1, 2000, and by December 1st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the reading goal under RCW 28A.655.050 and any additional goals adopted by the commission;

~~((j))~~ (k) Coordinate its activities with the state board of education and the office of the superintendent of public instruction;

~~((k))~~ (l) Seek advice from the public and all interested educational organizations in the conduct of its work; ~~(and~~

~~((l))~~ (m) Establish advisory committees, which may include persons who are not members of the commission; and

(n) Develop and analyze any data or information necessary to perform its accountability responsibilities;

(2) Holding meetings and public hearings, which may include regional meetings and hearings;

(3) Hiring necessary staff and determining the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter. The office of the superintendent of public instruction shall be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations; and

(4) Receiving per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. SUPERINTENDENT OF PUBLIC INSTRUCTION DUTIES. (1) The superintendent of public instruction may delegate the superintendent's duties under this chapter to a proxy, with the exception of the superintendent's membership on the academic achievement and accountability commission.

(2) The superintendent of public instruction shall:

(a) Provide state assistance to schools and school districts under section 3 of this act and exercise governance responsibilities for schools in superintendent of public instruction intervention under section 4 of this act;

(b) Provide the academic achievement and accountability commission, in a timely manner, with available data, including raw student data, and other information the commission deems appropriate to fulfill its responsibility to provide oversight and monitoring of the state's educational accountability system; and

(c) Make available to schools information on models of excellence in instruction, management, capacity building, parent involvement, and other research-based strategies to improve student achievement.

NEW SECTION. Sec. 3. PROCESS FOR STATE ASSISTANCE. (1) The process for state assistance shall include the following components:

(a) In September of each year, the academic achievement and accountability commission shall identify schools and school districts for state assistance, based on criteria adopted under RCW 28A.655.030(1) (d) and (e) and availability of appropriations.

(b) The superintendent of public instruction shall notify each school district of the assistance eligibility of one or more schools within the district.

(c) Within ninety days of the date the notice was sent to the district, the district shall:

(i) Notify school staff, parents, and the community of the state assistance process;

(ii) Conduct an educational audit of each identified school using experts convened by the superintendent of public instruction. The audit shall include the resources available to the school, the use of those resources, and suggestions for using funds more effectively; the relationship of the school to its local district, parents, and community; the curriculum and instructional materials available and the extent to which those materials are aligned with the state's essential academic learning requirements; the roles and contributions of the school's employees; the level of experience and subject matter expertise of the school's certificated employees; the needs and characteristics of the school's students; school district management practices; and other indicators;

(iii) Hold a public hearing to inform parents, school employees, and the local community of the audit's findings and recommendations and solicit input on ways to address the issues the audit identified; and

(iv) Identify some immediate steps the school and district can take to begin addressing issues raised in the audit.

(d) Based on the results of the audit and community response, the district, with advice from the school's parents and staff, shall develop a comprehensive school improvement plan.

(i) The plan shall include, but need not be limited to three-year student performance improvement goals established by the commission; measurable benchmarks; strategies to address the issues raised in the audit; and a timeline to reach student goals incrementally.

(ii) The plan may include the use of incentives, including school-based supplemental contracts, to recruit and retain employees; the use of severance pay; the revision of school district personnel assignments; and the restructuring of the management, budget, organization, calendar, and instructional or programmatic approaches used in the school.

(iii) The plan may include voluntary and involuntary transfer of employees other than administrators from the school pursuant to a written notice of transfer given to the employee: (A) During the three-month period immediately following the adoption of the plan; or (B) during the period from April 1st to May 1st of the year following the adoption of the plan. The transfer of principals and other administrators shall be made under RCW 28A.405.230. A transfer under this subsection (1)(d)(iii) to a position for which the annual compensation is the same as the annual compensation for the position from which the employee transferred shall not be construed as a discharge or other adverse effect in contract status for purposes of this title.

(iv) The plan may include authority, as provided in sections 8 and 9 of this act, to bargain the effect on school-specific issues of a component of the improvement plan if that component requires renegotiation of a collective bargaining agreement.

(e) The superintendent of public instruction and the school district shall negotiate and adopt, and revise as necessary, a performance agreement to implement the school improvement plan. The agreement shall be adopted no later than one month before the start of the school year following notification of state assistance eligibility.

(f) If the superintendent of public instruction determines that the school district has not completed the state assistance process in a timely fashion or has failed to conduct the process in good faith, the superintendent of public instruction shall impose superintendent of public instruction intervention on the school or district.

(2) After a performance agreement has been in effect for one complete school year, progress in each state-assisted school shall be analyzed annually based on student performance and improvement thresholds adopted under RCW 28A.655.030. The results of the analysis shall be included in the school's annual school performance report under RCW 28A.655.110.

(3) The parent or guardian of a student enrolled in a school identified for state assistance, at the beginning of the school year following identification, may enroll the student in a different school either in the district or in a different district under RCW 28A.225.220 and 28A.225.270. In a class I school district, the

parent or guardian of a student enrolled in a school identified for state assistance, at the beginning of the school year following identification, may enroll the student in a different school in the district as provided under section 6 of this act.

(4) If a school successfully meets academic achievement and accountability commission-adopted student performance and improvement thresholds in any two years, the school shall be released from the list of schools identified for state assistance. However, for the duration of the performance agreement, the superintendent of public instruction may continue to provide any type of assistance included in the agreement.

(5) If a state-assisted school does not meet academic achievement and accountability commission-adopted student performance and improvement thresholds in any year, the superintendent of public instruction may impose superintendent of public instruction intervention on the school and district.

(6) If a state-assisted school does not meet academic achievement and accountability commission-adopted student performance and improvement thresholds by the end of three complete school years in state assistance, the superintendent of public instruction shall impose superintendent of public instruction intervention on the school and district.

(7) With the exception of agreements for schools that are subject to subsection (6) of this section, performance agreements may be extended with the approval of the commission.

**NEW SECTION. Sec. 4. PROCESS FOR SUPERINTENDENT OF PUBLIC INSTRUCTION INTERVENTION.** (1) A school or district identified for the imposition of superintendent of public instruction intervention under section 3 (5) or (6) of this act shall, for certain governance purposes, be removed from local control and placed under the jurisdiction of the superintendent of public instruction.

(2) The superintendent of public instruction shall adopt, and revise as necessary, an intervention plan for each school in superintendent of public instruction intervention. The plan, which shall include a description of the strategies that the superintendent intends to use in the school and district, shall be shared with the school community.

(3) After a school or district has been in superintendent of public instruction intervention for one complete school year, progress in each state-assisted school shall be analyzed annually based on student performance and improvement thresholds adopted under RCW 28A.655.030.

(4) If a school in superintendent of public instruction intervention successfully meets academic achievement and accountability commission-adopted student performance and improvement thresholds in two consecutive years, the school shall be released from superintendent of public instruction intervention.

(5) The range of intervention strategies available to the superintendent of public instruction shall include, but need not be limited to:

(a) The use of incentives, including school-based supplemental contracts, to recruit and retain employees and the use of severance pay, to the extent that funds are available for these purposes;

(b) The revision of school district personnel assignments;

(c) The restructuring of the management, budget, organization, calendar, and instructional or programmatic approaches used in the school;

(d) The reduction, redirection, deferral, or withholding of nonbasic education state funds from the school district until the superintendent of public instruction determines such strategies are no longer an appropriate state intervention strategy;

(e) The redirection from school district to the school of any or all state, federal, and local funds generated by or available for the students in the school;

(f) The removal of a school from the district jurisdiction or the appointment of a proxy of the superintendent of public instruction to assume jurisdiction of the school;

(g) The adoption of either an intensive peer review or collaborative principal-peer review process for certificated employees;

(h) The voluntary and involuntary transfer of employees other than administrators from the school pursuant to a written notice of transfer given to the employee: (i) During the three-month period immediately following the adoption of an intervention plan; or (ii) during the period from April 1st to May 1st of the year following the adoption of an intervention plan. The transfer of principals and other administrators shall be made



under RCW 28A.405.230. A transfer under this subsection (5)(h) to a position for which the annual compensation is the same as the annual compensation for the position from which the employee transferred shall not be construed as a discharge or other adverse effect in contract status for purposes of this title;

(i) The request for and use of waivers from any law, rule, or district policy that conflicts with the implementation of the superintendent's intervention plan;

(j) The authority, as provided in sections 8 and 9 of this act, to bargain, on behalf of the school district, the effect on school-specific issues of a component of the intervention plan if that component requires renegotiation of a collective bargaining agreement;

(k) Closing and redesigning the school; and

(l) Any other action authorized by law that the superintendent of public instruction deems necessary to improve student learning.

(6) The parent or guardian of a student enrolled in a school identified for superintendent of public instruction intervention, at the beginning of the school year following identification, may enroll the student in a different school either in the district or in a different district under the provisions of RCW 28A.225.220 and 28A.225.270. In a class I school district, the parent or guardian of a student enrolled in a school identified for superintendent of public instruction intervention, at the beginning of the school year following identification, may enroll the student in a different school in the district as provided under section 6 of this act.

(7) The school directors of a district with a school in superintendent of public instruction intervention shall, at the request of the superintendent of public instruction and pursuant to an intervention plan:

(a) Find positions for employees who are transferred out of the school or take other appropriate personnel actions;

(b) Provide payroll, student transportation, and all other support services for the school, with transportation provided based on a requested schedule;

(c) Waive district policies; and

(d) Provide the superintendent of public instruction with any assistance necessary to implement the intervention plan.

**NEW SECTION. Sec. 5. REPORT ON ACCOUNTABILITY POLICIES.** By November 30, 2002, the academic achievement and accountability commission shall analyze and report to the governor and the legislative education committees on (1) intervention strategies used by other states and nations, including the success of those strategies in improving student achievement, and (2) a uniform public school transfer policy for students enrolled in schools in state assistance or superintendent of public instruction intervention, including a proposal for fully funding transportation alternatives for transferring students.

**NEW SECTION. Sec. 6.** A new section as added to chapter 28A.320 RCW to read as follows:  
**STUDENT AND PARENT TRANSFER OPTIONS.** Each class I school district shall adopt a policy allowing the automatic intradistrict release and acceptance of students from schools that are in state assistance or superintendent of public instruction intervention under chapter 28A.655 RCW.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.300 RCW to read as follows:  
**RECOGNITION FOR REACHING FOURTH GRADE READING GOALS.** The superintendent of public instruction shall recognize and honor each school that has met or exceeded the state minimum fourth grade reading goal for the school, as defined in RCW 28A.655.050, on the 2001 Washington assessment of student learning.

**NEW SECTION. Sec. 8.** A new section is added to chapter 41.56 RCW to read as follows:  
**COLLECTIVE BARGAINING.** A component of a school improvement plan or performance agreement under section 3 of this act or an intervention plan under section 4 of this act shall be considered an educational policy decision. However, if the district superintendent under section 3 of this act, or the superintendent of public instruction under section 4 of this act, as applicable, determines that such a component requires renegotiation of a collective bargaining agreement, the employer, or the proxy designated to act on behalf of the

employer when the superintendent of public instruction has elected to exercise the bargaining authority provided in section 4 of this act, and the exclusive bargaining representative that is a party to the agreement shall, subject to procedures in this chapter, enter into bargaining on the effect of the component on school-specific issues for inclusion in an addendum to the collective bargaining agreement. If an agreement is not reached after a reasonable period of negotiations, either party may request the commission to provide mediation services.

**NEW SECTION. Sec. 9.** A new section is added to chapter 41.59 RCW to read as follows:

**COLLECTIVE BARGAINING.** A component of a school improvement plan or performance agreement under section 3 of this act or an intervention plan under section 4 of this act shall be considered an educational policy decision. However, if the district superintendent under section 3 of this act, or the superintendent of public instruction under section 4 of this act, as applicable, determines that such a component requires renegotiation of a collective bargaining agreement, the employer, or the proxy designated to act on behalf of the employer when the superintendent of public instruction has elected to exercise the bargaining authority provided in section 4 of this act, and the exclusive bargaining representative that is a party to the agreement shall, subject to procedures in this chapter, enter into bargaining on the effect of the component on school-specific issues for inclusion in an addendum to the collective bargaining agreement. If an agreement is not reached after a reasonable period of negotiations, either party may request the commission to provide mediation services.

**Sec. 10.** RCW 41.56.905 and 1983 c 287 s 5 are each amended to read as follows:

The provisions of this chapter are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. Except as provided in RCW 53.18.015, if any provision of this chapter conflicts with any other statute, ordinance, rule or regulation of any public employer, the provisions of this chapter shall control. However, if a conflict exists between this chapter and section 3 or 4 of this act, section 3 or 4 of this act, as applicable, supersedes this chapter.

**Sec. 11.** RCW 41.59.910 and 1975 1st ex.s. c 288 s 19 are each amended to read as follows:

This chapter shall supersede existing statutes not expressly repealed to the extent that there is a conflict between a provision of this chapter and those other statutes. However, if a conflict exists between this chapter and section 3 or 4 of this act, section 3 or 4 of this act, as applicable, supersedes this chapter. Except as otherwise expressly provided herein, nothing in this chapter shall be construed to annul, modify or preclude the renewal or continuation of any lawful agreement entered into prior to January 1, 1976 between an employer and an employee organization covering wages, hours, and terms and conditions of employment. Where there is a conflict between any collective bargaining agreement and any resolution, rule, policy or regulation of the employer or its agents, the terms of the collective bargaining agreement shall prevail.

**Sec. 12.** RCW 28A.505.120 and 1975-'76 2nd ex.s. c 118 s 12 are each amended to read as follows:

(1) If a local school district fails to comply with any binding restrictions issued by the superintendent of public instruction, the allocation of state funds for support of the local school district may be withheld, pending an investigation of the reason for such noncompliance by the office of the superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld.

(2) Under an intervention plan authorized under section 4 of this act, the superintendent may withhold the allocation of all or a portion of nonbasic education state funds from the local school district until the superintendent determines that withholding the funds is no longer an appropriate state intervention strategy.

**Sec. 13.** RCW 28A.400.010 and 1990 c 33 s 376 are each amended to read as follows:

Except as provided by a superintendent of public instruction intervention action taken under section 4 of this act, in all districts:

(1) The board of directors shall elect a superintendent who shall have such qualification as the local school board alone shall determine. The superintendent shall have supervision over the several departments of

the schools thereof and carry out such other powers and duties as prescribed by law((-));

(2) Notwithstanding the provisions of RCW 28A.400.300(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal of contracts of school superintendents the provisions of RCW 28A.405.210, 28A.405.240, and 28A.645.010 shall be inapplicable.

**Sec. 14.** RCW 28A.400.030 and 1991 c 116 s 14 are each amended to read as follows:

In addition to such other duties as a district school board shall prescribe, unless other duties are prescribed by a superintendent of public instruction intervention action taken under section 4 of this act, the school district superintendent shall:

- (1) Attend all meetings of the board of directors and cause to have made a record as to the proceedings thereof.
- (2) Keep such records and reports and in such form as the district board of directors require or as otherwise required by law or rule or regulation of higher administrative agencies and turn the same over to his or her successor.
- (3) Keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the superintendent must present his or her record book of board proceedings for public inspection, and shall make a statement of the financial condition of the district and such record book must always be open for public inspection.
- (4) Give such notice of all annual or special elections as otherwise required by law; also give notice of the regular and special meetings of the board of directors.
- (5) Sign all orders for warrants ordered to be issued by the board of directors.
- (6) Carry out all orders of the board of directors made at any regular or special meeting.

**Sec. 15.** RCW 28A.400.100 and 1977 ex.s. c 272 s 1 are each amended to read as follows:

School districts may employ public school principals and/or vice principals to supervise the operation and management of the school to which they are assigned. Such persons shall hold valid teacher and administrative certificates. In addition to such other duties as shall be prescribed by law and by the job description adopted by the board of directors, unless other duties are prescribed by a superintendent of public instruction intervention action taken under section 4 of this act, each principal shall:

- (1) Assume administrative authority, responsibility and instructional leadership, under the supervision of the school district superintendent, and in accordance with the policies of the school district board of directors, for the planning, management, supervision and evaluation of the educational program of the attendance area for which he or she is responsible.
- (2) Submit recommendations to the school district superintendent regarding appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the attendance area for which he or she is responsible.
- (3) Submit recommendations to the school district superintendent regarding the fiscal needs to maintain and improve the instructional program of the attendance area for which he or she is responsible.
- (4) Assume administrative authority and responsibility for the supervision, counseling and discipline of pupils in the attendance area for which he or she is responsible.

**Sec. 16.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to read as follows:

Every board of directors, unless otherwise specially provided by law or by a superintendent of public instruction intervention action taken under section 4 of this act, shall:

- (1) Employ for not more than one year, and for sufficient cause discharge, all certificated and classified employees;
- (2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions

requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and classified employees, and with such compensation as the board of directors prescribe:

PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per year; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(d) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(e) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year. Such accumulated time may be taken at any time during the school year or up to twelve days per year may be used for the purpose of payments for unused sick leave.

(f) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(g) Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of RCW 28A.400.210 and 28A.310.490;

(h) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of educational service district superintendents and boards, to and from such districts and such offices;

(i) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when the person returns to the employment of the district.

When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, the employee shall retain the same seniority, leave benefits and other benefits that the employee had in his or her previous position: PROVIDED, That classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

**Sec. 17.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to read as follows:

(1)(a) Except as provided by a superintendent of public instruction intervention action taken under section 4 of this act, no teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed;

(i) Except by written order of a majority of the directors of the district at a regular or special meeting thereof(~~(-nor)~~); and

(ii) Unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

(b) No employee may be employed at a school in superintendent of public instruction intervention unless his or her employment with the school district is consistent with determinations made by the superintendent of public instruction under section 4 of this act.

(c) The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law or by a superintendent of public instruction intervention action taken under section 4 of this act, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated.

(d) Any contract signed in violation of this (~~provision shall be~~) subsection (1) is void.

(2) In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent, or with respect to employment at a school in superintendent of public instruction intervention, as provided by the superintendent of public instruction intervention action taken under section 4 of this act. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, except those employees subject to subsection (3) of this section, at his or her request made in writing and filed with the president, chair, or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

(3) An employee at a school in superintendent of public instruction intervention who is notified under this section, at his or her request made in writing and filed with the district superintendent within ten days after receiving the notice, shall be given the opportunity to meet informally with the district superintendent for the purpose of requesting the district superintendent to recommend that the nonrenewal decision be reconsidered. Such meeting shall be held no later than ten days following the receipt of such request, and the employee shall be given at least three days' written notice of the date, time, and place of the meeting. At such meeting the employee shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. Within ten days following the meeting with the employee, the district superintendent shall submit a written recommendation to the superintendent of public instruction stating the reasons for the recommendation. A copy of the recommendation shall be delivered to the employee. In taking action on the recommendation of the district superintendent, the superintendent of public instruction shall consider any evaluations conducted under RCW 28A.405.100 and may consider any written communication that the employee may file with the secretary of the board before meeting with the district superintendent. The board shall notify the employee in writing of the final decision within ten days after receiving the final decision of the superintendent of public instruction. The decision to nonrenew an employee's contract pursuant to a superintendent of public instruction intervention action taken under section 4 of this act is final and not subject to appeal.

(4) This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 shall not be construed as a nonrenewal of contract for the purposes of this section.

**Sec. 18.** RCW 28A.405.220 and 1996 c 201 s 2 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first two years of employment by such district, unless the employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district. Employees as defined in this section shall hereinafter be referred to as "provisional employees".

(2)(a) In the event the superintendent of the school district, or the superintendent of public instruction under a superintendent of public instruction intervention action taken under section 4 of this act, determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof by the superintendent of the school district in writing on or before May 15th preceding the commencement of such school term, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. ((The)) A determination ((of)) by the superintendent of the school district shall be subject to the evaluation requirements of RCW 28A.405.100. A determination by the superintendent of public instruction shall be made pursuant to a superintendent of public instruction action taken under section 4 of this act.

(b) Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision or, if the determination was made pursuant to a superintendent of public instruction intervention action taken under section 4 of this act, to consider recommending to the superintendent of public instruction reinstatement of the provisional employee. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the ~~((superintendent's))~~ determination was based and to make any argument in support of his or her request for reconsideration.

(c)(i) Except as provided in (c)(ii) of this subsection, within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

(ii) If the provisional employee is employed at a school in superintendent of public instruction intervention, within ten days following the meeting with the employee, the superintendent shall submit a written recommendation to the superintendent of public instruction stating the reasons for the recommendation. A copy of the recommendation shall be delivered to the employee.

(d) The board of directors shall notify the provisional employee in writing of ((its)) the final decision within ten days following after receiving the final decision of the superintendent of public instruction, as applicable. The decision ((of the board of directors)) to nonrenew the contract of a provisional employee under this section shall be final and not subject to appeal.

(3) This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

**Sec. 19.** RCW 28A.405.230 and 1996 c 201 s 3 are each amended to read as follows:

(1) Any certificated employee of a school district employed as an assistant superintendent, director, principal, assistant principal, coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract or at any time pursuant to a superintendent of public instruction intervention action taken under section 4 of this act or an action taken as part of a school improvement plan under section 3 of this act, if the contract took effect after September 1, 2001, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator.

(2)(a) Every school district superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position shall notify that administrator in writing on or before May 15th preceding the commencement of such school term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st(~~(, which)~~). Notice given pursuant to a superintendent of public instruction intervention action taken under section 4 of this act or a school improvement plan under section 3 of this act may be given at any time. Notification given under this subsection shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

(b) Every such administrator so notified, at his or her request made in writing and filed with the president or chair, or secretary of the board of directors of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the board of directors in an executive session thereof or with the superintendent of public instruction, if notice is given pursuant to a superintendent of public instruction intervention action taken under section 4 of this act, for the purpose of requesting (~~(the board to reconsider)~~) reconsideration of the decision (~~(of the superintendent. Such board,)~~). Upon receipt of such request, the board of directors shall schedule the meeting for no later than the next regularly scheduled meeting of the board (~~(, and shall notify the administrator)~~) or, if applicable, the superintendent of public instruction shall schedule a meeting as soon as practicable and the administrator shall be notified in writing of the date, time, and place of the meeting at least three days prior thereto. At such meeting the administrator shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. The administrator and the board or the superintendent of public instruction, as applicable, may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the administrator in writing of (~~(its)~~) the final decision within ten days following (~~(its)~~) the meeting with the administrator. No appeal to the courts shall lie from the final decision (~~(of the board of directors)~~) under this section to transfer an administrator to a subordinate certificated position (~~(: PROVIDED, That)~~). However, in the case of principals not employed in a school subject to superintendent of public instruction intervention under section 4 of this act or state assistance under section 3 of this act, such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal by a school district; except that if any such principal not employed in a school subject to superintendent of public instruction intervention or state assistance under chapter 28A.655 RCW has been previously employed as a principal by another school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment. If a principal who is employed at a school receiving superintendent of public instruction intervention or state assistance under chapter 28A.655 RCW is transferred pursuant to a superintendent of public instruction intervention action taken under section 4 of this act or an action taken under a school improvement plan under section 3 of this act, the transfer may occur at any time during the contract year of any year the principal is employed as a principal.

(3) This section applies to any person employed as an administrator by a school district on June 25, 1976 and to all persons so employed at any time thereafter. This section provides the exclusive means for transferring an administrator to a subordinate certificated position (~~(at the expiration of the term of his or her employment~~

contract)).

**Sec. 20.** RCW 28A.150.020 and 1969 ex.s. c 223 s 28A.01.060 are each amended to read as follows:

"Common schools" means schools maintained at public expense in each school district, or under alternative arrangements for public governance or administration under a superintendent of public instruction intervention action under section 4 of this act, and carrying on a program from kindergarten through the twelfth grade or any part thereof including vocational educational courses otherwise permitted by law.

**Sec. 21.** RCW 28A.320.010 and 1969 ex.s. c 223 s 28A.58.010 are each amended to read as follows:

A school district shall constitute a body corporate and, except as provided by a superintendent of public instruction intervention action under section 4 of this act, shall possess all the usual powers of a public corporation, and in that name and style may sue and be sued and transact all business necessary for maintaining school and protecting the rights of the district, and enter into such obligations as are authorized therefor by law.

**Sec. 22.** RCW 28A.320.015 and 1992 c 141 s 301 are each amended to read as follows:

(1) Except as provided by a superintendent of public instruction intervention action taken under section 4 of this act, the board of directors of each school district may exercise the following:

(a) The broad discretionary power to determine and adopt written policies not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that the board determines will:

- (i) Promote the education of kindergarten through twelfth grade students in the public schools; or
- (ii) Promote the effective, efficient, or safe management and operation of the school district;
- (b) Such powers as are expressly authorized by law; and
- (c) Such powers as are necessarily or fairly implied in the powers expressly authorized by law.

(2) Before adopting a policy under subsection (1)(a) of this section, the school district board of directors shall comply with the notice requirements of the open public meetings act, chapter 42.30 RCW, and shall in addition include in that notice a statement that sets forth or reasonably describes the proposed policy. The board of directors shall provide a reasonable opportunity for public written and oral comment and consideration of the comment by the board of directors.

**Sec. 23.** RCW 28A.320.035 and 1997 c 267 s 1 are each amended to read as follows:

(1) The board of directors of a school district may contract with other school districts, educational service districts, public or private organizations, agencies, schools, or individuals to implement the board's powers and duties, however the contracts must be consistent with a superintendent of public instruction intervention action taken under section 4 of this act. The board of directors of a school district may contract for goods and services, including but not limited to contracts for goods and services as specifically authorized in statute or rule, as well as other educational, instructional, and specialized services. When a school district board of directors contracts for educational, instructional, or specialized services, the purpose of the contract must be to improve student learning or achievement.

(2) A contract under subsection (1) of this section may not be made with a religious or sectarian organization or school where the contract would violate the state or federal Constitution.

**Sec. 24.** RCW 28A.315.005 and 1999 c 315 s 1 are each amended to read as follows:

(1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, the academic achievement and accountability commission, the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of



Washington.

**Sec. 25.** RCW 28A.315.015 and 1999 c 315 s 101 are each amended to read as follows:

(1) It is the purpose of this chapter to:

(a) Incorporate into a single, comprehensive, school district organization law all essential provisions governing:

(i) The formation and establishment of new school districts;

(ii) The alteration of the boundaries of existing districts; and

(iii) The adjustment of the assets and liabilities of school districts when changes are made under this chapter; and

(b) Establish methods and procedures whereby changes in the school district system may be brought about by the people concerned and affected.

(2) It is the state's policy that decisions on proposed changes in school district organization should be made, whenever possible by negotiated agreement between the affected school districts. If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(a) A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;

(b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;

(c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;

(d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and

(e) Other criteria or considerations as may be established in rule by the state board of education.

(3) It is neither the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh school districts as provided for in chapter 28A.540 RCW.

(4) This chapter is not intended to apply a superintendent of public instruction intervention action taken under section 4 of this act.

**Sec. 26.** RCW 28A.315.025 and 1990 c 33 s 293 are each amended to read as follows:

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them. "Change" does not include any change made pursuant to a superintendent of public instruction intervention action taken under section 4 of this act.

(2) "Regional committee" means the regional committee on school district organization created by this chapter.

(3) "State board" means the state board of education.

(4) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

(5) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW 28A.310.170 or his or her designee.

**Sec. 27.** RCW 28A.225.210 and 1990 c 33 s 235 are each amended to read as follows:

Every school district shall admit on a tuition free basis all persons of school age who reside within this state, and do not reside within another school district carrying the grades for which they are eligible to enroll: PROVIDED, That nothing in this section shall be construed as affecting RCW 28A.225.220 ((~~or~~), 28A.225.250,

or section 4 of this act.

**Sec. 28.** RCW 28A.400.200 and 1997 c 141 s 2 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education and special education certificated instructional staff shall not exceed the district's average basic education and special education program certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for basic education and special education certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education and special education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education and special education programs.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives, or for the recruitment and retention of certificated employees in schools under state assistance under section 3 of this act or superintendent of public instruction intervention under section 4 of this act. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

NEW SECTION. **Sec. 29.** RCW 28A.655.035 (Accountability policies--Recommendations) and 1999 c 388 s 103 are each repealed.

NEW SECTION. **Sec. 30.** RCW 28A.655.050 (Reading goals--Mathematics goals) and 1999 c 388 s 201 & 1998 c 319 s 101 are each repealed.

NEW SECTION. **Sec. 31.** CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 32.** If any provision of this act or its application to any person or circumstance

is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 33.** Sections 2 through 4 of this act are each added to chapter 28A.655 RCW."

Correct the title.

Representatives Talcott, Haigh, Anderson, Keiser, and Talcott (again) spoke in favor of adoption of the amendment.

Representative Conway spoke against adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Talcott, Schual-Berke, Schindler, Schindler, Quall, Armstrong, Miloscia, Clements and Santos spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5625 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5625 as amended by the House and the bill passed the House by the following vote: Yeas - 89, Nays - 2, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard and Speaker Chopp - 89.

Voting nay: Representatives Conway, and Cooper - 2.

Excused: Representatives Crouse, DeBolt, Edwards, Eickmeyer, Kenney, Lambert, and Poulsen - 7.

Engrossed Second Substitute Senate Bill No. 5625 as amended by the House, having received the necessary constitutional majority, was declared passed.

### SIGNED BY THE SPEAKERS

The Speakers signed:

SENATE BILL NO. 5333,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5413,  
SUBSTITUTE SENATE BILL NO. 5438,  
SUBSTITUTE SENATE BILL NO. 5474,  
SUBSTITUTE SENATE BILL NO. 5637,

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ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5695,  
SUBSTITUTE SENATE BILL NO. 5896,

There being no objection, the Rules Committee was relieved of further consideration on Substitute Senate Bill No. 5533, and the bill was placed on the Second Reading calendar.

Speaker Ballard assumed the chair.

**SUBSTITUTE SENATE BILL NO. 5533 by Senate Committee on Education**

**Posting and notification of pesticide applications at schools.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Ecology was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2001.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives G. Chandler, Cooper, Marine, and Linville spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5533 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5533 as amended by the House and the bill passed the House by the following vote: Yeas - 88, Nays - 4, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, G. Chandler, Clements, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 88.

Voting nay: Representatives B. Chandler, Cox, Lisk, and Schoesler - 4.

Excused: Representatives Crouse, DeBolt, Edwards, Eickmeyer, Kenney, and Lambert - 6.

Substitute Senate Bill No. 5533 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE AMENDMENTS TO HOUSE BILL**

April 12, 2001

Mr. Speakers:

The Senate has passed ENGROSSED HOUSE BILL NO. 1015, with the following amendment:

On page 1, line 9, after "be" strike "present" and insert "knowingly mixed"

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed House Bill No. 1015.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 1015 as amended by the Senate.

Representative Pennington spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1015 as amended by the Senate and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Crouse, DeBolt, Edwards, Eickmeyer, Kenney, and Lambert - 6.

Engrossed House Bill No. 1015 as amended by the Senate having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., April 21, 2001, the 104<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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ONE HUNDRED FOURTH DAY

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MORNING SESSION

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House Chamber, Olympia, Saturday, April 21, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mal Monahan and Karen Smith. Prayer was offered by Representative John Ahern.

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

**MESSAGES FROM THE SENATE**

April 20, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5275,  
SUBSTITUTE SENATE BILL NO. 5319,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5606,  
SUBSTITUTE SENATE BILL NO. 5988,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 20, 2001

Mr. Speakers:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1341,  
SUBSTITUTE HOUSE BILL NO. 1498,  
HOUSE BILL NO. 1567,  
HOUSE BILL NO. 1579,  
HOUSE BILL NO. 1581,  
HOUSE BILL NO. 1750,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 20, 2001

Mr. Speakers:

The Senate passed:

ENGROSSED HOUSE BILL NO. 2247,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 2234 by Representatives Ahern, Mastin, Mulliken, Roach, Schindler, Sump, Anderson, Jarrett, Armstrong, McMorris, Benson, Morell, Cox, Mielke, Pearson, Mitchell, Alexander and Casada

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Held on First Reading.

HB 2255 by Representatives Campbell, Dickerson, Cairnes, Veloria, Conway, Carrell and Casada

AN ACT Relating to abstracts of driving records; and amending RCW 46.52.130.

Referred to Committee on Transportation.

HB 2256 by Representatives Veloria, Edmonds and Cody

AN ACT Relating to physical therapy; amending RCW 18.74.005, 18.74.010, and 18.74.012; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health Care.

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Held on First Reading.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Held on First Reading.

SB 6036 by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.

Held on First Reading.

SCR 8415 by Senators Snyder and West

Amending cutoff dates.

Held on First Reading.

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

### REPORTS OF STANDING COMMITTEES

April 18, 2001

ESB 5686 Prime Sponsor, Senator Eide: Changing academic assessments timelines. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28A.655.060 and 1999 c 373 s 501 are each amended to read as follows:

(1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, to review current school district data reporting requirements and make recommendations on what data is necessary for the purposes of accountability and meeting state information needs, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993 by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from statewide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(3) The commission, with the assistance of the advisory committees, shall:

(a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b)(i) The commission and superintendent of public instruction shall develop a statewide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student



has learned the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures. Performance standards for determining if a student has successfully completed an assessment shall be determined by the commission and the superintendent of public instruction in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not learned the essential academic learning requirements at the appropriate periods in the student's educational development.

(iii) Assessments measuring the essential academic learning requirements shall be available for voluntary use by school districts and shall be required to be administered by school districts according to the following schedule unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements.

	Assessments available for voluntary use (School years)	Assessments required to be administered (School years)
<b>Reading, Writing, Communication, Mathematics</b>		
- Elementary school	1996-97	1997-98
- Middle school	1997-98	2000-01
- High school	1998-99	2000-01
<b>Science</b>		
- <del>((Middle and))</del> High school	<del>((1999-00))</del> <u>2002-03</u>	<del>((2000-01))</del> <u>2003-04</u>
- <u>Middle school</u>	<u>2001-02</u>	<u>2002-03</u>
- Elementary school	<del>((2001-02))</del> <u>2003-04</u>	<del>((2004-05))</del> <u>2006-07</u>
<b>Social Studies</b>		
- <del>((Elementary, middle, and))</del> High school	2002-03	<del>((2005-06))</del> <u>2004-05</u>
- <u>Middle school</u>		
- <u>Elementary school</u>	<u>2003-04</u> <u>2004-05</u>	<u>2005-06</u> <u>2006-07</u>
<b>Arts</b>		
- <del>((Middle and))</del> High school	2003-04	<del>((2006-07))</del> <u>2005-06</u>
- <u>Middle school</u>		
- Elementary school	<u>2004-05</u> <del>((2003-04))</del> <u>2005-06</u>	<u>2006-07</u> 2007-08
<b>Health, Fitness</b>		
- Middle and high school	2003-04	2006-07
- Elementary school	2003-04	2007-08

The high school social studies component of the Washington assessment of student learning shall not be administered before the eleventh grade.

Prior to 2008, any student who passes the high school assessments shall receive an endorsement on his or her high school transcript.

The completed assessments and assessments still in development shall be transferred by the commission

on student learning to the superintendent of public instruction by June 30, 1999.

(iv) To the maximum extent possible, the commission and the superintendent of public instruction shall integrate knowledge and skill areas in development of the assessments.

Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(v) The commission on student learning may modify the essential academic learning requirements and the assessments, as needed, before June 30, 1999. The superintendent of public instruction may modify the essential academic learning requirements and the assessments, as needed, after June 30, 1999. The commission and superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(vi) The commission and the superintendent of public instruction shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessments shall ~~((lead to a certificate of mastery))~~ be required for graduation from a public high school. ~~((The certificate of mastery))~~ Successful completion of the high school assessments shall be obtained by most students at about the age of sixteen, and is evidence that the students ~~((has))~~ have successfully mastered the essential academic learning requirements during ~~((his or her))~~ their educational careers. ~~((The certificate of mastery))~~ Successful completion of the high school assessments shall be required for graduation from a public high school but shall not be the only requirement for graduation. The commission shall make recommendations to the state board of education regarding the relationship between the ~~((certificate of mastery))~~ high school assessment system and high school graduation requirements. Upon ~~((achieving the certificate of mastery))~~ successful completion of required high school assessments, schools shall provide students with the opportunity to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education. Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system;

(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the ~~((certificate of mastery))~~ successful completion of required high school assessments;

(h) Review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The commission on student learning shall report recommendations to the joint select committee on education restructuring by September 15, 1996, on:

(i) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and

(ii) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under this section;

(i) Recommend to the legislature, governor, state board of education, and superintendent of public instruction:

(i) A statewide accountability system to monitor and evaluate accurately and fairly at elementary, middle, and high schools the level of learning occurring in individual schools and school districts with regard to the goals included in RCW 28A.150.210 (1) through (4). The accountability system must assess each school individually against its own baseline, schools with similar characteristics, and schools statewide. The system shall include school-site, school district, and state-level accountability reports;

(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements as measured by performance on the elementary, middle school, and high school assessments;

(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements or meet the standards established for the elementary, middle school, and high school assessments; and

(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline, schools with similar characteristics, and the statewide average. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements and progress on meeting the statewide average. School staff shall determine how the awards will be spent.

The commission shall make recommendations regarding a statewide accountability system for reading in grades kindergarten through four by November 1, 1997. Recommendations for an accountability system in the other subject areas and grade levels shall be made no later than June 30, 1999;

(j) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

(k) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(8)(a) By September 30, 1997, the commission on student learning, the state board of education, and the superintendent of public instruction shall jointly present recommendations to the education committees of the house of representatives and the senate regarding the high school assessments, the certificate of mastery, and high school graduation requirements.

In preparing recommendations, the commission on student learning shall convene an ad hoc working group to address questions, including:

- (i) What type of document shall be used to identify student performance and achievement and how will the document be described?
- (ii) Should the students be required to pass the high school assessments in all skill and content areas, or only in select skill and content areas, to graduate?
- (iii) How will the criteria for establishing the standards for passing scores on the assessments be determined?
- (iv) What timeline should be used in phasing-in the assessments as a graduation requirement?
- (v) What options may be used in demonstrating how the results of the assessments will be displayed in a way that is meaningful to students, parents, institutions of higher education, and potential employers?
- (vi) Are there other or additional methods by which the assessments could be used to identify achievement such as endorsements, standards of proficiency, merit badges, or levels of achievement?
- (vii) Should the assessments and certificate of mastery be used to satisfy college or university entrance criteria for public school students? If yes, how should these methods be phased-in?
- (b) The ad hoc working group shall report its recommendations to the commission on student learning, the state board of education, and the superintendent of public instruction by June 15, 1997. The commission shall report the ad hoc working group's recommendations to the education committees of the house of representatives and senate by July 15, 1997. Final recommendations of the commission on student learning, the state board of education, and the superintendent of public instruction shall be presented to the education committees of the house of representatives and the senate by September 30, 1997.
- (9) The Washington commission on student learning shall expire on June 30, 1999.

**NEW SECTION. Sec. 2.** The superintendent of public instruction, in consultation with a representative of the governor, the chairs and ranking minority members of the legislative education committees, and other interested stakeholders shall review the statutory timelines for the arts, fitness, and health assessments based on the assessment system described in this section. By November 1, 2001, the superintendent of public instruction shall report and make recommendations to the governor and the legislative education and fiscal committees on the following:

- (1) An appropriate timeline for instituting a statewide juried performance-based high school assessment system leading to an endorsement in the arts;
- (2) An appropriate timeline for instituting a statewide performance-based high school assessment system leading to an endorsement in fitness;
- (3) An appropriate timeline for creating locally administered, classroom-based assessments that are developed at the state level for the arts and fitness in elementary and middle and junior high schools;
- (4) An appropriate timeline for creating locally administered, classroom-based assessments in health and the appropriate grades in which to assess students in that subject; and
- (5) Whether the statutory timelines in RCW 28A.655.060(3)(b) will give the superintendent, working in cooperation with educators and experts in the arts, fitness, and health, sufficient time to establish the assessment system described in this section."

Correct the title.

Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Buck; Cody; Dunshee; Fromhold; Gombosky; Kagi; Keiser; Kenney; Lambert; Linville; Mulliken; Pearson; Ruderman; Schmidt; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Benson; Boldt; Clements and Cox.

Voting yea: Representatives Sehlin, Sommers, Barlean, Doumit, Lisk, Buck, Cody, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mastin, Pearson, Ruderman, Schmidt, Schual-Berke,

and Talcott.

Voting nay: Representatives Alexander, Benson, Boldt, Clements, Cox, and Mulliken.  
Excused: Representatives Kessler, McIntire, Pflug, and Tokuda.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

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

### SENATE AMENDMENTS TO HOUSE BILL

April 20, 2001

Mr. Speakers:

The Senate receded from the amendment by Senators Costa, Long, Kline and McAuliffe to SECOND SUBSTITUTE HOUSE BILL NO. 1041. Under suspension of the rules Second Substitute House Bill No. 1041 was returned to second reading for purpose of amendments. The Senate adopted amendment 1041-S2 AAS 04/20/01 S-2719.1 and passed the bill as amended by the Senate.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that unlawful harassment directed at a child by a person under the age of eighteen is not acceptable and can have serious consequences. The legislature further finds that some interactions between minors, such as "schoolyard scuffles," though not to be condoned, may not rise to the level of unlawful harassment. It is the intent of the legislature that a protection order sought by the parent or guardian of a child as provided for in this chapter be available only when the alleged behavior of the person under the age of eighteen to be restrained rises to the level set forth in chapter 10.14 RCW.

**Sec. 2.** RCW 10.14.020 and 1999 c 27 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Unlawful harassment" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the petitioner, or, when the course of conduct (~~is contact by a person over age eighteen that~~) would cause a reasonable parent to fear for the well-being of their child.

(2) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes, in addition to any other form of communication, contact, or conduct, the sending of an electronic communication. Constitutionally protected activity is not included within the meaning of "course of conduct."

**Sec. 3.** RCW 10.14.040 and 1995 c 292 s 2 and 1995 c 127 s 2 are each reenacted and amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of unlawful harassment.

(1) A petition for relief shall allege the existence of harassment and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerks' offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Filing fees are set in RCW 36.18.020, but no filing fee may be charged for a petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) The parent or guardian of a child under age eighteen may petition for an order of protection to restrain a person (~~over~~) age eighteen years or over from contact with that child upon a showing that contact with the person to be enjoined is detrimental to the welfare of the child.

(7) The parent or guardian of a child under the age of eighteen may petition in superior court for an order of protection to restrain a person under the age of eighteen years from contact with that child only in cases where the person to be restrained has been adjudicated of an offense against the child protected by the order, or is under investigation or has been investigated for such an offense. In issuing a protection order under this subsection, the court shall consider, among the other facts of the case, the severity of the alleged offense, any continuing physical danger or emotional distress to the alleged victim, and the expense, difficulty, and educational disruption that would be caused by a transfer of the alleged offender to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of eighteen years protected by the order. In the event that the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

**Sec. 4.** RCW 10.14.120 and 1989 c 373 s 14 are each amended to read as follows:

Any willful disobedience by (~~the respondent~~) a respondent age eighteen years or over of any temporary antiharassment protection order or civil antiharassment protection order issued under this chapter subjects the respondent to criminal penalties under this chapter. Any respondent age eighteen years or over who willfully disobeys the terms of any order issued under this chapter may also, in the court's discretion, be found in contempt of court and subject to penalties under chapter 7.21 RCW. Any respondent under the age of eighteen years who willfully disobeys the terms of an order issued under this chapter may, in the court's discretion, be found in contempt of court and subject to the sanction specified in RCW 7.21.030(4).

**Sec. 5.** RCW 10.14.170 and 1987 c 280 s 17 are each amended to read as follows:

Any respondent age eighteen years or over who willfully disobeys any civil antiharassment protection order issued pursuant to this chapter shall be guilty of a gross misdemeanor.

**Sec. 6.** RCW 7.21.030 and 1998 c 296 s 36 are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if

the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e) In cases under chapters 13.32A, 13.34, and 28A.225 RCW, commitment to juvenile detention for a period of time not to exceed seven days. This sanction may be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this chapter. This remedy is specifically determined to be a remedial sanction.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days."

On page 1, line 1 of the title, after "harassment;" strike the remainder of the title and insert "amending RCW 10.14.020, 10.14.120, 10.14.170, and 7.21.030; reenacting and amending RCW 10.14.040; and creating a new section."

There being no objection, the House concurred in the Senate amendment to Second Substitute House Bill No. 1041.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1041 as amended by the Senate.

Representatives Dickerson and Ballasiotes spoke in favor of the passage of the bill.

#### **MOTIONS**

On motion of Representative Santos, Representatives Kenney, Kirby, McIntire, Poulsen, Quall and Speaker Chopp were excused. On motion of Representative Schoesler, Representatives Buck, DeBolt, Lambert, Schindler, Schmidt and Van Luven were excused.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1041 as amended by the Senate and the bill passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Voloria, Wood, Woods, Speaker Ballard - 86.

Excused: Representatives Buck, DeBolt, Kenney, Kirby, Lambert, McIntire, Poulsen, Quall, Schindler, Schmidt, Van Luven, and Speaker Chopp - 12.

Second Substitute House Bill No. 1041 as amended by the Senate having received the necessary constitutional majority, was declared passed.

JOURNAL OF THE HOUSE  
SENATE AMENDMENTS TO HOUSE BILL

April 20, 2001

Mr. Speakers:

The Senate receded from the amendment by Senator Kastama, McCaslin, Shin and Patterson to SUBSTITUTE HOUSE BILL NO. 1325. Under suspension of the rules Substitute House Bill No. 1325 was returned to second reading for purpose of amendment. The Senate adopted amendment 1325-S AAS 04/20/01 S-2718.1 and passed the bill as amended by the Senate.

On page 2, after line 28, insert the following:

"NEW SECTION. Sec. 2. The joint committee on veterans' and military affairs shall study recommending legislation for the upcoming legislative session that requires the display of the national league of families' POW/MIA flag along with the flag of the United States and the flag of the state upon or near the principal building of the public entity on various holidays."

On page 1, line 2 of the title, after "RCW;" insert "creating a new section;"

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1325.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1325 as amended by the Senate.

Representatives Romero, McMorris and Conway spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1325 as amended by the Senate and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 88.

Excused: Representatives Buck, DeBolt, Kenney, Kirby, Lambert, McIntire, Poulsen, Schindler, Schmidt, and Van Luven - 10.

Substitute House Bill No. 1325 as amended by the Senate having received the necessary constitutional majority, was declared passed.

**SENATE AMENDMENTS TO HOUSE BILL**

April 20, 2001

Mr. Speakers:

The Senate receded from the amendment by Committee on Transportation to SUBSTITUTE HOUSE



BILL NO. 1680. Under suspension of the rules Substitute House Bill No. 1680 was returned to second reading for purpose of amendment. The Senate adopted amendment 1680-S AAS 04/20/01 S-2724.1 and passed the bill as amended by the Senate.

Beginning on page 1, line 7 of the amendment, strike everything through page 9, line 8, and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds and declares that a contracting procedure that facilitates construction of transportation facilities in a more timely manner may occasionally be necessary to ensure that construction can proceed simultaneously with the design of the facility. The legislature further finds that the design-build process and other alternative project delivery concepts achieve the goals of time savings and avoidance of costly change orders.

The legislature finds and declares that a 2001 audit, conducted by Talbot, Korvola & Warwick, examining the Washington state ferries' capital program resulted in a recommendation for improvements and changes in auto ferry procurement processes. The auditors recommended that auto ferries be procured through use of a modified request for proposals process whereby the prevailing shipbuilder and Washington state ferries engage in a design and build partnership. This process promotes ownership of the design by the shipbuilder while using the department of transportation's expertise in ferry design and operations. Alternative processes like design-build partnerships can promote innovation and create competitive incentives that increase the likelihood of finishing projects on time and within the budget.

The purpose of this act is to authorize the department's use of a modified request for proposals process for procurement of auto ferries, and to prescribe appropriate requirements and criteria to ensure that contracting procedures for this procurement process serve the public interest.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.20 RCW to read as follows:

The department of transportation shall develop a process for awarding competitively bid highway construction contracts for projects over ten million dollars that may be constructed using a design-build procedure. As used in this section and section 3 of this act, "design-build procedure" means a method of contracting under which the department of transportation contracts with another party for the party to both design and build the structures, facilities, and other items specified in the contract.

The process developed by the department must, at a minimum, include the scope of services required under the design-build procedure, contractor prequalification requirements, criteria for evaluating technical information and project costs, contractor selection criteria, and issue resolution procedures. This section expires April 30, 2008.

**NEW SECTION. Sec. 3.** A new section is added to chapter 47.20 RCW to read as follows:

The department of transportation may use the design-build procedure for public works projects over ten million dollars where:

- (1) The construction activities are highly specialized and a design-build approach is critical in developing the construction methodology; or
- (2) The projects selected provide opportunity for greater innovation and efficiencies between the designer and the builder; or
- (3) Significant savings in project delivery time would be realized.

This section expires April 30, 2008.

**NEW SECTION. Sec. 4.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The department may purchase new auto ferries through use of a modified request for proposals process whereby the prevailing shipbuilder and the department engage in a design and build partnership for the design and construction of the auto ferries. The process consists of the three phases described in subsection (2) of this section.

- (2) The definitions in this subsection apply throughout sections 5 through 10 of this act.

(a) "Phase one" means the evaluation and selection of proposers to participate in development of technical proposals in phase two.

(b) "Phase two" means the preparation of technical proposals by the selected proposers in consultation with the department.

(c) "Phase three" means the submittal and evaluation of bids, the award of the contract to the successful proposer, and the design and construction of the auto ferries.

**NEW SECTION. Sec. 5.** A new section is added to chapter 47.60 RCW to read as follows:

To commence the request for proposals process, the department shall publish a notice of its intent once a week for at least two consecutive weeks in at least one trade paper and one other paper, both of general circulation in the state. The notice must contain, but is not limited to, the following information:

(1) The number of auto ferries to be procured, the auto and passenger capacities, the delivery dates, and the estimated price range for the contract;

(2) A statement that a modified request for proposals design and build partnership will be used in the procurement process;

(3) A short summary of the requirements for prequalification of proposers including a statement that prequalification is a prerequisite to submittal of a proposal in phase one; and

(4) An address and telephone number that may be used to obtain a prequalification questionnaire and the request for proposals.

**NEW SECTION. Sec. 6.** A new section is added to chapter 47.60 RCW to read as follows:

Subject to legislative appropriation for the procurement of vessels, the department shall issue a request for proposals to interested parties that must include, at least, the following:

(1) Solicitation of a proposal to participate in a design and build partnership with the department to design and construct the auto ferries;

(2) Instructions on the prequalification process and procedures;

(3) A description of the modified request for proposals process. Under this process, the department may modify any component of the request for proposals, including the outline specifications by addendum at any time before the submittal of bids in phase three;

(4) A description of the design and build partnership process to be used for procurement of the vessels;

(5) Outline specifications that provide the requirements for the vessels including, but not limited to, items such as length, beam, displacement, speed, propulsion requirements, capacities for autos and passengers, passenger space characteristics, and crew size. The department will produce notional line drawings depicting hull geometry that will interface with Washington state ferries terminal facilities. Notional lines may be modified in phase two, subject to approval by the department;

(6) Instructions for the development of technical proposals in phase two, and information regarding confidentiality of technical proposals;

(7) The vessel delivery schedule, identification of the port on Puget Sound where delivery must take place, and the location where acceptance trials must be held;

(8) The estimated price range for the contract;

(9) The form and amount of the required bid deposit and contract security;

(10) A copy of the contract that will be signed by the successful proposer;

(11) The date by which proposals in phase one must be received by the department in order to be considered;

(12) A description of information to be submitted in the proposals in phase one concerning each proposer's qualifications, capabilities, and experience;

(13) A statement of the maximum number of proposers that may be selected in phase one for development of technical proposals in phase two;

(14) Criteria that will be used for the phase one selection of proposers to participate in the phase two development of technical proposals;

(15) A description of the process that will be used for the phase three submittal and evaluation of bids,

award of the contract, and postaward administrative activities;

(16) A requirement that the contractor comply with all applicable laws, rules, and regulations including but not limited to those pertaining to the environment, worker health and safety, and prevailing wages;

(17) A requirement that the vessels be constructed within the boundaries of the state of Washington except that equipment furnished by the state and components, products, and systems that are standard manufactured items are not subject to the in-state requirement under this subsection. For the purposes of this subsection, "constructed" means the fabrication by the joining together by welding or fastening of all steel parts from which the total vessel is constructed, including, but not limited to, all shell frames, longitudinals, bulkheads, webs, piping runs, wire ways, and ducting. "Constructed" also means the installation of all components and systems, including, but not limited to, equipment and machinery, castings, electrical, electronics, deck covering, lining, paint, and joiner work required by the contract. "Constructed" also means the interconnection of all equipment, machinery, and services, such as piping, wiring, and ducting; and

(18) A requirement that all warranty work on the vessel must be performed within the boundaries of the state of Washington, insofar as practical.

**NEW SECTION. Sec. 7.** A new section is added to chapter 47.60 RCW to read as follows:

Phase one of the request for proposals process consists of evaluation and selection of prequalified proposers to participate in subsequent development of technical proposals in phase two, as follows:

(1) The department shall issue a request for proposals to interested parties.

(2) The request for proposals must require that each proposer prequalify for the contract under chapter 468-310 WAC, except that the department may adopt rules for the financial prequalification of proposers for this specific contract only. The department shall modify the financial prequalification rules in chapter 468-310 WAC in order to maximize competition among financially capable and otherwise qualified proposers. In adopting these rules, the department shall consider factors including, without limitation: (a) Shipyard resources in Washington state; (b) the cost to design and construct multiple vessels under a single contract without options; and (c) the sequenced delivery schedule for the vessels.

(3) The department may use some, or all, of the nonfinancial prequalification factors as part of the evaluation factors in phase one to enable the department to select a limited number of best qualified proposers to participate in development of technical proposals in phase two.

(4) The department shall evaluate submitted proposals in accordance with the selection criteria established in the request for proposals. Selection criteria may include, but are not limited to, the following:

- (a) Shipyard facilities;
- (b) Organization components;
- (c) Design capability;
- (d) Build strategy;
- (e) Experience and past performance;
- (f) Ability to meet vessel delivery dates;
- (g) Projected workload; and
- (h) Expertise of project team and other key personnel.

(5) Upon concluding its evaluation of proposals, the department shall select the best qualified proposers in accordance with the request for proposals. The selected proposers must participate in development of technical proposals. Selection must be made in accordance with the selection criteria stated in the request for proposals. All proposers must be ranked in order of preference as derived from the same selection criteria.

**NEW SECTION. Sec. 8.** A new section is added to chapter 47.60 RCW to read as follows:

Phase two of the request for proposals process consists of preparation of technical proposals in consultation with the department, as follows:

(1) The development of technical proposals in compliance with the detailed instructions provided in the request for proposals, including the outline specifications, and any addenda to them. Technical proposals must include the following:

- (a) Design and specifications sufficient to fully depict the ferries' characteristics and identify installed

equipment;

(b) Drawings showing arrangements of equipment and details necessary for the proposer to develop a firm, fixed price bid;

(c) Project schedule including vessel delivery dates; and

(d) Other appropriate items.

(2) The department shall conduct periodic reviews with each of the selected proposers to consider and critique their designs, drawings, and specifications. These reviews must be held to ensure that technical proposals meet the department's requirements and are responsive to the critiques conducted by the department during the development of technical proposals.

(3) If, as a result of the periodic technical reviews or otherwise, the department determines that it is in the best interests of the department to modify any element of the request for proposals, including the outline specifications, it shall do so by written addenda to the request for proposals.

(4) Proposers must submit final technical proposals for approval that include design, drawings, and specifications at a sufficient level of detail to fully depict the ferries' characteristics and identify installed equipment, and to enable a proposer to deliver a firm, fixed price bid to the department. The department shall reject final technical proposals that modify, fail to conform to, or are not fully responsive to and in compliance with the requirements of the request for proposals, including the outline specifications, as amended by addenda.

**NEW SECTION. Sec. 9.** A new section is added to chapter 47.60 RCW to read as follows:

Phase three consists of the submittal and evaluation of bids and the award of the contract to the successful proposer for the final design and construction of the auto ferries, as follows:

(1) The department shall request bids for detailed design and construction of the vessels after completion of the review of technical proposals in phase two. The department will review detailed design drawings in phase three for conformity with the technical proposals submitted in phase two. In no case may the department's review replace the builder's responsibility to deliver a product meeting the phase two technical proposal. The department may only consider bids from selected proposers that have qualified to bid by submitting technical proposals that have been approved by the department.

(2) Each qualified proposer must submit its total bid price for all vessels, including certification that the bid is based upon its approved technical proposal and the request for proposals.

(3) Bids constitute an offer and remain open for ninety days from the date of the bid opening. A deposit in cash, certified check, cashier's check, or surety bond in an amount specified in the request for proposals must accompany each bid and no bid may be considered unless the deposit is enclosed.

(4) The department shall evaluate the submitted bids. Upon completing the bid evaluation, the department may select the responsive and responsible proposer that offers the lowest total bid price for all vessels.

(5) The department may waive informalities in the proposal and bid process, accept a bid from the lowest responsive and responsible proposer, reject any or all bids, republish, and revise or cancel the request for proposals to serve the best interests of the department.

(6) The department may:

(a) Award the contract to the proposer that has been selected as the responsive and responsible proposer that has submitted the lowest total bid price;

(b) If a contract cannot be signed with the apparent successful proposer, award the contract to the next lowest responsive and responsible proposer; or

(c) If necessary, repeat this procedure with each responsive and responsible proposer in order of rank until the list of those proposers has been exhausted.

(7) If the department awards a contract to a proposer under this section, and the proposer fails to enter into the contract and furnish satisfactory contract security as required by chapter 39.08 RCW within twenty days from the date of award, its deposit is forfeited to the state and will be deposited by the state treasurer to the credit of the Puget Sound capital construction account. Upon the execution of a ferry design and construction contract all proposal deposits will be returned.

(8) The department may provide an honorarium to reimburse each unsuccessful phase three proposer for

a portion of its technical proposal preparation costs at a preset, fixed amount to be specified in the request for proposals. If the department rejects all bids, the department may provide the honoraria to all phase three proposers that submitted bids.

**NEW SECTION. Sec. 10.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall immediately notify those proposers that are not selected to participate in development of technical proposals in phase one and those proposers who submit unsuccessful bids in phase three.

(2) The department's decision is conclusive unless an aggrieved proposer files an appeal with the superior court of Thurston county within five days after receiving notice of the department's award decision. The court shall hear any such appeal on the department's administrative record for the project. The court may affirm the decision of the department, or it may reverse or remand the administrative decision if it determines the action of the department was arbitrary and capricious."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1680.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1680 as amended by the Senate.

Representatives Fisher and Mitchell spoke in favor of the passage of the bill.

There being no objection, Representatives Crouse and Lambert were excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1680 as amended by the Senate and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 87.

Excused: Representatives Buck, Crouse, DeBolt, Kenney, Kirby, Lambert, McIntire, Poulsen, Schindler, Schmidt, and Van Luven - 11.

Substitute House Bill No. 1680 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 20, 2001

Mr. Speakers:

The Senate insists on its position in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418 and asks the House to concur.

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1418.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1418 as amended by the Senate.

Representatives Gombosky, Cairnes and Conway spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1418 as amended by the Senate and the bill passed the House by the following vote: Yeas - 68, Nays - 19, Absent - 0, Excused - 11,0.

Voting yea: Representatives Ahern, Anderson, Ballasiotes, Barlean, Benson, Berkey, Cairnes, G. Chandler, Clements, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kessler, Lantz, Linville, Lovick, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Voloria, Wood, Woods, and Speaker Chopp - 68.

Voting nay: Representatives Alexander, Armstrong, Boldt, Bush, Campbell, Carrell, Casada, B. Chandler, Cox, Esser, Jarrett, Lisk, Marine, Mastin, Morell, Pearson, Roach, Schoesler, and Speaker Ballard - 19.

Excused: Representatives Buck, Crouse, DeBolt, Kenney, Kirby, Lambert, McIntire, Poulsen, Schindler, Schmidt, and Van Luven - 11.

Engrossed Substitute House Bill No. 1418 as amended by the Senate having received the necessary constitutional majority, was declared passed.

There being no objection, the Committee on Criminal Justice and Corrections was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, and the bill was placed on the Second Reading calendar.

### **SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6143 by Senate Committee on Human Services & Corrections**

**Requiring publication of level III sex and kidnapping offender notifications.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes, O'Brien and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6143.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6143 and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 87.

Excused: Representatives Buck, Crouse, DeBolt, Kenney, Kirby, Lambert, McIntire, Poulsen, Schindler, Schmidt, and Van Luven - 11.

Engrossed Substitute Senate Bill No. 6143, having received the necessary constitutional majority, was declared passed.

**SENATE AMENDMENTS TO HOUSE BILL**

April 20, 2001

Mr. Speakers:

The Senate receded from the amendment by Senators Fairley and Zarelli to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625. Under suspension of the rules Engrossed Substitute House Bill No. 1625 was returned to second reading for purpose of amendments. The Senate adopted amendment 1625-S.E AAS 04/20/01 S-2695.2, and passed the bill as amended by the Senate.

Strike everything after the enacting clause and insert the following:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Development Loan Fund (88-2-006) (00-2-004)

Reappropriation:

State Building Construction Account--State .....	\$	558,716	
Washington State Development Loan Account--( <del>State</del> ) <u>Federal</u> .....	\$	2,439,932	
		-----	
.....Subtotal Reappropriation		\$	2,99

Appropriation:

Washington State Development Loan Account--( <del>State</del> ) <u>Federal</u> .....	\$	3,500,000	
Prior Biennia (Expenditures) .....	\$	805,237	
Future Biennia (Projected Costs).....	\$	18,000,000	
		-----	
..... TOTAL	\$		25,3

Sec. 2. 1999 c 379 s 758 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works: Program (00-1-130)

The appropriation in this section are subject to the following conditions and limitations:

(1) \$350,000 is provided for technical engineering analysis and financial planning regarding the conversion to digital transmission for Washington public broadcast stations. The financial plan shall assess state, federal, nonprofit foundations, viewer donations, and other sources of revenue to implement the conversion from analog to digital transmission. The provision of these study funds do not imply a further commitment of funding by the state of Washington.

(2) Funding is provided (~~from the state building construction account~~) as capital project matching funds to the following colleges: Wenatchee Valley, \$250,000; Clark, \$250,000; Lake Washington, \$300,000; Bellevue, \$500,000; Walla Walla, \$500,000; Grays Harbor, \$400,000. State funds shall be matched by an equal or greater amount of nonstate moneys.

(3) Following the allocation of funds for the projects in subsections (1) and (2) of this section, the appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State .....	\$	15,050,000	
Community and Technical Colleges Capital Projects Account--State .....	\$	1,800,000	
		-----	
..... Subtotal Appropriation	\$		16,8
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
		-----	
..... TOTAL	\$		16,8

**Sec. 3.** 2000 2nd sp.s. c 1 s 1008 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Legislative Building Renovation

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) (~~(\$2,000,000)~~) \$4,500,000 of the appropriation in this section is provided for design of the interior rehabilitation and exterior preservation (~~(of)~~) and earthquake-related costs associated with the state legislative building (~~(consistent with the recommendations of the commission on legislative building preservation and renovation)~~). Funds in this subsection are also provided for planning (~~(and development of)~~), developing, and securing relocation space for current and future construction projects related to the capitol historic district (~~(as well as access)~~) and site improvements (~~(to the south portico area)~~).

(3) The department, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;

(b) The goal shall be to reoccupy the building in time for the 2004 legislative session;

(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pritchard building, the Cherberg building, and the Newhouse building;

(d) The department shall temporarily move the state library to the Sunset Life building by June 30, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;



(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

(i) The office of the insurance commissioner shall be temporarily moved to leased space in Thurston county;

(ii) The office of the governor shall be moved to the Insurance building;

(iii) The office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus; and

(iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;

(f) The state legislative building shall be completely vacated by September 15, 2001, to make it available for renovation by the contractor; and

(g) State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(4) \$1,000,000 of the appropriation in this section is provided for associated studies including:

(a) A private financing feasibility study;

(b) An investigation of exterior sandstone attachment; and

(c) A space use programming study to include:

(i) A prioritization of uses within the legislative building based on functional affiliation with the legislative process and the ceremonial functions of state-wide office holders that takes into consideration emerging telecommunication capabilities;

(ii) An analysis of space efficiency and space use related to legislative and state-wide ceremonial functions in the following buildings: Cherberg, O'Brien, Pritchard, Newhouse, the governor's mansion, and insurance;

(iii) A review of alternative uses and expansion capabilities for buildings on the capitol campus; and

(iv) By November 30, 2000, the department shall submit a report to the appropriate committees of the legislature on the recommendations of the space use programming study. These recommendations shall be the basis for the planning and development of relocation space for the capitol historic district (~~as specified in subsection (2) of this section~~).

~~((4))~~ (5) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall:

(a) Develop criteria and guidelines for the space programming study; and

(b) Periodically advise the department regarding the renovation under subsection (3) of this section, the receipt and use of private funds, and other issues that may arise.

~~((5))~~ (6) From the appropriation in this section, up to \$10,000 or an amount based on an appraised value may be expended to acquire a photo and document collection of historic significance that depicts legislative activities and facilities.

(7) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and September 15, 2001, and shall consult with the legislature and governor on major decisions.

Appropriation:

Capitol Building Construction Account .....	\$	3,000,000	
<u>Thurston County Facilities Account.....</u>	<u>\$</u>	<u>2,500,000</u>	
		<u>-----</u>	
.....		<u>Subtotal Appropriation</u>	<u>\$</u> 5,500,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	102,500,000	
		<u>-----</u>	

.....	TOTAL	\$	(10
		<u>108,000,000</u>	

**Sec. 4.** 2000 2nd sp.s. c 1 s 1013 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center: Phase I (00-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) The appropriation in this section is provided for design, sitework, and construction costs associated with building the first ((48-bed)) housing unit for the special commitment center located at McNeil Island. The department of social and health services shall notify the office of financial management and the legislative fiscal committees if there are changes to the scheduled March 2002 occupancy date.

(3) Within the funds provided in this section, the department of social and health services shall evaluate options and site locations for less restrictive alternative placements. The department of social and health services shall provide a report to the office of financial management and the legislative fiscal committees detailing the results of this evaluation, including statutory changes necessary to implement preferred options by November 15, 2000.

Appropriation:

State Building Construction Account--State .....	\$	14,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	50,000,000	
		-----	
.....	TOTAL	\$	64,0

NEW SECTION. **Sec. 5.** A new section is added to 1999 c 379 (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma Land Acquisition (01-2-029)

Appropriation:

Education Construction Account--State .....	\$	2,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	4,000,000	
		-----	
.....	TOTAL	\$	6,50

**Sec. 6.** 1999 c 379 s 937 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	310,000
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Appropriation:

State Building Construction Account--State .....	\$	5,900,000
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<u>Education Construction Account--State</u> .....	\$	<u>1,315,000</u>	
.....		-----	
.....		<u>Subtotal Appropriation</u>	\$
			<u>7,21</u>
Prior Biennia (Expenditures).....	\$	79,717	
Future Biennia (Projected Costs).....	\$	0	
.....		-----	
.....		<u>TOTAL</u>	\$
			<u>7,604,717</u>

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1999 c 379 ss 112, 758, and 937 (uncodified); amending 2000 2nd sp.s. c 1 ss 1008 and 1013 (uncodified); adding a new section to 1999 c 379 (uncodified); making appropriations; authorizing expenditures for capital improvements; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1625.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1625 as amended by the Senate.

Representatives Esser, Murray, Alexander and Keiser spoke in favor of the passage of the bill.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1625 as amended by the Senate and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 87.

Excused: Representatives Buck, Crouse, DeBolt, Kenney, Kirby, Lambert, McIntire, Poulsen, Schindler, Schmidt, and Van Luven - 11.

Engrossed Substitute House Bill No. 1625 as amended by the Senate having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 21, 2001

Mr. Speakers:

The President has signed:

HOUSE BILL NO. 1062,  
SUBSTITUTE HOUSE BILL NO. 1094,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286,  
SUBSTITUTE HOUSE BILL NO. 1450,  
SUBSTITUTE HOUSE BILL NO. 1650,  
HOUSE BILL NO. 2126,

and the same is herewith transmitted.

Tony M. Cook, Secretary

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

**MOTION**

On motion of Representative Kessler, the House adjourned until 10:00 a.m., April 22, 2001, the 105<sup>th</sup> Legislative Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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MORNING SESSION

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House Chamber, Olympia, Sunday, April 22, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mal Monahan and Karen Smith. Prayer was offered by Representative Lynn Kessler.

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

**SPEAKER'S PRIVILEGE**

Speaker Ballard thanked the page supervisors, Mal Monahan and Karen Smith, for their hard work and assistance during this unusual year and asked the Chamber to acknowledge them.

**SIGNED BY THE SPEAKERS**

The Speakers signed:

ENGROSSED HOUSE BILL NO. 1015,  
HOUSE BILL NO. 1227,  
SECOND SUBSTITUTE HOUSE BILL NO. 1249,  
SUBSTITUTE HOUSE BILL NO. 1314,  
SUBSTITUTE HOUSE BILL NO. 1391,  
HOUSE BILL NO. 1394,  
HOUSE BILL NO. 1898,  
SUBSTITUTE HOUSE BILL NO. 1950,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2172,  
ENGROSSED HOUSE BILL NO. 2247,

**MESSAGES FROM THE SENATE**

April 21, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5187,  
SUBSTITUTE SENATE BILL NO. 5533,

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 22, 2001

Mr. Speakers:

The President has signed:

ENGROSSED HOUSE BILL NO. 1015,  
 HOUSE BILL NO. 1227,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1249,  
 SUBSTITUTE HOUSE BILL NO. 1314,  
 SUBSTITUTE HOUSE BILL NO. 1391,  
 HOUSE BILL NO. 1394,  
 HOUSE BILL NO. 1898,  
 SUBSTITUTE HOUSE BILL NO. 1950,  
 ENGROSSED HOUSE BILL NO. 2247,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### SIGNED BY THE SPEAKERS

The Speakers signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1041,  
 SUBSTITUTE HOUSE BILL NO. 1120,  
 SUBSTITUTE HOUSE BILL NO. 1325,  
 ENGROSSED HOUSE BILL NO. 1350,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625,  
 SUBSTITUTE HOUSE BILL NO. 1680,  
 SUBSTITUTE HOUSE BILL NO. 2046,  
 SUBSTITUTE HOUSE BILL NO. 2104,

### SENATE AMENDMENTS TO HOUSE BILL

April 21, 2001

Mr. Speakers:

The Senate has passed ENGROSSED HOUSE BILL NO. 1350, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to assure that appeals of department of ecology decisions regarding changes or transfers of water rights that are the subject of an ongoing general adjudication of water rights are governed by an appeals process that is efficient and eliminates unnecessary duplication, while fully preserving the rights of all affected parties. The legislature intends to address only the judicial review process for certain decisions of the pollution control hearings board when a general adjudication is being actively litigated. The legislature intends to fully preserve the role of the pollution control hearings board, except as specifically provided in this act.

**Sec. 2.** RCW 43.21B.110 and 1998 c 262 s 18, 1998 c 156 s 8, and 1998 c 36 s 22 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332,

70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Proceedings conducted by the department ((relating to general adjudications of water rights pursuant to chapter 90.03 or 90.44 RCW)), or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

**Sec. 3.** RCW 34.05.514 and 1995 c 347 s 113 and 1995 c 292 s 9 are each reenacted and amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, proceedings for review under this chapter shall be instituted by paying the fee required under RCW 36.18.020 and filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

(3) For proceedings conducted by the pollution control hearings board pursuant to chapter 43.21B RCW or as otherwise provided in RCW 90.03.210(2) involving decisions of the department of ecology on applications for changes or transfers of water rights that are the subject of a general adjudication of water rights that is being litigated actively under chapter 90.03 or 90.44 RCW, the petition must be filed with the superior court conducting the adjudication, to be consolidated by the court with the general adjudication. A party to the adjudication shall be a party to the appeal under this chapter only if the party files or is served with a petition for review to the extent required by this chapter.

**Sec. 4.** RCW 43.21B.310 and 1992 c 73 s 3 are each amended to read as follows:

(1) Except as provided in RCW 90.03.210(2), any order issued by the department, the administrator of the office of marine safety, or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190,

86.16.020, 88.46.070, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after receipt of the order. Except as provided under chapter 70.105D RCW and RCW 90.03.210(2), this is the exclusive means of appeal of such an order.

(2) The department, the administrator, or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(3) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof.

(4) Any appeal must contain the following in accordance with the rules of the hearings board:

(a) The appellant's name and address;

(b) The date and docket number of the order, permit, or license appealed;

(c) A description of the substance of the order, permit, or license that is the subject of the appeal;

(d) A clear, separate, and concise statement of every error alleged to have been committed;

(e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

(f) A statement setting forth the relief sought.

(5) Upon failure to comply with any final order of the department or the administrator, the attorney general, on request of the department or the administrator, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

(6) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt.

**Sec. 5.** RCW 90.03.210 and 1988 c 202 s 92 are each amended to read as follows:

(1) During the pendency of such adjudication proceedings prior to judgment or upon review by an appellate court, the stream or other water involved shall be regulated or partially regulated according to the schedule of rights specified in the department's report upon an order of the court authorizing such regulation: PROVIDED, Any interested party may file a bond and obtain an order staying the regulation of said stream as to him, in which case the court shall make such order regarding the regulation of the stream or other water as he may deem just. The bond shall be filed within five days following the service of notice of appeal in an amount to be fixed by the court and with sureties satisfactory to the court, conditioned to perform the judgment of the court.

(2) Any appeal of a decision of the department on an application to change or transfer a water right subject to a general adjudication that is being litigated actively and was commenced before October 13, 1977, shall be conducted as follows:

(a) The appeal shall be filed with the court conducting the adjudication and served under RCW 34.05.542(3). The content of the notice of appeal shall conform to RCW 34.05.546. Standing to appeal shall be based on the requirements of RCW 34.05.530 and is not limited to parties to the adjudication.

(b) If the appeal includes a challenge to the portion of the department's decision that pertains to tentative determinations of the validity and extent of the water right, review of those tentative determinations shall be conducted by the court consistent with the provisions of RCW 34.05.510 through 34.05.598, except that the review shall be de novo.

(c) If the appeal includes a challenge to any portion of the department's decision other than the tentative determinations of the validity and extent of the right, the court must certify to the pollution control hearings board for review and decision those portions of the department's decision. Review by the pollution control hearings board shall be conducted consistent with chapter 43.21B RCW and the board's implementing regulations, except that the requirements for filing, service, and content of the notice of appeal shall be governed by (a) of this subsection.



(d) Appeals shall be scheduled to afford all parties full opportunity to participate before the superior court and the pollution control hearings board.

(e) Any person wishing to appeal the decision of the board made under (c) of this subsection shall seek review of the decision in accordance with chapter 34.05 RCW, except that the petition for review must be filed with the superior court conducting the adjudication.

(3) Nothing in this section shall be construed to affect or modify any treaty or other federal rights of an Indian tribe, or the rights of any federal agency or other person or entity arising under federal law. Nothing in this section is intended or shall be construed as affecting or modifying any existing right of a federally recognized Indian tribe to protect from impairment its federally reserved water rights in federal court.

**NEW SECTION. Sec. 6.** Nothing in this act shall be construed to affect or modify any treaty or other federal rights of an Indian tribe, or the rights of any federal agency or other person or entity arising under federal law. Nothing in this act is intended or shall be construed as affecting or modifying any existing right of a federally recognized Indian tribe to protect from impairment its federally reserved water rights in federal court.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "adjudication;" strike the remainder of the title and insert "amending RCW 43.21B.310 and 90.03.210; reenacting and amending RCW 43.21B.110 and 34.05.514; creating new sections; and declaring an emergency."

There being no objection, the House concurred in the Senate amendment to Engrossed House Bill No. 1350.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 1350 as amended by the Senate.

Representative G. Chandler spoke in favor of the passage of the bill.

### **MOTIONS**

On motion of Representative Schoesler, Representatives Ballasiotes, Boldt, Campbell, Crouse, DeBolt, Lambert, Mielke, Mulliken, Schindler and Schmidt were excused. On motion of Representative Santos, Representatives Kenney, Kirby, McIntire, Murray and Poulsen were excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1350 as amended by the Senate and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 0, Excused - 15.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Miloscia, Mitchell, Morell, Morris, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 83.

Excused: Representatives Mielke, Mulliken, Murray, Poulsen, Schindler, Schmidt, Ballasiotes, Boldt, Campbell, Crouse, DeBolt, Kenney, Kirby, Lambert, and McIntire - 15.

Engrossed House Bill No. 1350 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 20, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2104, with the following amendment:

On page 3, after line 25, insert the following:

"In addition to the procedures under this subsection, property owners with multiple parcels in a single county who qualify for a refund under this section may apply to the department on an application listing all the parcels owned in order to have the assessment computed on all parcels but billed to a single parcel. Property owners with the following number of parcels may apply to the department in the year indicated:

<u>Year</u>	<u>Number of Parcels</u>
<u>2002</u>	<u>10 or more parcels</u>
<u>2003</u>	<u>8 or more parcels</u>
<u>2004</u>	<u>6 or more parcels</u>
<u>2005</u>	<u>4 or more parcels</u>
<u>2006 and thereafter</u>	<u>2 or more parcels</u>

The department must compute the correct assessment and allocate one parcel in the county to use to collect the assessment. The county must then bill the forest fire protection assessment on that one allocated identified parcel. The landowner is responsible for notifying the department of any changes in parcel ownership."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2104.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 2104 as amended by the Senate.

Representatives Rockefeller and Sump spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2104 as amended by the Senate and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 0, Excused - 15.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Miloscia, Mitchell, Morell, Morris, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods,

Speaker Ballard, and Speaker Chopp - 83.

Excused: Representatives Ballasiotes, Boldt, Campbell, Crouse, DeBolt, Kenney, Kirby, Lambert, McIntire, Mielke, Mulliken, Murray, Poulsen, Schindler and Schmidt - 15.

Substitute House Bill No. 2104 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 5, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2046, with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The purpose of this chapter is to recognize and validate certain trusts that are established for the benefit of animals. Under the common law such trusts were unenforceable at law. The legislature intends that such trusts be recognized as valid, and that such trusts be enforceable in accordance with their terms.

NEW SECTION. **Sec. 2.** As used in this chapter, "animal" means a nonhuman animal with vertebrae.

NEW SECTION. **Sec. 3.** A trust for the care of one or more animals is valid. The animals that are to be benefited by the trust may be individually identified, or may be identified in such other manner that they can be readily identified. Unless otherwise provided in the trust instrument or in this chapter, the trust will terminate when no animal that is designated as a beneficiary of the trust remains living.

NEW SECTION. **Sec. 4.** Except as expressly provided otherwise in the trust instrument or in section 8 of this act, and except as may be necessary to pay the trustee reasonable compensation and to reimburse the trustee for reasonable costs incurred on behalf of the trust, no portion of the principal or income of the trust may be converted to the use of the trustee or to any use other than for the trust's purpose or for the benefit of the designated animal or animals.

NEW SECTION. **Sec. 5.** Upon termination of the trust, the trustee shall transfer the unexpended trust property in the following order:

- (1) As directed in the instrument;
- (2) If the trust was created in a nonresiduary clause in the trustor's will or in a codicil to the trustor's will and the will or codicil does not direct otherwise, under the residuary clause in the trustor's will, which shall be read as though the testator died on the date the trust terminated; and
- (3) If no taker is produced by the application of subsection (1) or (2) of this section, to the trustor's heirs under RCW 11.04.015, as it exists at the time of the trust's termination.

NEW SECTION. **Sec. 6.** The intended use of the principal or income can be enforced by a person designated for that purpose in the trust instrument by the person having custody of an animal that is a beneficiary of the trust, or by a person appointed by a court upon application to it by any person. A person with an interest in the welfare of the animal may petition for an order appointing or removing a person designated or appointed to enforce the trust.

NEW SECTION. **Sec. 7.** Except as ordered by the court or required by the trust instrument, no filing, report, registration, or periodic accounting shall be required of the trust or the trustee.

NEW SECTION. **Sec. 8.** If no trustee is designated or no designated trustee is willing or able to serve, the court shall name a trustee. The court may order the removal of an acting trustee and the transfer of the property to another trustee if it is necessary or appropriate in order to assure that the intended use is carried out. A court may also make such other orders and determinations as shall be advisable to carry out the intent of the trustor and the purpose of this chapter.

NEW SECTION. **Sec. 9.** In construing the language of a trust for an animal, the governing instrument shall be liberally construed to provide the protections of this chapter. It is presumed that language contained in a trust for an animal is not merely precatory or honorary in nature unless it can be shown by clear and cogent evidence that such was the trustor's intent. Extrinsic evidence is admissible in determining the trustor's intent.

NEW SECTION. **Sec. 10.** RCW 11.98.130 through 11.98.160 apply to trusts that are subject to this chapter. If applicable, any reference in those statutes to a "life or lives in being or conceived at the effective date of the instrument" shall be construed to refer to any animal that is a beneficiary of the trust and that is in being or conceived at the effective date of the instrument.

NEW SECTION. **Sec. 11.** RCW 11.98.130 through 11.98.160 apply to trusts that are subject to this chapter.

NEW SECTION. **Sec. 12.** Except as otherwise provided in the trust instrument or in this chapter, all powers and duties conferred on a trustee under Washington law also apply to the trustee of a trust for animals.

NEW SECTION. **Sec. 13.** This chapter applies to trusts that are created on or after the effective date of this act and to trusts that are in existence on the effective date of this act, but that are revocable by the trustor on the effective date of this act. If a trustor is incompetent to exercise a power of revocation on the effective date of this act, this chapter does not apply to such trust unless the trustor later becomes competent to exercise such power of revocation, in which case this chapter applies to such trust.

NEW SECTION. **Sec. 14.** (1) Sections 1 through 9, 12, and 13 of this act take effect October 1, 2001.

(2) Section 10 of this act takes effect October 1, 2001, if Senate Bill No. 5054, or its legislative successor bearing the same bill number, does not take effect by October 1, 2001.

(3) Section 11 of this act takes effect October 1, 2001, if Senate Bill No. 5054, or its legislative successor bearing the same bill number, takes effect by October 1, 2001.

NEW SECTION. **Sec. 15.** Sections 1 through 14 of this act constitute a new chapter in Title 11 RCW."

On page 1, line 2 of the title, after "animals;" strike the remainder of the title and insert "adding a new chapter to Title 11 RCW; providing an effective date; and providing contingent effective dates."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2046.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 2046 as amended by the Senate.

Representatives Haigh and Carrell spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2046 as amended by the

Senate and the bill passed the House by the following vote: Yeas - 80, Nays - 3, Absent - 0, Excused - 15.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Miloscia, Mitchell, Morris, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 80.

Voting nay: Representatives Casada, Jarrett, and Morell - 3.

Excused: Representatives Ballasiotes, Boldt, Campbell, Crouse, DeBolt, Kenney, Kirby, Lambert, McIntire, Mielke, Mulliken, Murray, Poulsen, Schindler and Schmidt - 15.

Substitute House Bill No. 2046 as amended by the Senate having received the necessary constitutional majority, was declared passed.

### **SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE SENATE BILL NO. 5187,  
SENATE BILL NO. 5275,  
SUBSTITUTE SENATE BILL NO. 5319,  
SUBSTITUTE SENATE BILL NO. 5533,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5606,  
SUBSTITUTE SENATE BILL NO. 5988,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6143,

### **SENATE AMENDMENTS TO HOUSE BILL**

April 20, 2001

Mr. Speakers:

The Senate insists on its position to SUBSTITUTE HOUSE BILL NO. 1120 and asks the House to concur.

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1120.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE**

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1120 as amended by the Senate.

Representatives Rockefeller and Talcott spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1120 as amended by the

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Senate and the bill passed the House by the following vote: Yeas - 81, Nays - 2, Absent - 0, Excused - 15.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kessler, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Miloscia, Mitchell, Morell, Morris, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 81.

Voting nay: Representatives Keiser, and Schual-Berke - 2.

Excused: Representatives Ballasiotes, Boldt, Campbell, Crouse, DeBolt, Kenney, Kirby, Lambert, McIntire, Mielke, Mulliken, Murray, Poulsen, Schindler and Schmidt - 15.

Substitute House Bill No. 1120 as amended by the Senate having received the necessary constitutional majority, was declared passed.

There being no objection, the following bills on the day's Calendar were returned to the Rules Committee:

HOUSE BILL NO. 1162,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266,  
SUBSTITUTE HOUSE BILL NO. 1352,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571,  
SECOND SUBSTITUTE HOUSE BILL NO. 2025,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137,  
ENGROSSED HOUSE BILL NO. 2168,

**RESOLUTION**

HOUSE RESOLUTION NO. 2001-4654 by Representatives McMorris, Sump, Cairnes, B. Chandler, Roach, Casada, Skinner, Hunt, Ahern, Esser, Marine, Pearson, Ericksen and Conway

WHEREAS, The U.S.S. Washington, a battleship citizen of the state of Washington, was officially launched on June 1, 1940, and was formally commissioned on May 15, 1941, with Captain Howard H.J. Benson in command; and

WHEREAS, The U.S.S. Washington, while serving for four months in early 1942 with the British Home Fleet at Flagship Task Force 39, escorted convoys to Murmansk and Archangel, Russia; and

WHEREAS, The U.S.S. Washington served in numerous bombardments, battles, and air strikes, including the Bombardment of Nauru, the Battles for Leyte Gulf, and the Air Strikes on Kyushu; and

WHEREAS, The U.S.S. Washington served a total of thirty-eight months in combat zones, damaged three enemy cruisers and a destroyer, sank a battleship, a destroyer, and an oil tanker, and shot down twelve enemy planes, bombarded ten enemy islands, and repelled fifty-three air attacks; and

WHEREAS, The U.S.S. Washington won a classic ship-to-ship duel with the Japanese Battleship Kirishima and sunk Destroyer Ayanami on November 14-15, 1942, becoming the first U.S. battleship to fight an enemy destroyer and the only one to ever singly destroy one; and

WHEREAS, The U.S.S. Washington, while being the only U.S. battleship in the Pacific, patrolled enemy waters for five weeks alone, set a record steaming 31,494 miles in seventy-nine straight days, steamed 289,609 miles in World War II alone, fueled destroyers fifty-nine times, was fueled sixteen times itself, and sank more combat tonnage than any other U.S. battleship in World War II; and

WHEREAS, The U.S.S. Washington fired 3,535 rounds of sixteen-inch shells, 28,062 rounds of five-inch projectiles and over 350,000 rounds of twenty-millimeter machine gun bullets, as well as earning fifteen Battle

Stars and was never hit or lost a man to the enemy; and

WHEREAS, The U.S.S. Washington finally arrived at the Puget Sound Navy Yard on June 23, 1945, and on June 1, 1960, the U.S.S. Washington was struck from the Navy list; and

WHEREAS, Delmar L. Faulks, a resident of Oroville, Washington, is one of the few surviving members of the brave crew who served onboard the U.S.S. Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor the exemplary and patriotic service Delmar L. Faulks and the other officers and crewmen of the U.S.S. Washington gave their country, and the critical part they played in ensuring an Allied victory in World War II; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to Delmar L. Faulks on behalf of the officers and crewmen of the U.S.S. Washington.

House Resolution No. 4654 was adopted.

### INTRODUCTIONS AND FIRST READING

HB 2234 by Representatives Ahern, Mastin, Mulliken, Roach, Schindler, Sump, Anderson, Jarrett, Armstrong, McMorris, Benson, Morell, Cox, Mielke, Pearson, Mitchell, Alexander and Casada

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Passed to Rules Committee.

HB 2257 by Representatives Clements, G. Chandler and Lisk

AN ACT Relating to drought conditions; and amending RCW 43.83B.410.

Referred to Committee on Agriculture & Ecology.

ESSB 5378 by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Jacobsen, Swecker and Spanel; by request of Governor Locke)

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Passed to Rules Committee.

ESB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Passed to Rules Committee.

SB 6036 by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.

Passed to Rules Committee.

SCR 8415 by Senators Snyder and West

Amending cutoff dates.

Passed to Rules Committee.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated. Those with no referral were referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

April 18, 2001

HB 2232 Prime Sponsor, Representative Sehlin: Defining earnable compensation for the teachers' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Mastin; Mulliken; Pearson; Ruderman; Schmidt; Schual-Berke and Talcott.

Voting yea: Representatives Alexander, Barlean, Benson, Boldt, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, Mulliken, Pearson, Ruderman, Schmidt, Schual-Berke, Sehlin, Sommers and Talcott.

Excused: Representatives Buck, Kessler, McIntire, Pflug, and Tokuda.

Passed to Rules Committee for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committees so designated.

### MESSAGE FROM THE SENATE

April 22, 2001

Mr. Speakers:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8416,  
SENATE CONCURRENT RESOLUTION NO. 8417,

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, Senate Concurrent Resolution No. 8416 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.



**SECOND READING**

**SENATE CONCURRENT RESOLUTION NO. 8416, By Senators Snyder and West**

**Returning bills to the house of origin.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Speaker Ballard stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8416.

Senate Concurrent Resolution No. 8416 was adopted.

There being no objection, Senate Concurrent Resolution No. 8417 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

**SENATE CONCURRENT RESOLUTION NO. 8417, by Senators Snyder and West**

**Adjourning SINE DIE.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Speaker Ballard stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8417.

Senate Concurrent Resolution No. 8417 was adopted.

**MESSAGE FROM THE SENATE**

April 22, 2001

Mr. Speakers:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8416,  
SENATE CONCURRENT RESOLUTION NO. 8417,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SENATE CONCURRENT RESOLUTION NO. 8416,  
SENATE CONCURRENT RESOLUTION NO. 8417,

Under the provisions of Senate Concurrent Resolution No. 8416, the House returned the following Senate bills to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,  
SUBSTITUTE SENATE BILL NO. 5028,  
SENATE BILL NO. 5035,  
SUBSTITUTE SENATE BILL NO. 5049,  
SENATE BILL NO. 5064,  
SENATE BILL NO. 5065,  
SUBSTITUTE SENATE BILL NO. 5068,  
SUBSTITUTE SENATE BILL NO. 5070,  
SUBSTITUTE SENATE BILL NO. 5078,  
SENATE BILL NO. 5082,  
SUBSTITUTE SENATE BILL NO. 5085,  
ENGROSSED SENATE BILL NO. 5058,  
SENATE BILL NO. 5091,  
SENATE BILL NO. 5093,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094,  
SUBSTITUTE SENATE BILL NO. 5097,  
SUBSTITUTE SENATE BILL NO. 5099,  
SUBSTITUTE SENATE BILL NO. 5100,  
SENATE BILL NO. 5102,  
SUBSTITUTE SENATE BILL NO. 5104,  
SUBSTITUTE SENATE BILL NO. 5107,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5112,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5113,  
SUBSTITUTE SENATE BILL NO. 5115,  
SUBSTITUTE SENATE BILL NO. 5126,  
SENATE BILL NO. 5130,  
SENATE BILL NO. 5138,  
SENATE BILL NO. 5141,  
SENATE BILL NO. 5144,  
SENATE BILL NO. 5147,  
SENATE BILL NO. 5151,  
ENGROSSED SENATE BILL NO. 5156,  
SENATE BILL NO. 5159,  
SUBSTITUTE SENATE BILL NO. 5166,  
SECOND SUBSTITUTE SENATE BILL NO. 5170,  
SUBSTITUTE SENATE BILL NO. 5176,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5179,  
SENATE BILL NO. 5186,  
SENATE BILL NO. 5188,  
SENATE BILL NO. 5189,  
SUBSTITUTE SENATE BILL NO. 5190,  
SUBSTITUTE SENATE BILL NO. 5207,  
SUBSTITUTE SENATE BILL NO. 5211,  
SENATE BILL NO. 5220,  
SUBSTITUTE SENATE BILL NO. 5235,  
SUBSTITUTE SENATE BILL NO. 5236,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,  
SUBSTITUTE SENATE BILL NO. 5240,

SENATE BILL NO. 5246,  
SENATE BILL NO. 5253,  
SENATE BILL NO. 5260,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5264,  
SUBSTITUTE SENATE BILL NO. 5266,  
SENATE BILL NO. 5276,  
SUBSTITUTE SENATE BILL NO. 5282,  
SUBSTITUTE SENATE BILL NO. 5283,  
SUBSTITUTE SENATE BILL NO. 5284,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5291,  
SUBSTITUTE SENATE BILL NO. 5292,  
SENATE BILL NO. 5296,  
ENGROSSED SENATE BILL NO. 5299,  
SENATE BILL NO. 5308,  
SENATE BILL NO. 5315,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5327,  
SUBSTITUTE SENATE BILL NO. 5329,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5336,  
SUBSTITUTE SENATE BILL NO. 5344,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5345,  
SUBSTITUTE SENATE BILL NO. 5347,  
SENATE BILL NO. 5352,  
SUBSTITUTE SENATE BILL NO. 5355,  
SUBSTITUTE SENATE BILL NO. 5361,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5364,  
SUBSTITUTE SENATE BILL NO. 5369,  
SUBSTITUTE SENATE BILL NO. 5370,  
SENATE BILL NO. 5373,  
SUBSTITUTE SENATE BILL NO. 5376,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,  
SENATE BILL NO. 5390,  
ENGROSSED SENATE BILL NO. 5394,  
SUBSTITUTE SENATE BILL NO. 5395,  
SUBSTITUTE SENATE BILL NO. 5400,  
SUBSTITUTE SENATE BILL NO. 5407,  
SUBSTITUTE SENATE BILL NO. 5416,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5419,  
SENATE BILL NO. 5426,  
SENATE BILL NO. 5430,  
SUBSTITUTE SENATE BILL NO. 5433,  
SENATE BILL NO. 5437,  
SENATE BILL NO. 5439,  
SENATE BILL NO. 5451,  
SENATE BILL NO. 5454,  
SENATE BILL NO. 5457,  
SENATE BILL NO. 5459,  
SUBSTITUTE SENATE BILL NO. 5465,  
SECOND SUBSTITUTE SENATE BILL NO. 5469,  
SENATE BILL NO. 5478,  
SUBSTITUTE SENATE BILL NO. 5488,  
SENATE BILL NO. 5493,

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ENGROSSED SUBSTITUTE SENATE BILL NO. 5500,  
SUBSTITUTE SENATE BILL NO. 5510,  
SUBSTITUTE SENATE BILL NO. 5511,  
SENATE BILL NO. 5513,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,  
SENATE BILL NO. 5523,  
SENATE BILL NO. 5527,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5528,  
SUBSTITUTE SENATE BILL NO. 5537,  
SECOND SUBSTITUTE SENATE BILL NO. 5540,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5541,  
SUBSTITUTE SENATE BILL NO. 5543,  
SENATE BILL NO. 5546,  
SUBSTITUTE SENATE BILL NO. 5552,  
SUBSTITUTE SENATE BILL NO. 5557,  
ENGROSSED SENATE BILL NO. 5570,  
SUBSTITUTE SENATE BILL NO. 5571,  
SUBSTITUTE SENATE BILL NO. 5573,  
SECOND SUBSTITUTE SENATE BILL NO. 5576,  
SENATE BILL NO. 5582,  
SUBSTITUTE SENATE BILL NO. 5586,  
SENATE BILL NO. 5591,  
SENATE BILL NO. 5594,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5598,  
SUBSTITUTE SENATE BILL NO. 5601,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5610,  
SENATE BILL NO. 5624,  
SENATE BILL NO. 5627,  
SENATE BILL NO. 5629,  
SENATE BILL NO. 5633,  
SUBSTITUTE SENATE BILL NO. 5647,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5674,  
SUBSTITUTE SENATE BILL NO. 5679,  
SUBSTITUTE SENATE BILL NO. 5681,  
SENATE BILL NO. 5683,  
ENGROSSED SENATE BILL NO. 5686,  
SENATE BILL NO. 5692,  
SENATE BILL NO. 5699,  
SENATE BILL NO. 5708,  
SUBSTITUTE SENATE BILL NO. 5717,  
SUBSTITUTE SENATE BILL NO. 5720,  
SENATE BILL NO. 5735,  
SENATE BILL NO. 5739,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,  
SUBSTITUTE SENATE BILL NO. 5748,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5749,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5755,  
SUBSTITUTE SENATE BILL NO. 5759,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5760,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5764,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5765,  
SUBSTITUTE SENATE BILL NO. 5776,  
SUBSTITUTE SENATE BILL NO. 5777,  
SUBSTITUTE SENATE BILL NO. 5791,  
SUBSTITUTE SENATE BILL NO. 5792,  
SUBSTITUTE SENATE BILL NO. 5793,  
SUBSTITUTE SENATE BILL NO. 5795,  
SECOND SUBSTITUTE SENATE BILL NO. 5820,  
SENATE BILL NO. 5829,  
SENATE BILL NO. 5832,  
ENGROSSED SENATE BILL NO. 5835,  
SENATE BILL NO. 5836,  
SUBSTITUTE SENATE BILL NO. 5837,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5845,  
SENATE BILL NO. 5852,  
SENATE BILL NO. 5870,  
ENGROSSED SENATE BILL NO. 5872,  
SUBSTITUTE SENATE BILL NO. 5875,  
SENATE BILL NO. 5878,  
SUBSTITUTE SENATE BILL NO. 5880,  
ENGROSSED SENATE BILL NO. 5882,  
SENATE BILL NO. 5886,  
ENGROSSED SENATE BILL NO. 5888,  
SUBSTITUTE SENATE BILL NO. 5894,  
SUBSTITUTE SENATE BILL NO. 5902,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5904,  
SUBSTITUTE SENATE BILL NO. 5906,  
SECOND SUBSTITUTE SENATE BILL NO. 5909,  
SECOND SUBSTITUTE SENATE BILL NO. 5912,  
SUBSTITUTE SENATE BILL NO. 5914,  
SUBSTITUTE SENATE BILL NO. 5919,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5936,  
SUBSTITUTE SENATE BILL NO. 5946,  
SECOND SUBSTITUTE SENATE BILL NO. 5947,  
SENATE BILL NO. 5954,  
SUBSTITUTE SENATE BILL NO. 5965,  
SUBSTITUTE SENATE BILL NO. 5984,  
SENATE BILL NO. 5990,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5993,  
SUBSTITUTE SENATE BILL NO. 5997,  
SENATE BILL NO. 5999,  
ENGROSSED SENATE BILL NO. 6001,  
SUBSTITUTE SENATE BILL NO. 6007,  
SUBSTITUTE SENATE BILL NO. 6008,  
SUBSTITUTE SENATE BILL NO. 6012,  
SENATE BILL NO. 6025,  
SECOND SUBSTITUTE SENATE BILL NO. 6027,  
SENATE BILL NO. 6036,  
SUBSTITUTE SENATE BILL NO. 6037,  
SUBSTITUTE SENATE BILL NO. 6076,  
SENATE BILL NO. 6092,

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SUBSTITUTE SENATE BILL NO. 6098,  
 ENGROSSED SENATE BILL NO. 6126,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,  
 SUBSTITUTE SENATE BILL NO. 6166,  
 SUBSTITUTE SENATE BILL NO. 6167,  
 SECOND SUBSTITUTE SENATE BILL NO. 6177,  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8000,  
 SENATE JOINT MEMORIAL NO. 8001,  
 SENATE JOINT MEMORIAL NO. 8004,  
 SENATE JOINT MEMORIAL NO. 8007,  
 ENGROSSED SENATE JOINT MEMORIAL NO. 8012,  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015,  
 SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8206,  
 ENGROSSED SENATE JOINT RESOLUTION NO. 8209,  
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8403,  
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,  
 SENATE CONCURRENT RESOLUTION NO. 8406,  
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8410,  
 SENATE CONCURRENT RESOLUTION NO. 8415,

**MESSAGE FROM THE SENATE**

April 22, 2001

Mr. Speakers:

Under the provisions of Senate Concurrent Resolution No. 8416, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1011,  
 SUBSTITUTE HOUSE BILL NO. 1017,  
 SUBSTITUTE HOUSE BILL NO. 1024,  
 HOUSE BILL NO. 1026,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1034,  
 SUBSTITUTE HOUSE BILL NO. 1039,  
 HOUSE BILL NO. 1044,  
 ENGROSSED HOUSE BILL NO. 1046,  
 HOUSE BILL NO. 1047,  
 HOUSE BILL NO. 1052,  
 HOUSE BILL NO. 1069,  
 ENGROSSED HOUSE BILL NO. 1092,  
 HOUSE BILL NO. 1103,  
 HOUSE BILL NO. 1108,  
 SUBSTITUTE HOUSE BILL NO. 1161,  
 HOUSE BILL NO. 1179,  
 SUBSTITUTE HOUSE BILL NO. 1187,  
 SUBSTITUTE HOUSE BILL NO. 1188,  
 HOUSE BILL NO. 1196,  
 HOUSE BILL NO. 1199,  
 HOUSE BILL NO. 1219,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1240,  
 SUBSTITUTE HOUSE BILL NO. 1252,  
 SUBSTITUTE HOUSE BILL NO. 1254,

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SUBSTITUTE HOUSE BILL NO. 1260,  
HOUSE BILL NO. 1269,  
HOUSE BILL NO. 1271,  
HOUSE BILL NO. 1277,  
SUBSTITUTE HOUSE BILL NO. 1292,  
HOUSE BILL NO. 1303,  
SUBSTITUTE HOUSE BILL NO. 1337,  
SUBSTITUTE HOUSE BILL NO. 1342,  
HOUSE BILL NO. 1367,  
HOUSE BILL NO. 1368,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1370,  
SUBSTITUTE HOUSE BILL NO. 1381,  
HOUSE BILL NO. 1408,  
HOUSE BILL NO. 1438,  
SUBSTITUTE HOUSE BILL NO. 1469,  
HOUSE BILL NO. 1479,  
HOUSE BILL NO. 1489,  
SUBSTITUTE HOUSE BILL NO. 1502,  
SUBSTITUTE HOUSE BILL NO. 1517,  
SUBSTITUTE HOUSE BILL NO. 1528,  
SUBSTITUTE HOUSE BILL NO. 1560,  
HOUSE BILL NO. 1583,  
SECOND SUBSTITUTE HOUSE BILL NO. 1607,  
SUBSTITUTE HOUSE BILL NO. 1646,  
HOUSE BILL NO. 1699,  
SUBSTITUTE HOUSE BILL NO. 1717,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1728,  
SUBSTITUTE HOUSE BILL NO. 1730,  
SUBSTITUTE HOUSE BILL NO. 1759,  
HOUSE BILL NO. 1798,  
HOUSE BILL NO. 1820,  
HOUSE BILL NO. 1844,  
ENGROSSED HOUSE BILL NO. 1845,  
SUBSTITUTE HOUSE BILL NO. 1849,  
HOUSE BILL NO. 1852,  
HOUSE BILL NO. 1856,  
ENGROSSED HOUSE BILL NO. 1886,  
SUBSTITUTE HOUSE BILL NO. 1897,  
SUBSTITUTE HOUSE BILL NO. 1906,  
SUBSTITUTE HOUSE BILL NO. 1908,  
HOUSE BILL NO. 1911,  
SUBSTITUTE HOUSE BILL NO. 1913,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1953,  
SECOND SUBSTITUTE HOUSE BILL NO. 1958,  
HOUSE BILL NO. 1984,  
SUBSTITUTE HOUSE BILL NO. 1992,  
ENGROSSED HOUSE BILL NO. 2005,  
HOUSE BILL NO. 2011,  
HOUSE BILL NO. 2031,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2034,  
SUBSTITUTE HOUSE BILL NO. 2034,

HOUSE BILL NO. 2064,  
SUBSTITUTE HOUSE BILL NO. 2066,  
SUBSTITUTE HOUSE BILL NO. 2079,  
SUBSTITUTE HOUSE BILL NO. 2082,  
HOUSE BILL NO. 2096,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,  
HOUSE BILL NO. 2156,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4010,  
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4401,

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

There being no objection, the reading of the Journal of April 22, 2001 was dispensed with and it was ordered to stand approved.

There being no objection, the House adjourned SINE DIE.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



FIRST DAY, APRIL 25, 2001  
**FIRST SPECIAL LEGISLATIVE SESSION**

1991

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FIRST DAY

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House Chamber, Olympia, Wednesday, April 25, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Karen Smith and Mal Monahan. Speaker Chopp led the Chamber in the Pledge of Allegiance. Prayer was offered by Speaker Ballard.

**PROCLAMATION FROM THE GOVERNOR**

**WHEREAS**, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2001 regular session on April 22, 2001, the 105th day of the session; and

**WHEREAS**, state operating, transportation and capital budgets, including bonds, and measures necessary to implement them, were not passed; and

**WHEREAS**, substantial work remains to be done with respect to transportation, including reforms and efficiencies, regional governance, projects and investments, the Tacoma Narrows bridge, revenue, and bonds; and

**WHEREAS**, work also remains to be done to pass legislation affecting the primary election system, accountability for student achievement, school safety -- including anti-bullying policy, splitting the Department of Community, Trade and Economic Development, shorelines rule implementation, the siting of certain sexual predators at McNeil Island, post-retirement employment, medical coverage for the disabled who work and welfare simplification;

**NOW THEREFORE**, I Gary Locke, Governor of the State of Washington by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at twelve o'clock noon on Wednesday, April 25, 2001 for a period of not more than thirty days for the purpose of enacting legislation as described above.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 22nd day of April, A.D., two thousand one.

**Gary Locke**  
**Governor of Washington**

**INTRODUCTIONS AND FIRST READING**

HCR 4413 by Representatives Kessler and Mastin

Concerning the status of bills, memorials, and resolutions for the 2001 first special session of the fifty-seventh legislature.

There being no objection, House Concurrent Resolution No. 4413 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

### SECOND READING

#### **HOUSE CONCURRENT RESOLUTION NO. 4413 by Representatives Kessler and Mastin**

**Concerning the status of bills, memorials, and resolutions for the 2001 first special session of the fifty-seventh legislature.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final adoption.

Speaker Chopp stated the question before the House to be the adoption of House Concurrent Resolution No. 4413.

House Concurrent Resolution No. 4413 was adopted.

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

### MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., April 26, 2001, the 2<sup>nd</sup> Legislative Day of the First Special Legislative Session

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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SECOND DAY

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House Chamber, Olympia, Thursday, April 26, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Buck presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 2258 by Representatives Sommers and Sehlin

AN ACT Relating to funding drought and earthquake emergency relief; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

There being no objection, the House adjourned until 10:00 a.m., April 27, 2001, 3<sup>rd</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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FIRST SPECIAL LEGISLATIVE SESSION

THIRD DAY

House Chamber, Olympia, Friday, April 27, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amanda Jones and Jessica Fairchild. Prayer was offered by Representative Dave Quall.

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

**MESSAGE FROM THE SENATE**

April 26, 2001

Mr. Speakers:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4413,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**REPORTS OF STANDING COMMITTEES**

April 26, 2001

HB 1315 Prime Sponsor, Representatives Sommers: Making operating appropriations for 2001-03. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; Mulliken; Pearson; Ruderman; Schmidt; Schual-Berke and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson; Gombosky; Keiser; Lambert; McIntire; Pflug and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Doumit, Lisk, Alexander, Boldt, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Mastin, Mulliken, Pearson, Ruderman, Schmidt, Schual-Berke and Talcott.

Voting nay: Representatives Benson, Gombosky, Keiser, Lambert, McIntire, Pflug and Tokuda.

Excused: Representatives Barlean and Buck.

April 26, 2001

HB 1359 Prime Sponsor, Representatives Alexander: Making appropriations and authorizing expenditures for capital improvements. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed

by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Bush; Casada; Hankins; Hunt; Lantz; O'Brien; Ogden; Poulsen; Reardon; Schoesler; Voloria and Woods.

Voting yea: Representatives Alexander, Murray, Armstrong, Esser, McIntire, Bush, Casada, Hankins, Hunt, Lantz, O'Brien, Ogden, Poulsen, Reardon, Schoesler, Voloria and Woods.

Excused: Representative Barlean.

April 26, 2001

HB 2258 Prime Sponsor, Representatives Sommers: Funding drought and earthquake emergency relief. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Cox; Dunshee; Fromhold; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sehlin, Sommers, Doumit, Lisk, Alexander, Benson, Boldt, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Barlean and Buck.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the Second Reading calendar.

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

Speaker Chopp assumed the chair.

## SECOND READING

### **HOUSE BILL NO. 1359 by Representatives Alexander, Murray and McIntire**

#### **Making appropriations and authorizing expenditures for capital improvements.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1359 was substituted for House Bill No. 1359 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1359 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander, Murray, Cooper, Esser, Linville, and McIntire spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1359.

## MOTION

On motion of Representative Schoesler, Representatives Barlean and Ballasiotes were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1359 and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Armstrong, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard and Speaker Chopp - 89.

Voting nay: Representatives Ahern, Benson, Cairnes, Dunn, Roach, Schindler and Simpson - 7.

Excused: Representatives Ballasiotes and Barlean - 2.

Substitute House Bill No. 1359, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2258 by Representatives Sommers and Sehlin****Funding drought and earthquake emergency relief.**

The bill was read the second time.

Speaker Chopp announced that House Bill No. 2258 was co-prime sponsored by Representatives Sehlin and Sommers.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2258

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2258 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Ballasiotes and Barlean - 2.

House Bill No. 2258, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1315 by Representatives Sommers and Sehlin****Making operating appropriations for 2001-03.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1315 was substituted for House Bill No. 1315 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1315 was read the second time.

There being no objection, amendment number (215) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers, Sehlin, Mulliken, Talcott, Schual-Berke, Kagi, Clements, Cox, Bush, McIntire, Kenney and Mastin spoke in favor of passage of the bill.

Representatives Romero, Dickerson, Hunt, Tokuda, Darneille, and Edmonds spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1315.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1315 and the bill passed the House by the following vote: Yeas - 50, Nays - 46, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Boldt, Buck, Bush, Campbell, B. Chandler, G. Chandler, Clements, Cody, Cox, Delvin, Doumit, Dunshee, Edwards, Esser, Fisher, Fromhold, Grant, Hankins, Kagi, Kenney, Kessler, Linville, Lisk, McDermott, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Quall, Rockefeller, Ruderman, Santos, Schmidt, Schoesler, Sehlin, Sommers, Sump, Talcott, Van Luven, Woods, Speaker Ballard, and Speaker Chopp - 50.

Voting nay: Representatives Ahern, Anderson, Armstrong, Benson, Berkey, Cairnes, Carrell, Casada, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunn, Edmonds, Eickmeyer, Ericksen, Gombosky, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Keiser, Kirby, Lambert, Lantz, Lovick, Marine, Mastin, Miloscia, Morell, Pflug, Poulsen, Reardon, Roach, Romero, Schindler, Schual-Berke, Simpson, Skinner, Tokuda, Veloria, and Wood - 46.

Excused: Representatives Ballasiotes and Barlean - 2.

Substitute House Bill No. 1315, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Sehlin requested the Chamber acknowledge the long hours and hard work committee staff put in on the House's behalf to produce the legislation which had just passed.

**RECONSIDERATION**

There being no objection, the House reconsidered the vote by which Substitute House Bill No. 1315 passed the House.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1315.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1315 on reconsideration, and the bill passed the House by the following vote: Yeas - 54, Nays - 42, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Boldt, Buck, Bush, Campbell, B. Chandler, G. Chandler, Clements, Cody, Cox, DeBolt, Delvin, Doumit, Dunshee, Edwards, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McDermott, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Quall, Rockefeller, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Sommers, Sump, Talcott, Van Luven, Woods, Speaker Ballard and Speaker Chopp - 54.

Voting nay: Representatives Ahern, Anderson, Armstrong, Benson, Berkey, Cairnes, Carrell, Casada, Conway, Cooper, Crouse, Darneille, Dickerson, Dunn, Edmonds, Eickmeyer, Ericksen, Gombosky, Hatfield, Hunt, Hurst, Jackley, Jarrett, Keiser, Kirby, Lambert, Lantz, Lovick, Marine, Miloscia, Morell, Pflug, Poulsen, Reardon, Roach, Romero, Schindler, Simpson, Skinner, Tokuda, Veloria, and Wood - 42.

Excused: Representatives Ballasiotes and Barlean - 2.

Substitute House Bill No. 1315, on reconsideration, having received the necessary constitutional majority, was declared.

### **SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE JOINT RESOLUTION NO. 4413,

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

### **MOTION**

On motion of Representative Kessler, the House adjourned until 1:30 p.m., April 30, 2001, 6<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



SIXTH DAY, APRIL 30, 2001  
**FIRST SPECIAL LEGISLATIVE SESSION**

1999

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SIXTH DAY

---

House Chamber, Olympia, Monday, April 30, 2001

The House was called to order at 1:30 p.m. by the Speaker (Representative Pennington presiding). The Clerk called the roll and a quorum was present.

Speaker Ballard assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Erin Briggs and Jeffrey Anderson. Speaker Ballard led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Joe Marine.

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

**MESSAGES FROM THE SENATE**

April 30, 2001

Mr. Speakers:

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4413, and the same is herewith transmitted.

Tony M. Cook, Secretary

April 30, 2001

Mr. Speakers:

The Senate has passed:

SENATE BILL NO. 6181, and the same is herewith transmitted.

Tony M. Cook, Secretary

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

**MOTION**

On motion of Representative DeBolt, the House adjourned until 10:00 a.m., May 1, 2001, 7<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FIRST SPECIAL LEGISLATIVE SESSION

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SEVENTH DAY

---

House Chamber, Olympia, Tuesday, May 1, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Erin Briggs and Jeffrey Anderson. Prayer was offered by Representative Al O'Brien.

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

**MESSAGE FROM THE SENATE**

April 30, 2001

Mr. Speakers:

The Senate has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5078,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5327,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5465,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,  
SUBSTITUTE SENATE BILL NO. 5748,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5765,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

**INTRODUCTIONS AND FIRST READING**

SB 6181 by Senators B. Sheldon, Horn, Spanel, Haugen and Gardner

AN ACT Relating to allowing Washington state ferry fares to be increased in excess of the fiscal growth factor; amending RCW 347.60.326; and declaring an emergency.

There being no objection, Senate Bill No. 6181 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 1058,  
HOUSE BILL NO. 2233,

**SECOND READING**

**HOUSE BILL NO. 1058 by Representatives Ruderman, Campbell, Cody, Skinner, Linville, Barlean, Lovick, Doumit, Ballasiotes, Lambert, Cox, Gombosky, Schual-Berke, Darneille, Van Luven, Ogden, Conway, Keiser, O'Brien, Edmonds, Anderson, Edwards, McDermott, Haigh, Kenney, Kirby, Kagi, Hunt, Esser, McIntire and Jackley**

**Providing assistance to treat breast and cervical cancer.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1058 was substituted for House Bill No. 1058 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1058 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman, Darneille and Woods spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Second Substitute House Bill No. 1058.

**MOTIONS**

On motion of Representative Schoesler, Representatives Campbell, Esser, Schindler and Schmidt were excused. On motion of Representative Santos, Representatives Edwards and Reardon were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1058 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Campbell, Edwards, Esser, Reardon, Schindler and Schmidt - 6.

Second Substitute House Bill No. 1058, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

If I had been present, I would have voted YEA on Second Substitute House Bill No. 1058.

LUKE ESSER, 48<sup>th</sup> District

**HOUSE BILL NO. 2233 by Representatives Sommers and Sehlin**

**Authorizing contractual agreements with federal government for administration of state supplementation of supplemental security income.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Sehlin spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2233.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2233 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Campbell, Edwards, Esser, Reardon, Schindler and Schmidt - 6.

House Bill No. 2233, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6181 by Senators B. Sheldon, Horn, Spanel, Haugen and Gardner**

**Allowing Washington state ferry fares to be increased in excess of the fiscal growth factor.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Hankins spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Senate Bill No. 6181.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6181 and the bill passed the House by the following vote: Yeas - 73, Nays - 21, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Lambert, Linville, Lisk, Marine, Mastin,

McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, Ogden, Pennington, Pflug, Poulsen, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Speaker Ballard and Speaker Chopp - 73.

Voting nay: Representatives Barlean, Berkey, Casada, Dunshee, Eickmeyer, Haigh, Hurst, Jackley, Keiser, Lantz, Lovick, McDermott, Morell, Morris, O'Brien, Pearson, Quall, Roach, Rockefeller, Simpson, and Woods - 21.

Excused: Representatives Edwards, Reardon, Schindler and Schmidt - 4.

Senate Bill No. 6181, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Senate Bill No. 6181.

LYNN KESSLER, 24<sup>th</sup> District

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Third Reading calendar:

ENGROSSED HOUSE BILL NO. 1886,  
SUBSTITUTE HOUSE BILL NO. 1906,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,

### THIRD READING

**ENGROSSED HOUSE BILL NO. 1886 by Representatives Linville, G. Chandler, Grant, Doumit, B. Chandler and Hatfield**

**Reducing the tax on health products for animals.**

Representatives Linville and G. Chandler spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No. 1886.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1886 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Reardon, and Schmidt - 3.

Engrossed House Bill No. 1886, having received the necessary constitutional majority, was declared passed.

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**SUBSTITUTE HOUSE BILL NO. 1906 by House Committee on Finance**

**Exempting farming machinery and equipment from the state property tax.**

Representatives Linville and G. Chandler spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1906.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1906 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Reardon, and Schmidt - 3.

Substitute House Bill No. 1906, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138 by House Committee on Finance**

**Promoting rural economic development.**

Representatives G. Chandler and Linville spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2138.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2138 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Reardon, and Schmidt - 3.

Engrossed Substitute House Bill No. 2138, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of House Bill No. 1624, and the bill was placed on the Second Reading calendar.

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Third Reading calendar:

HOUSE BILL NO. 1162,  
SUBSTITUTE HOUSE BILL NO. 1517,

### SECOND READING

**HOUSE BILL NO. 1624 by Representatives Morris, Cairnes, Reardon, Conway, Dunshee, Ogden, Pennington, Van Luven, Doumit, Veloria, Dickerson, Fromhold, Anderson and Edwards**

**Clarifying the taxation of amounts received by public entities for health or welfare services.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1624 was substituted for House Bill No. 1624 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1624 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, Cairnes, Cody, Pflug and Morris (again) spoke in favor of passage of the bill.

Representative Sommers spoke against passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1624.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1624 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Voting nay: Representatives McIntire, and Sommers - 2.

Excused: Representatives Edwards, Reardon, and Schmidt - 3.

Substitute House Bill No. 1624, having received the necessary constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., May 2, 2001, 8<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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EIGHTH DAY

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House Chamber, Olympia, Wednesday, May 02, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Erin Briggs and Jeffrey Anderson. Prayer was offered by Representative Mary Skinner.

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

Speaker Ballard assumed the Chair.

**MESSAGES FROM THE SENATE**

May 1, 2001

Mr. Speakers:

The Senate has passed:

and the same is herewith transmitted.

SENATE BILL NO. 5130,

Brad Hendrickson, Deputy Secretary

May 2, 2001

Mr. Speakers:

The President has signed:

and the same is herewith transmitted.

SENATE BILL NO. 6181,

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SENATE BILL NO. 6181,

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2001-4656, by Representatives Conway, Hunt, Hatfield, Simpson, Veloria, Edmonds, Santos, Armstrong and Campbell

WHEREAS, Wednesday, April 25th, is the annual Workers' Memorial Day to honor injured workers and families of those workers who have died; and

WHEREAS, There are 90,000,000 people in 7,000,000 workplaces in the United States and more than 2,000,000 workers in Washington who work hard to support themselves and their families; and

WHEREAS, The nation's workers represent the backbone of the economy and have made the United States the most prosperous country in the world; and

WHEREAS, On an average day, 154 workers lose their lives in our country as a result of workplace injuries and illnesses, equivalent to a 737 Jet crash every day; and

WHEREAS, In 2000, Washington had 81 work-related fatalities, an average of more than one death every week, and 189,000 work-related illnesses and injuries; and

WHEREAS, The loved ones, friends, and coworkers of workers who lost their lives in the past year, Leby Perez Aguilar, Cristobal Mungia Alejandre, Virgil Almaas, Thaddeus Artz, Robert Asvitt, Frank Babcock, Troy Boyed, David Branco, Madeline Brotherton, Nicholas Calcagno, Janet Carlson, Gary Cavett, Max Chamalbide, Don Clovis, Chadd Coplin, Nathan Creek, David Cruz-Bravo, Alan Davis, Wallace Davis, Pavel Dyachuk, Alberto Enriquez, Jose Francisco Galdamez, Raul Garza, Patrick Gleason, Nelson Grant, Christopher Hagan, Paul Hardin, Marlo Harker, David Harrison, Russell Harry, Ronald Hopkins, Felix Hurley, Michael Ireland, Casey Johnson, Jack Johnson, David Keller, William Kennedy, Yong Su Kim, Royce Klingle, Charles Knudson, Joe Knight, Linda Knight, Brandi Lavalla, Linda Lindberg, Armandon Jaimez Loza, Rufus Martin, William Mauldin, Steven Mikel, Kristin Mills, David Mizer, Carlos Tyson Morales, Huong Nguyen, Brock O'Connor, Yianni Philippides, Terence Prausa, Craig Pulanco, Roy Quan, Jose Rodrigues, Carmen Garfias Ruiz, Kenneth Sanders, Catharine Secor, Allison Shanks, Roman Shidlovsky, Gurdev Singh, Valerie Sivinski, Steven Smith, David Susdorf, Marvin Tarrell, Donovan Thater, Randy Tobin, Nathan Torres, Roger Wangerud, Art Ward, Ervin Wegner, John Wells, Samuel Williams, Wayne Wilmoth, Christopher Womack, David Wright, and Andrew York, suffer untold pain and suffering, and families of those fallen workers, experience economic as well as emotional hardship;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the many millions of workers who have contributed to our country and our state, and honor those who have suffered injuries or who have died on the job; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Rick Bender of the Washington State Labor Council for distribution to affiliated and independent members, to Don Brunell of the Association of Washington Business, and Gary Moore of the Department of Labor and Industries.

House Resolution No. 4656 was adopted.

HOUSE RESOLUTION NO. 2001-4657, by Representatives Veloria, Cody and Santos

WHEREAS, The Washington state legislature recognizes the contributions of individuals who reflect standards of excellence that enhance the well-being and quality of life of the state of Washington; and

WHEREAS, Among the numerous outstanding residents in Washington state, certain individuals stand out as exemplary models for civil society; and

WHEREAS, Vivian McLean is one of those exemplary models who lives in the 11th District and is a community activist whose goals center on equality and opportunity for all; and

WHEREAS, Vivian McLean began serving her community in the 1960s as an active member in both Model Cities and Forward Thrust, working on committees on education, saving open space, and Longfellow Creek; and

WHEREAS, For nearly four decades, her work includes strong advocacy on the issues of immigrant, housing, and welfare rights, transportation fairness, community economic development, and fighting for living wages for all; and

WHEREAS, Her volunteer work spans from serving on the Seattle Parks Department Open Space Committee and planning committee for the new Cooper Elementary School to volunteering to get a shoreline trail from Alki to the Duwamish and tutoring middle school students; and

WHEREAS, Throughout her life, Vivian McLean's obvious and everpresent leadership qualities prompted her colleagues to elect her President of the Seattle Education Association Department of Paraprofessionals, Delridge Community Association, Southwest council; and

WHEREAS, On May 4, 2001, the Delridge Neighborhood Development Association will be naming a new low-income housing development "Vivian McLean Place" in recognition of her outstanding contributions to her community and throughout Washington;

EIGHTH DAY, MAY 2, 2001

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NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge Vivian McLean and recognize her outstanding work of dedicated service on behalf of the residents of the state of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to her family.

House Resolution No. 4657 was adopted.

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

There being no objection, the House adjourned until 10:00 a.m., May 3, 2001, 9<sup>th</sup> Day First Special Legislative Session,

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FIRST SPECIAL LEGISLATIVE SESSION

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NINTH DAY

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House Chamber, Olympia, Thursday, May 3, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Erin Briggs and Jeffrey Anderson. Prayer was offered by Representative Joe McDermott.

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2001-4658, by Representatives Mulliken, G. Chandler and Esser

WHEREAS, Justice Robert T. Hunter was born in Lawton, Oklahoma on September 29, 1907, and was the son of a pioneer Lawton attorney and two-term representative for the Oklahoma Territorial Legislature; and

WHEREAS, Justice Robert T. Hunter graduated from Lawton High School in 1925 and came to the State of Washington to work for his uncle, Captain Jack Vickers, in the apple orchards in Kennewick; and

WHEREAS, While attending the University of Washington, Justice Robert T. Hunter worked his way through school and became a World Champion salesman for the Pictorial Review, selling magazine subscriptions from Alaska to the Panama Canal; and

WHEREAS, Justice Robert T. Hunter commenced the practice of law as a pioneer attorney in Grand Coulee, Washington in 1935 during the early days of the construction of the Grand Coulee Dam and was engaged in the law practice for 11 years, during which time he became the first City Attorney, serving for 10 years in that position and as Justice of the Peace for 9 years; and

WHEREAS, In October 1957, Justice Robert T. Hunter was appointed by then Governor Albert D. Rosellini to the State Supreme Court where he sat on the bench for 21 years until his retirement in 1977, serving as Chief Justice from 1969-1971; and

WHEREAS, Justice Robert T. Hunter was a President of the Superior Court Judges' Association and was Secretary of the State Judicial Council for 7 years, representing judges in a most capable and productive manner; and

WHEREAS, Justice Robert T. Hunter was a proud member of the Alpha Sigma Phi Fraternity at the University of Washington where he received the distinguished Delta Beta Xi award for lifelong service to the Fraternity; and

WHEREAS, Governor Rosellini said, "Justice Hunter was a very knowledgeable and good lawyer, an excellent judge, a very gregarious, friendly type of individual who always showed a lot of kindness and goodwill to everybody"; and

WHEREAS, Upon retirement, Justice Robert T. Hunter and his wife, Maureen, moved back to Ephrata in Eastern Washington where they could be close to their many friends, as well as his love for hunting and fishing; and

WHEREAS, Justice Hunter recently passed away and is survived by his wife Maureen; three daughters, Janice, Marilyn, and Patty; son, Robert II; 10 grandchildren; and 1 great grandson;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor and recognize Justice Robert T. Hunter for his selfless devotion to the Constitution and laws of the United States of America and the State of Washington as well as the utmost respect for the dignity of all those they strive

to protect and for being a stellar role-model to the citizens of Washington State in the daily performance of his legal and civic duties; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Maureen Hunter and to the Chief Justice of the Washington State Supreme Court.

House Resolution No. 4658 was adopted.

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Third Reading calendar:

SUBSTITUTE HOUSE BILL NO. 1717,  
HOUSE BILL NO. 1984,

### **THIRD READING**

#### **SUBSTITUTE HOUSE BILL NO. 1517 by Committee on State Government**

##### **Establishing quality management programs.**

There being no objection, the rules were suspended, and Substitute House Bill No. 1517 was returned to Second Reading for purpose of amendments.

There being no objection, the House reverted to the sixth order of business.

### **SECOND READING**

#### **SUBSTITUTE HOUSE BILL NO. 1517 by Committee on State Government**

##### **Establishing quality management programs.**

Representative Schindler moved the adoption of the following amendment (226):

On page 3, after line 21, insert the following:

**"NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Schindler spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia, Benson, Quall, Alexander, Murray, Anderson and Lambert spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1517.

#### MOTIONS

On motion of Representative Santos, Representatives Cooper, Kirby, Poulsen and Reardon were excused. On motion of Representative Schoesler, Representatives Boldt, Campbell, McMorris, Mielke and Simpson were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1517 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Excused: Representatives Boldt, Campbell, Cooper, Kirby, McMorris, Mielke, Poulsen, Reardon, and Simpson - 9.

Engrossed Substitute House Bill No. 1517, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Ogden congratulated Representative Miloscia on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 1162 by Representatives McMorris, Cody, Alexander, Schual-Berke, Mastin, Cox, Mulliken, Sump, G. Chandler, Lisk, B. Chandler, Hatfield, Schoesler, Grant, Armstrong, Kessler, Doumit, DeBolt, Delvin, Dickerson, Kenney, Bush, Conway, Edmonds, Pflug and Haigh**

**Providing medical assistance reimbursements for small, rural hospitals.**

Representatives Armstrong, Cody, Kessler, Eickmeyer spoke in favor of the passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1162.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1162 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser,

Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Excused: Representatives Boldt, Campbell, Cooper, Kirby, McMorris, Mielke, Poulsen, Reardon, and Simpson - 9.

House Bill No. 1162, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1717 by Representative Criminal Justice & Corrections**

**Exempting from public inspection specified information on correctional facilities.**

Representatives Morell and O'Brien spoke in favor of the passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1717.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1717 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Excused: Representatives Boldt, Campbell, Cooper, Kirby, McMorris, Mielke, Poulsen, Reardon, and Simpson - 9.

Substitute House Bill No. 1717, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1984 by Representatives Quall, Morris, Barlean, Cooper, Ericksen, Dunshee, Linville, Hatfield, Ruderman, Poulsen, Conway, Lovick and Kagi**

**Creating the small farm direct marketing assistance program.**

Representative Quall spoke in favor of the passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1984.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1984 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

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Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, Darnelle, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Excused: Representatives Boldt, Campbell, Cooper, Kirby, McMorris, Mielke, Poulsen, Reardon, and Simpson - 9.

House Bill No. 1984, having received the necessary constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., May 4, 2001, 10<sup>th</sup> Day, First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



TENTH DAY, MAY 10, 2001  
FIRST SPECIAL LEGISLATIVE SESSION

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TENTH DAY

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House Chamber, Olympia, Thursday, May 4, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**MESSAGES FROM THE SENATE**

May 3, 2001

Mr. Speakers:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,

and the same is herewith transmitted.

Tony M. Cook, Secretary

May 3, 2001

Mr. Speakers:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5882,

and the same is herewith transmitted.

Tony M. Cook, Secretary

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

There being no objection, the House adjourned until 9:55 a.m., May 7, 2001, 13<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FIRST SPECIAL LEGISLATIVE SESSION

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THIRTEENTH DAY

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House Chamber, Olympia, Monday, May 7, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

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

There being no objection, the House adjourned until 10:00 a.m., May 8, 2001, the 14<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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FOURTEENTH DAY

---

House Chamber, Olympia, Tuesday, May 8, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rick Bowman and Moirya Dehe. The Speaker (Representative Pennington presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Doug Ericksen.

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

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

**REPORTS OF STANDING COMMITTEES**

May 3, 2001

HB 2242 Prime Sponsor, Cody: Revising provisions for medicaid nursing home rates. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Republican Co-Chair; Sommers, Democratic Co-Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander; Buck; Clements; Cody; Cox; Dunshee; Fromhold; Gombosky; Kagi; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; Mulliken; Pearson; Pflug; Ruderman; Schmidt; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Tokuda.

Voting yea: Representatives Alexander, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Gombosky, Kagi, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, Schmidt, Schual-Berke, Sehlin, Sommers and Talcott.

Voting nay: Representative Tokuda.

Excused: Representatives Barlean, Benson, Boldt, Grant, and Keiser.

There being no objection, the rules were suspended and House Bill No. 2242, was placed on the Second Reading calendar.

There being no objection, the Rules Committee was relieved of House Bill No. 2227, and the bill was placed on the Second Reading calendar.

There being no objection, the Rules Committee was relieved of Engrossed House Bill No. 1845, and the bill was placed on the Third Reading calendar.

**SECOND READING**

**HOUSE BILL NO. 2242 by Representatives Cody, Lisk, Ruderman, Alexander and Eickmeyer**

**Revising provisions for medicaid nursing home rates.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2242 was substituted for House Bill No. 2242 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2242 was read the second time.

With the consent of the House, amendment number (224) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Lisk spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2242.

**MOTION**

On motion of Representative Schoesler, Representatives Armstrong, Ballasiotes, Campbell, Dunn and McMorris were excused. On motion of Representative Gombosky, Representatives Benson, Berkey, Doumit, Edwards, Grant, Hatfield, Lovick, Poulsen, Santos and Tokuda were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2242 and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 0, Excused - 15.

Voting yea: Representatives Ahern, Alexander, Anderson, Barlean, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Haigh, Hankins, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 83.

Excused: Representatives Armstrong, Ballasiotes, Benson, Berkey, Campbell, Doumit, Dunn, Edwards, Grant, Hatfield, Lovick, McMorris, Poulsen, Santos, and Tokuda - 15.

Substitute House Bill No. 2242, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2227 by Representatives Ahern, Gombosky, Schoesler, Wood, Benson, Haigh, Schindler, Conway, Cox, Reardon, Schmidt, Talcott, Campbell and Bush****Establishing the eastern Washington veterans' home.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2227 was substituted for House Bill No. 2227 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2227 was read the second time.

The Speaker (Representative Pennington presiding) announced that House Bill No. 2227 was co-prime sponsored by Representatives Ahern and Gombosky.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ahern, Haigh, Gombosky, Campbell and Veloria spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2227.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2227 and the bill passed the House by the following vote: Yeas - 84, Nays - 0, Absent - 0, Excused - 14.

Voting yea: Representatives Ahern, Alexander, Anderson, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Haigh, Hankins, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Marine, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 84.

Excused: Representatives Armstrong, Ballasiotes, Benson, Berkey, Doumit, Dunn, Edwards, Grant, Hatfield, Lovick, McMorris, Poulsen, Santos, and Tokuda - 14.

Substitute House Bill No. 2227, having received the necessary constitutional majority, was declared passed.

### **THIRD READING**

#### **ENGROSSED HOUSE BILL NO. 1845 by Representatives Sehlin and Sommers**

#### **Increasing the fee for a surface mining reclamation permit.**

Representatives Sehlin, Sommers and Clements spoke in favor of the passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1845.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1845 and the bill passed the House by the following vote: Yeas - 75, Nays - 9, Absent - 0, Excused - 14.

Voting yea: Representatives Ahern, Alexander, Anderson, Barlean, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edmonds, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Haigh, Hankins, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Schmidt, Schoesler, Schual-Berke, Sehlin,

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Simpson, Skinner, Sommers, Talcott, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 75.

Voting nay: Representatives Boldt, Cox, Crouse, Ericksen, Mielke, Roach, Schindler, Sump, and Van Luven - 9.

Excused: Representatives Armstrong, Ballasiotes, Benson, Berkey, Doumit, Dunn, Edwards, Grant, Hatfield, Lovick, McMorris, Poulsen, Santos, and Tokuda - 14.

Engrossed House Bill No. 1845, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., May 9, 2001, 15<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

FIFTEENTH DAY, MAY 9, 2001  
FIRST SPECIAL LEGISLATIVE SESSION

2021

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FIFTEENTH DAY

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House Chamber, Olympia, Wednesday, May 9, 2001

The House was called to order at 10:00 a.m. by the Speaker (Representative Ogden presiding).

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

**MESSAGE FROM THE SENATE**

May 8, 2001

Mr. Speakers:

The Senate has passed the following bills:

SENATE BILL NO. 5109,  
ENGROSSED SENATE BILL NO. 5959,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., May 9, 2001, 16<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FIRST SPECIAL LEGISLATIVE SESSION

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SIXTEENTH DAY

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House Chamber, Olympia, Thursday, May 10, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Schindler presiding).

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

**MESSAGE FROM THE SENATE**

May 9, 2001

Mr. Speakers:

The Senate passed:

and the same is herewith transmitted.

SENATE JOINT MEMORIAL NO. 8023,

Brad Hendrickson, Deputy Secretary

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

There being no objection, the House adjourned until 9:55 a.m., May 11, 2001, 17<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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SEVENTEENTH DAY

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House Chamber, Olympia, Friday, May 11, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**INTRODUCTION & FIRST READING**

HB 2259 by Representatives Rockefeller, Eickmeyer, Lantz, Jackley and Haigh

AN ACT Relating to clarifying that a court may not suspend more than one-half of a fine that is imposed on violators of disabled parking or disabled parking permits; and amending RCW 46.16.381.

Held on 1st Reading.

HB 2260 by Representatives Cairnes, Morris, Kessler, Linville, McMorris, Doumit, Anderson, Hatfield, Poulsen, Crouse, Veloria, Benson, DeBolt, Reardon, Ericksen, Armstrong, Dunshee, Mastin and Delvin

AN ACT Relating to the taxation of grocery distribution cooperatives; amending RCW 82.04.270; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Held on First Reading.

HB 2261 by Representatives Van Luven, Edwards, Cairnes, Cody and Campbell

AN ACT Relating to the taxation of organ procurement and transplanting activities; amending RCW 82.04.324; creating a new section; and declaring an emergency.

Held on 1st Reading.

HB 2262 by Representatives Lambert, Sommers, Talcott and Kessler

AN ACT Relating to sexual misconduct with a minor; amending RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

Held on First Reading.

HB 2263 by Representatives Schual-Berke, Doumit, Haigh, Kenney, McIntire, Tokuda, Fisher, Fromhold, Hurst, Veloria, Hunt, Edmonds, Wood, Kagi and Quall

AN ACT Relating to funding for traffic safety education; amending RCW 46.20.055 and 46.68.041; and reenacting and amending RCW 46.20.120.

Held on First Reading.

HB 2264 by Representatives Cody, Alexander, Romero, Skinner, Schual-Berke and Ballasiotes

AN ACT Relating to mental health service performance measures; adding new sections to chapter 71.24 RCW; and creating a new section.

Held on First Reading.

HB 2265 by Representatives Ogden and Talcott

AN ACT Relating to an open private choice primary; amending RCW 29.01.090, 29.04.180, 29.27.020, 29.27.030, 29.30.005, 29.30.025, 29.30.095, 29.30.101, 29.33.320, 29.36.045, 29.42.010, 29.42.050, 29.42.070, and 42.17.020; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 29.42 RCW; adding a new section to chapter 29.81A RCW; adding a new chapter to Title 29 RCW; creating new sections; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, 29.18.200, and 29.30.040; providing an expiration date; and declaring an emergency.

Held on First Reading.

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

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

There being no objection, the House adjourned until 9:55 a.m., May 14, 2001, the 20<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

TWENTIETH DAY, MAY 14, 2001  
**FIRST SPECIAL LEGISLATIVE SESSION**

2025

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TWENTIETH DAY

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House Chamber, Olympia, Monday, May 14, 2001

The House was called to order at 9:55 a.m. by Speaker Ballard.

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

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

There being no objection, the House adjourned until 10:00 a.m., May 15, 2001, the 21<sup>st</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FIRST SPECIAL LEGISLATIVE SESSION

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TWENTY FIRST DAY

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House Chamber, Olympia, Tuesday, May 15, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Stacie Patterson and Holly Chisa. The Speaker (Representative Ogden presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Ruth Fisher.

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

**MESSAGE FROM THE SENATE**

May 14, 2001

Mr. Speakers:

The Senate has passed:

and the same is herewith transmitted.

ENGROSSED SENATE BILL NO. 6183,

Tony M. Cook, Secretary

Speaker Chopp assumed the chair.

**INTRODUCTION & FIRST READING**

HB 2259 by Representatives Rockefeller, Eickmeyer, Lantz, Jackley and Haigh

AN ACT Relating to clarifying that a court may not suspend more than one-half of a fine that is imposed on violators of disabled parking or disabled parking permits; and amending RCW 46.16.381.

Held on 1st Reading.

HB 2260 by Representatives Cairnes, Morris, Kessler, Linville, McMorris, Doumit, Anderson, Hatfield, Poulsen, Crouse, Veloria, Benson, DeBolt, Reardon, Ericksen, Armstrong, Dunshee, Mastin and Delvin

AN ACT Relating to the taxation of grocery distribution cooperatives; amending RCW 82.04.270; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Held on First Reading.

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AN ACT Relating to the taxation of organ procurement and transplanting activities; amending RCW 82.04.324; creating a new section; and declaring an emergency.

Held on 1st Reading.

HB 2262 by Representatives Lambert, Sommers, Talcott and Kessler

AN ACT Relating to sexual misconduct with a minor; amending RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

Held on First Reading.

HB 2263 by Representatives Schual-Berke, Doumit, Haigh, Kenney, McIntire, Tokuda, Fisher, Fromhold, Hurst, Veloria, Hunt, Edmonds, Wood, Kagi and Quall

AN ACT Relating to funding for traffic safety education; amending RCW 46.20.055 and 46.68.041; and reenacting and amending RCW 46.20.120.

Held on First Reading.

HB 2264 by Representatives Cody, Alexander, Romero, Skinner, Schual-Berke and Ballasiotes

AN ACT Relating to mental health service performance measures; adding new sections to chapter 71.24 RCW; and creating a new section.

Held on First Reading.

HB 2265 by Representatives Ogden and Talcott

AN ACT Relating to an open private choice primary; amending RCW 29.01.090, 29.04.180, 29.27.020, 29.27.030, 29.30.005, 29.30.025, 29.30.095, 29.30.101, 29.33.320, 29.36.045, 29.42.010, 29.42.050, 29.42.070, and 42.17.020; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 29.42 RCW; adding a new section to chapter 29.81A RCW; adding a new chapter to Title 29 RCW; creating new sections; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, 29.18.200, and 29.30.040; providing an expiration date; and declaring an emergency.

Held on First Reading.

ESB 6183 by Senators Snyder, Swecker, Kohl-Welles, Roach, Prentice, Horn, Jacobsen, Stevens, Constantine and Kline

AN ACT Relating to revising primary election law.

There being no objection, Engrossed Senate Bill No. 6183 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

## SECOND READING

**ENGROSSED SENATE BILL NO. 6183, By Senators Snyder, Swecker, Kohl-Welles, Roach, Prentice, Horn, Jacobsen, Stevens, Constantine and Kline**

**Revising primary election law.**

The bill was read the second time.

Representative Ogden moved the adoption of the following striking amendment (228):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to create a primary for all partisan elected offices, except for president and vice president, precinct committee officer, and offices exempted from the primary under RCW 29.15.150, that:

(1) Allows each voter, including those who choose not to affiliate with any major political party, to participate;

(2) Preserves the privacy of each voter's party affiliation, if any;

(3) Rejects mandatory voter registration by political party;

(4) Protects ballot access for minor political party and independent candidates;

(5) Maintains a candidate's right to self-identify with any major political party; and

(6) Upholds a political party's First Amendment right of association.

**Sec. 2.** RCW 29.01.090 and 1977 ex.s. c 329 s 9 are each amended to read as follows:

"Major political party" means a political party of which at least one nominee for president, vice president, United States senator, or a statewide office received at least five percent of the total vote cast at the last preceding state general election in an even-numbered year(~~(= PROVIDED, That any political party qualifying as a major political party under the previous subsection (2) or subsection (3) of this section prior to its 1977 amendment shall retain such status until after the next state general election following June 30, 1977)).~~ However, a political party of which no nominee received at least ten percent of the total vote cast may forgo its status as a major political party by filing with the secretary of state an appropriate party rule within sixty days of attaining major party status under this section or thirty days of the effective date of this act, whichever is later.

**NEW SECTION. Sec. 3.** A new section is added to chapter 29.07 RCW to read as follows:

Under no circumstances may an individual be required to affiliate with, join, adhere to, express faith in, or declare a preference for, a political party or organization upon registering to vote.

**NEW SECTION. Sec. 4.** Candidates for all partisan elected offices, except for president and vice president, precinct committee officer, and offices exempted from the primary under RCW 29.15.150, will be nominated at primaries held under this chapter.

**NEW SECTION. Sec. 5.** So far as applicable, the provisions of this title relating to conducting general elections govern the conduct of primaries.

**NEW SECTION. Sec. 6.** A new section is added to chapter 29.30 RCW to read as follows:

Each primary ballot that includes one or more partisan offices must include a party identification checkoff box that allows a voter to select the party with which the voter chooses to affiliate from a list of the major political parties, or the option to indicate that the voter chooses not to affiliate with any major political party. If a voter makes no selection or selects more than one option, then the voter is presumed to have selected the option indicating that the voter chooses not to affiliate with any major political party.

**NEW SECTION. Sec. 7.** A new section is added to chapter 29.30 RCW to read as follows:

The party identification checkoff box required under section 6 of this act must appear on the primary ballot before the names of candidates and ballot measures. Clear and concise instructions to the voter must be prominently displayed immediately before the list of major political parties, and must include:

(1) A question asking the voter to indicate the major political party, if any, with which the voter chooses to affiliate;

(2) A statement indicating that votes cast for a candidate who indicated a major political party designation when filing a declaration of candidacy by a voter who chooses to affiliate with a different major political party will not be tabulated or reported;

(3) An explanation, for each major political party, of whether or not votes cast by a voter who chooses not to affiliate with any major political party will be used to determine the major political party's nominees; and

(4) A statement that the party identification option will not affect votes cast for minor political party and independent candidates, candidates for nonpartisan office, and ballot measures.

**NEW SECTION. Sec. 8.** No record may be created or maintained by a state or local governmental agency or a political organization that identifies a voter with the information provided on the voter's ballot, including the choice that the voter makes regarding political party affiliation.

**NEW SECTION. Sec. 9.** (1) A major political party may choose by rule adopted under chapter 29.42 RCW, to allow voters who choose not to affiliate with any major political party to cast votes that will be used to determine the major political party's nominees. The rule may only be made on a statewide basis and with respect to all of the votes cast by unaffiliated voters rather than with respect to votes cast in specific districts, in specific races, or for specific candidates.

(2) A major political party that has adopted a rule under subsection (1) of this section may repeal that rule at any time. However, the effect of the repeal is subject to the time requirements of subsection (6) of this section.

(3) A major political party shall provide the secretary of state with written notification of an action taken under this section before the end of the first business day that immediately follows the day during which the action is taken.

(4) If a major political party adopts an appropriate rule under subsection (1) of this section, then the major political party's nominee will be the candidate who receives a plurality of votes from the aggregation of votes cast by voters who choose to affiliate with that major political party and votes cast by voters who choose not to affiliate with any major political party.

(5) Unless a major political party adopts a rule under subsection (1) of this section, or if a rule so adopted is repealed under subsection (2) of this section, then the major political party's nominee will be the candidate who receives a plurality of votes cast by voters who choose to affiliate with that major political party.

(6) The adoption of a rule under subsection (1) of this section or the repeal of the rule under subsection (2) of this section must occur on or before July 1st in order to be in effect at any primary conducted between September 1st of the same year and August 30th of the following year.

(7) The decision by a major political party to accept votes cast by voters who choose not to affiliate with any major political party does not affect the rights of any other major political party.

**NEW SECTION. Sec. 10.** For each major political party, prominent notification regarding whether or not the major political party will allow voters who choose not to affiliate with any major political party to participate in the major political party's nomination process must be made, at the very least, in:

(1) Any primary voters' pamphlet prepared by the secretary of state or a local government;

(2) Instructions that accompany any ballot sent by a county auditor to an absentee voter;

(3) Any notice of primary published in compliance with RCW 29.27.030;

(4) A sample ballot prepared by a county auditor under RCW 29.30.060;

(5) The content of the web site of the office of the secretary of state; and

(6) The content of each county auditors' web site that is in existence.

**NEW SECTION. Sec. 11.** Votes cast by a voter who chooses to affiliate with a major political party for a candidate who indicated a different major political party designation when filing a declaration of candidacy may not be tabulated. However, votes cast by that voter for candidates for other offices are not affected in any way.

**NEW SECTION. Sec. 12.** (1) All votes cast for a candidate who indicated a major political party designation when filing a declaration of candidacy by voters who choose to affiliate with that major political party

must be tabulated and reported separately from any other votes cast for that candidate.

(2) All votes cast for a candidate who indicated a major political party designation when filing a declaration of candidacy by voters who choose not to affiliate with any major political party must be tabulated and reported separately from any other votes cast for that candidate.

**NEW SECTION. Sec. 13.** The secretary of state as chief election officer shall adopt rules under chapter 34.05 RCW to facilitate the operation, accomplishment, and purpose of this chapter.

**Sec. 14.** RCW 29.04.180 and 1999 c 157 s 1 are each amended to read as follows:

Any person who desires to be a write-in candidate and have such votes counted at a primary or election may, if the jurisdiction of the office sought is entirely within one county, file a declaration of candidacy with the county auditor not later than the day before the primary or election. If the jurisdiction of the office sought encompasses more than one county the declaration of candidacy shall be filed with the secretary of state not later than the day before the primary or election. Declarations of candidacy for write-in candidates must be accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in RCW 29.15.050.

Votes cast for write-in candidates who have filed such declarations of candidacy and write-in votes for persons appointed by political parties (~~(pursuant to RCW 29.18.160)~~) under section 16 of this act need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number or political party, if applicable. In order for write-in votes to be valid in jurisdictions employing optical-scan mark sense ballot systems the voter must complete the proper mark next to the write-in line for that office.

No person may file as a write-in candidate where:

(1) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(2) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committeeperson;

(3) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committeeperson.

The declaration of candidacy shall be similar to that required by RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may be included in any voter's pamphlet produced under chapter ~~((29.80))~~ 29.81 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29.81A RCW may provide by ordinance, for the inclusion of write-in candidates in such pamphlets.

**NEW SECTION. Sec. 15.** A new section is added to chapter 29.15 RCW to read as follows:

If a place on the ticket of a major political party is vacant because no person has filed for nomination as the candidate of that major political party after the last day allowed for candidates to withdraw under RCW 29.15.120, and if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the major political party may select and certify a candidate to fill the vacancy. If the vacancy is for any other office the state central committee of the major political party may select and certify a candidate to fill the vacancy. The certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which nominated, and other pertinent information required in an ordinary certificate of nomination and be filed in the proper office no later than the first Friday after the last day allowed for candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy.

**NEW SECTION. Sec. 16.** A new section is added to chapter 29.15 RCW to read as follows:

A vacancy caused by the death or disqualification of a candidate or nominee of a major or minor political party may be filled at any time up to and including the day before the election for that position. For state partisan offices in a political subdivision voted on solely by electors of a single county, the county central committee in the



case of a major political party or the state central committee or comparable governing body in the case of a minor political party shall appoint a person to fill the vacancy. For other partisan offices, including federal or statewide offices, the state central committee or comparable governing body of the appropriate political party shall appoint a person to fill the vacancy.

If the vacancy occurs no later than the sixth Tuesday before the primary or general election concerned and the ballots have been printed, the appropriate election officers shall correct the ballots. In making the correction, it is not necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

If the vacancy occurs after the sixth Tuesday before the primary or general election and time does not exist in which to correct ballots (including absentee ballots), either in total or in part, then the votes cast or recorded for the person who has died or become disqualified must be counted for the person who has been named to fill the vacancy.

When the secretary of state is the person with whom the appointment by the major or minor political party is filed, the secretary of state shall, in certifying candidates or nominations to the various county officers insert the name of the person appointed to fill a vacancy.

If the secretary of state has already sent forth the certificate when the appointment to fill a vacancy is filed, the secretary of state shall immediately certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which the person is a candidate or nominee, the party represented, and all other pertinent facts pertaining to the vacancy.

**Sec. 17.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read as follows:

On or before the day following the last day for political parties to fill vacancies in the ticket as provided by ~~((RCW 29.18.150))~~ section 15 of this act, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party designation, if any.

**Sec. 18.** RCW 29.27.030 and 1965 c 9 s 29.27.030 are each amended to read as follows:

Not more than ten nor less than three days prior to the primary election the county auditor shall publish notice of such primary in one or more newspapers of general circulation within the county. ~~((Said))~~ The notice shall contain the proper party designations, the names and addresses of all persons who have filed a declaration of candidacy to be voted upon at that primary election, the notification that is required for each major political party under section 10 of this act, the hours during which the polls will be open, and that the election will be held in the regular polling place in each precinct, giving the address of each polling place~~((:—PROVIDED, That)).~~ The names of all candidates for nonpartisan offices shall be published separately with designation of the offices for which they are candidates but without party designation. This shall be the only notice required for the holding of any primary election.

**Sec. 19.** RCW 29.30.005 and 1990 c 59 s 93 are each amended to read as follows:

Except for the candidates for the positions of president and vice president or for ~~((a partisan or nonpartisan))~~ an office for which no primary is required, the names of all candidates who have filed for ~~((nomination under chapter 29.18 RCW and those independent candidates and candidates of minor political parties who have been nominated under chapter 29.24 RCW shall))~~ office under chapter 29.15 RCW must appear on the appropriate ballots at the primary throughout the jurisdiction in which they are to be nominated.

**Sec. 20.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read as follows:

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all primary, sample, and absentee ballots. ~~((In the case of candidates for city, town, and district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place.))~~ The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office under RCW 29.15.150 or 29.21.015, the names

shall appear on the general election ballot in the order determined by lot.

**Sec. 21.** RCW 29.30.095 and 1990 c 59 s 96 are each amended to read as follows:

(1) The name of a candidate for a partisan office for which a primary was conducted shall not be printed on the ballot for that office at the subsequent general election unless the candidate receives a number of votes equal to at least one percent of the total number cast for all candidates for that position sought and a plurality of the votes cast for the candidates of his or her party for that office at the preceding primary.

(2) If, under section 9 of this act, a major political party has chosen to allow voters who choose not to affiliate with any major political party to participate in that major political party's nomination process, then votes cast by all voters affiliated with that party for candidates who indicated that major political party designation when filing a declaration of candidacy must be aggregated with votes cast by unaffiliated voters before comparing vote totals in order to determine a plurality. If not, then a plurality is determined by comparing only the tabulations of votes cast by voters who choose to affiliate with that major political party.

**Sec. 22.** RCW 29.30.101 and 1999 c 298 s 11 are each amended to read as follows:

The names of the persons certified as nominees by the secretary of state or the county canvassing board shall be printed on the ballot at the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board, or (3) a minor political party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under ~~((RCW 29.18.160))~~ section 16 of this act.

Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, a candidate's name shall not appear more than once upon a ballot for a position regularly nominated or elected at the same election.

**Sec. 23.** RCW 29.33.320 and 1990 c 59 s 28 are each amended to read as follows:

The secretary of state shall not approve a vote tallying system unless it:

(1) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;

(2) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

(3) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each issue of the ballot in that precinct;

(4) ~~((Accommodates rotation of candidates' names on the ballot under RCW 29.30.040;~~

~~—————(5)))~~ Produces precinct and cumulative totals in printed form; and

~~((6)))~~ (5) Except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction.

**Sec. 24.** RCW 29.36.045 and 2001 c 241 s 8 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany absentee ballots for primaries must include the notification that is required for each major political party under section 10 of this act. The larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration

for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

**Sec. 25.** RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each amended to read as follows:

Each political party organization (~~(shall have the power to)~~) may:

- (1) Make its own rules and regulations;
- (2) Call conventions;
- (3) Elect delegates to conventions, state and national;
- (4) Fill vacancies on the ticket;
- (5) Provide for the nomination of presidential electors; and
- (6) Perform all functions inherent in such an organization(~~(= PROVIDED, That)~~). However, only major

political parties (~~(shall have the power to)~~) may designate candidates to appear on the state primary election ballot as provided in (~~(RCW 29.18.150 as now or hereafter amended)~~) section 15 of this act.

**Sec. 26.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committee officer except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by (~~(RCW 29.18.150)~~) section 15 of this act, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election for each even-numbered year and the one receiving the highest number of votes shall be declared elected:

PROVIDED, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct. Any person elected to the office of precinct committee officer who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committee officer shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall be empowered to fill such vacancy by appointment: PROVIDED, HOWEVER, That in legislative districts having a majority of its precincts in a county with a population of one million or more, such appointment shall be made only upon the recommendation of the legislative district chair: PROVIDED, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: PROVIDED FURTHER, That when a vacancy in the office of precinct committee officer exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chair selected as provided by RCW 29.42.030.

**Sec. 27.** RCW 29.42.070 and 1991 c 363 s 35 are each amended to read as follows:

Within forty-five days after the statewide general election in even-numbered years, (~~(or within thirty days following July 30, 1967, for the biennium ending with the 1968 general elections,)~~) the county chair of each major political party shall call separate meetings of all elected precinct committee officers in each legislative district (~~(a majority of the precincts of which are within a county with a population of one million or more)~~) for the purpose of electing a legislative district chair in such district. The district chair shall hold office until the next legislative district reorganizational meeting two years later, or until a successor is elected.

The legislative district chair can only be removed by the majority vote of the elected precinct committee

officers in the chair's district.

**NEW SECTION. Sec. 28.** A new section is added to chapter 29.81A RCW to read as follows:

If the legislative authority of a county or first-class or code city provides for the inclusion in the local voters' pamphlet of candidates for partisan office, the pamphlet must prominently include the notification that is required for each major political party under section 10 of this act.

**Sec. 29.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(3) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(4) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(5) "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW;

(b) The governing body of the state organization of a major political party, as defined in RCW 29.01.090, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(6) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(7) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(8) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(9) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(10) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(11) "Commission" means the agency established under RCW 42.17.350.

(12) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a

governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(13) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(14)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(18) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

(19) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

(20) "Final report" means the report described as a final report in RCW 42.17.080(2).

(21) "General election" means the election that results in the election of a person to a state office. It does not include a primary.

(22) "Gift," is as defined in RCW 42.52.010.

(23) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.

(24) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

(25)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

(26) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action

by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(27) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(28) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

(29) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

(30) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(31) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(32) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(33) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(34) "Primary" for purposes of the limits in RCW 42.17.640 means the ~~((procedure for nominating))~~ election that nominates a candidate to state office ~~((under chapter 29.18 or 29.21 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW)).~~

(35) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(36) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

(37) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29.82.015 and ending thirty days after the recall election.

(38) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

(39) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(40) "State official" means a person who holds a state office.

(41) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(42) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other

means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

**NEW SECTION. Sec. 30.** Nothing in this act may be construed by the secretary of state or a county auditor to mean that a voter may cast more than one vote for candidates for a given office.

**NEW SECTION. Sec. 31.** (1) The legislature recognizes that this act significantly changes the way in which a primary for partisan office shall be conducted, and thus it intends to ease the transition and allow any primary held prior to July 1, 2002, to be implemented with existing systems currently in use by each county auditor.

(2) Notwithstanding any language to the contrary found elsewhere in this act or in existing statute, only a voter who chooses not to affiliate with any major political party may vote for a minor political party or independent candidate. Any vote for a minor political party or independent candidate by a voter who chooses to affiliate with a major political party shall not be tabulated or reported. The name of a minor political party or independent candidate shall not appear on the general election ballot unless the candidate receives at least three percent of all votes cast for candidates for that office by voters who choose not to affiliate with any major political party.

(3) Each county auditor may design a ballot and utilize procedures other than those detailed in this act when conducting a partisan primary provided that the design of the ballot and the procedures are specifically allowed by a rule adopted by the secretary of state under chapter 34.05 RCW, and that the following criteria are met:

(a) A voter shall have the option to affiliate with a major political party, or to not affiliate with any major political party;

(b) Voter privacy, including selection of party affiliation, is preserved;

(c) A voter who affiliates with a major political party may only cast votes for partisan office for candidates that indicated that same-party affiliation when filing a declaration of candidacy, and any votes cast for a candidate that indicated a different party affiliation when filing a declaration of candidacy shall not be tabulated and reported;

(d) A voter who chooses not to affiliate with any major political party may vote for any candidate regardless of the candidate's political party designation, and votes cast by such voter shall be tabulated and reported; and

(e) Votes cast for a candidate by voters who choose to affiliate with a major political party shall be reported separately from votes cast for the same candidate by voters who choose not to affiliate with any major political party.

(4) This section expires July 1, 2002.

**NEW SECTION. Sec. 32.** The following acts or parts of acts are each repealed:

(1) RCW 29.18.010 (Application of chapter) and 1990 c 59 s 78 & 1965 c 9 s 29.18.010;

(2) RCW 29.18.120 (General election laws govern primaries) and 1990 c 59 s 87, 1971 ex.s. c 112 s 1, & 1965 c 9 s 29.18.120;

(3) RCW 29.18.150 (Vacancies on major party ticket caused by no filing--How filled) and 1990 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;

(4) RCW 29.18.160 (Vacancies by death or disqualification--How filled--Correcting ballots and labels--Counting votes already cast) and 2001 c 46 s 4 & 1977 ex.s. c 329 s 13;

(5) RCW 29.18.200 (Blanket primary authorized) and 1990 c 59 s 88 & 1965 c 9 s 29.18.200; and

(6) RCW 29.30.040 (Primaries--Rotating names of candidates) and 1990 c 59 s 94, 1977 ex.s. c 361 s 54, & 1965 c 9 s 29.30.040.



NEW SECTION. **Sec. 33.** Sections 1, 4, 5, and 8 through 13 of this act constitute a new chapter in Title 29 RCW.

NEW SECTION. **Sec. 34.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 35.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Schmidt moved the adoption of the following amendment (230) to the striking amendment (228):

On page 3, line 8, beginning with "and" strike all the matter through ", and" on line 11, and insert:  
"(4) A statement that votes cast for minor party candidates or independent candidates by voters who choose to affiliate with a major political party will not be tabulated or reported; and

(5) A statement that the party identification option will not affect votes cast for candidates for nonpartisan offices or for or against"

On page 4, line 34, strike "may not be tabulated" and insert ", or for a minor party candidate or independent candidate, may not be tabulated or reported"

On page 21, line 23, beginning with ", only" strike all the matter through "Each" on line 32, and insert "each"

On page 22, line 19, strike "(4)" and insert "(3)"

Representatives Schmidt and Ogden spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Schmidt moved the adoption of the following amendment (229) to the striking amendment (228):

On page 4, line 8 of the amendment, strike "July" and insert "March"

On page 4, line 10 of the amendment, after "year." insert "However, a major political party may adopt a rule under subsection (1) of this section no later than thirty days after the effective date of this act that becomes effective at the primary conducted in September of 2001."

Representatives Schmidt and Ogden spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

The question before the House was the adoption of the striking amendment as amended.

Representatives Ogden, Talcott, Eickmeyer, Hurst, Campbell, Ruderman, Van Luven and Dunshee spoke in favor of the striking amendment as amended.

Representatives Sump, Hatfield, Schmidt, Clements and Kagi spoke against adoption of the striking amendment as amended.

The striking amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Ogden and Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Senate Bill No. 6183 as amended by the House.

#### MOTIONS

On motion of Representative Santos, Representatives Berkey, Cooper, Edwards, Grant, Lovick, McIntire, Morris, Schual-Berke and Wood were excused. On motion of Representative Schoesler, Representatives Boldt, Cox, Esser and Mulliken were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6183 as amended by the House and the bill passed the House by the following vote: Yeas - 52, Nays - 33, Absent - 0, Excused - 13.

Voting yea: Representatives Anderson, Armstrong, Benson, Buck, Cairnes, Campbell, B. Chandler, G. Chandler, Cody, Conway, Darneille, Dickerson, Dunshee, Edmonds, Eickmeyer, Fisher, Fromhold, Gombosky, Haigh, Hunt, Hurst, Jackley, Keiser, Kenney, Kessler, Kirby, Lantz, Lisk, Mastin, McDermott, McMorris, Miloscia, Mitchell, Murray, O'Brien, Ogden, Pflug, Poulsen, Roach, Rockefeller, Ruderman, Santos, Schoesler, Sehlin, Simpson, Sommers, Talcott, Tokuda, Van Luven, Voloria, Speaker Ballard, and Speaker Chopp - 52.

Voting nay: Representatives Ahern, Alexander, Ballasiotes, Barlean, Bush, Carrell, Casada, Clements, Crouse, DeBolt, Delvin, Doumit, Dunn, Ericksen, Hankins, Hatfield, Jarrett, Kagi, Lambert, Linville, Marine, Mielke, Morell, Pearson, Pennington, Quall, Reardon, Romero, Schindler, Schmidt, Skinner, Sump, and Woods - 33.

Excused: Representatives Berkey, Boldt, Cooper, Cox, Edwards, Esser, Grant, Lovick, McIntire, Morris, Mulliken, Schual-Berke and Wood - 13.

Engrossed Senate Bill No. 6183 as amended by the House, having received the necessary constitutional majority, was declared passed.

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

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., May 16, 2001, the 22<sup>nd</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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TWENTY SECOND DAY

---

House Chamber, Olympia, Wednesday, May 16, 2001

The House was called to order at 10:00 a.m. by Speaker Ballard.

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

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

There being no objection, the House adjourned until 10:00 a.m., May 17, 2001, the 23<sup>rd</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FIRST SPECIAL LEGISLATIVE SESSION

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TWENTY THIRD DAY

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House Chamber, Olympia, Thursday, May 17, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Evelyn Poff and Barbara Strophy. Prayer was offered by Representative Brad Benson.

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

**INTRODUCTIONS AND FIRST READING**

HB 2259 by Representatives Rockefeller, Eickmeyer, Lantz, Jackley and Haigh

AN ACT Relating to clarifying that a court may not suspend more than one-half of a fine that is imposed on violators of disabled parking or disabled parking permits; and amending RCW 46.16.381.

Held on 1st Reading.

HB 2260 by Representatives Cairnes, Morris, Kessler, Linville, McMorris, Doumit, Anderson, Hatfield, Poulsen, Crouse, Veloria, Benson, DeBolt, Reardon, Ericksen, Armstrong, Dunshee, Mastin and Delvin

AN ACT Relating to the taxation of grocery distribution cooperatives; amending RCW 82.04.270; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Held on First Reading.

HB 2261 by Representatives Van Luven, Edwards, Cairnes, Cody and Campbell

AN ACT Relating to the taxation of organ procurement and transplanting activities; amending RCW 82.04.324; creating a new section; and declaring an emergency.

Held on 1st Reading.

HB 2262 by Representatives Lambert, Sommers, Talcott and Kessler

AN ACT Relating to sexual misconduct with a minor; amending RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

Held on First Reading.

HB 2263 by Representatives Schual-Berke, Doumit, Haigh, Kenney, McIntire, Tokuda, Fisher, Fromhold, Hurst, Veloria, Hunt, Edmonds, Wood, Kagi and Quall

AN ACT Relating to funding for traffic safety education; amending RCW 46.20.055 and 46.68.041; and reenacting and amending RCW 46.20.120.

Held on First Reading.

HB 2264 by Representatives Cody, Alexander, Romero, Skinner, Schual-Berke and Ballasiotes

AN ACT Relating to mental health service performance measures; adding new sections to chapter 71.24 RCW; and creating a new section.

Held on First Reading.

HB 2265 by Representatives Ogden and Talcott

AN ACT Relating to an open private choice primary; amending RCW 29.01.090, 29.04.180, 29.27.020, 29.27.030, 29.30.005, 29.30.025, 29.30.095, 29.30.101, 29.33.320, 29.36.045, 29.42.010, 29.42.050, 29.42.070, and 42.17.020; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 29.42 RCW; adding a new section to chapter 29.81A RCW; adding a new chapter to Title 29 RCW; creating new sections; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, 29.18.200, and 29.30.040; providing an expiration date; and declaring an emergency.

Held on First Reading.

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

**MESSAGES FROM THE SENATE**

May 16, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 6183 and asks the House to recede therefrom.

Tony M. Cook, Secretary

May 16, 2001

Mr. Speakers:

The Senate has passed the following bills:

SENATE BILL NO. 5144,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5528,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5937,  
SUBSTITUTE SENATE BILL NO. 6012,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6166,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

MOTION

On motion of Representative Hatfield, the House adjourned until 10:00 a.m., May 18, 2001, the 24<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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TWENTY FOURTH DAY

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House Chamber, Olympia, Friday, May 18, 2001

The House was called to order at 10:00 a.m. by Speaker Ballard.

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

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2001-4659, By Representatives Jarrett and Ballasiotes

WHEREAS, It is the policy of the legislature to honor excellence in every field of endeavor; and

WHEREAS, The Mercer Island High School Girls Water Polo Team won the 2001 Washington State Water Polo Championship; and

WHEREAS, The 2001 Mercer Island High School Girls Water Polo Championship team members were: Karin Aebersold, Whitney Benz, Erika Ramberg, Blaire Wyatt, Christina Wensman, Jessica Myre, Rendy Lynn Opdycke, Kristin Williams-Hill, Anabelle Sutcliffe, Ashley Massmann, and Jessica Riebe; and

WHEREAS, The Mercer Island Water Polo Players have exemplified to their classmates the success that is possible when clear goals are established and when persistent effort is made toward those goals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Mercer Island High School Girls Water Polo Team for their hard work, dedication, and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That Head Coach Jeff Lowell, Assistant Coaches Tim Reed and Scott Kelley, and Managers Kate Connelly and Julie Chung be recognized for their dedication, sacrifice, and leadership; and

BE IT FURTHER RESOLVED, That Ashley Massmann and Erika Ramberg be recognized for being named the All-State First Team and that Jessica Myre and Karin Aebersold were named to the All-State Second Team; and

BE IT FURTHER RESOLVED, That the teachers, classmates, and parents of the above mentioned players be recognized for the important part they played in helping these student athletes excel; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the validity and value of the sport of water polo to young athletes in Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Mercer Island High School Principal, Athletic Director, and to each of the coaches and members of the Mercer Island High School 2001 Varsity Girls Water Polo Team.

House Resolution No. 4659 was adopted.

HOUSE RESOLUTION NO. 2001-4660, By Representative Marine

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in all forms of endeavors; and

WHEREAS, In today's world our youth are faced with extraordinary challenges, as more and more responsibility is coupled with an increasing presence of unhealthy choices; and

WHEREAS, Violence, drug and alcohol abuse, tobacco use, obesity, stress, and loneliness are all prevalent among our youth as the traditional family structure is being obliterated by outside influences in today's

society; and

WHEREAS, More and more youth are growing up in single parent households, with that parent working longer and longer hours just to make ends meet; and

WHEREAS, Spending more hours at work means spending less time with family, with more and more parents working longer hours, parents are more concerned about the safety of their children; and

WHEREAS, Our youth need guidance and assistance by responsible, caring adults more than ever; and

WHEREAS, Statistics have shown that eighty percent of adolescent crime nationally, occurs from three o'clock p.m. to six o'clock p.m., a time in which children often find themselves alone with no place to go after school; and

WHEREAS, This is a crucial window of time, when a child's choices can have a lasting impact on their lives; and

WHEREAS, Children need positive after-school activities, provided by responsible, caring adult role models; and

WHEREAS, 2001 is the one-hundred-year anniversary of the Snohomish County YMCA, and the Mukilteo Family YMCA is its most recent addition; and

WHEREAS, The Mukilteo Family YMCA, under the direction of Executive Director Jeff Dunleavy, his staff, Chairman of the Board Doug Zook, and Board Members, is addressing these issues through their commitment to youth and teens by positively affecting more lives than any other human service agency in the Mukilteo School District area; and

WHEREAS, The Mukilteo Family YMCA conducts a number of programs designed to provide stimulating and engaging activities for youth and teenagers, including: Before and after child care provided at five elementary schools in the Mukilteo School District, serving all eleven elementary schools; late-night "Friday Night Teen Program" at Mariner High School; "Club Explorer" after-school program at Explorer Middle School; environmental clubs, leadership clubs, summer camps, and partnerships between students and law enforcement, such as "Club Connections" serving Mariner High School; and infant/toddler child care, provided at ACES High School, serving teen parents working towards achieving their high school diploma; and

WHEREAS, The Mukilteo Family YMCA is planning future programs to include "Late Night" at the Mukilteo Family YMCA serving students from Kamiak, monthly dances at the Mukilteo Family YMCA serving middle school students, and "Teen Court," a leadership club at Mariner High School where the students assume all roles of the courtroom environment, while presiding over real cases involving their peers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the Snohomish County YMCA for one hundred years of excellence in service to the community and the Mukilteo Family YMCA for demonstrating exceptional care and concern for the community through its commitment to our youth; and

BE IT FURTHER RESOLVED, That the Chief Clerks of the House of Representatives immediately transmit a copy of this resolution to the Snohomish County YMCA, the Mukilteo Family YMCA, to Jeff Dunleavy, Doug Zook, and to each member of the Board of the Mukilteo Family YMCA.

House Resolution No. 4660 was adopted.

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

There being no objection, the House adjourned until 10:00 a.m., May 21, 2001, the 27<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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TWENTY SEVENTH DAY

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House Chamber, Olympia, Monday, May 21, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cynthia Kaiser and Erin Herlihy. The Speaker (Representative Ogden presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Sam Hunt.

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

**INTRODUCTIONS AND FIRST READING**

HB 2259 by Representatives Rockefeller, Eickmeyer, Lantz, Jackley and Haigh

AN ACT Relating to clarifying that a court may not suspend more than one-half of a fine that is imposed on violators of disabled parking or disabled parking permits; and amending RCW 46.16.381.

Held on 1st Reading.

HB 2260 by Representatives Cairnes, Morris, Kessler, Linville, McMorris, Doumit, Anderson, Hatfield, Poulsen, Crouse, Veloria, Benson, DeBolt, Reardon, Ericksen, Armstrong, Dunshee, Mastin and Delvin

AN ACT Relating to the taxation of grocery distribution cooperatives; amending RCW 82.04.270; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

HB 2261 by Representatives Van Luven, Edwards, Cairnes, Cody and Campbell

AN ACT Relating to the taxation of organ procurement and transplanting activities; amending RCW 82.04.324; creating a new section; and declaring an emergency.

Held on 1st Reading.

HB 2262 by Representatives Lambert, Sommers, Talcott and Kessler

AN ACT Relating to sexual misconduct with a minor; amending RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

HB 2263 by Representatives Schual-Berke, Doumit, Haigh, Kenney, McIntire, Tokuda, Fisher, Fromhold, Hurst, Veloria, Hunt, Edmonds, Wood, Kagi and Quall

AN ACT Relating to funding for traffic safety education; amending RCW 46.20.055 and 46.68.041; and reenacting and amending RCW 46.20.120.

Held on First Reading.

HB 2264 by Representatives Cody, Alexander, Romero, Skinner, Schual-Berke and Ballasiotes

AN ACT Relating to mental health service performance measures; adding new sections to chapter 71.24 RCW; and creating a new section.

Held on First Reading.

HB 2265 by Representatives Ogden and Talcott

AN ACT Relating to an open private choice primary; amending RCW 29.01.090, 29.04.180, 29.27.020, 29.27.030, 29.30.005, 29.30.025, 29.30.095, 29.30.101, 29.33.320, 29.36.045, 29.42.010, 29.42.050, 29.42.070, and 42.17.020; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 29.42 RCW; adding a new section to chapter 29.81A RCW; adding a new chapter to Title 29 RCW; creating new sections; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, 29.18.200, and 29.30.040; providing an expiration date; and declaring an emergency.

Held on First Reading.

ESSB 5937 by Senate Committee on Ways & Means (originally sponsored by Senators Shin, Rasmussen, Jacobsen, Winsley, Kohl-Welles and McAuliffe; by request of Governor Locke and Superintendent of Public Instruction)

AN ACT Relating to postretirement employment for teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees; amending RCW 28A.405.900, 41.32.570, 41.40.037, 41.32.802, 41.32.860, 41.32.862, 41.35.060, 41.40.037, and 41.40.750; adding a new section to chapter 41.40 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.

There being no objection, House Bill No. 2260 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, House Bill No. 2262 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, Engrossed Substitute Senate Bill No. 5937 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

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

There being no objection, the Committee on Finance was relieved of House Bill No. 2098, and the bill was placed on the Second Reading calendar.

There being no objection, the Rules Committee was relieved of Second Substitute House Bill No. 2025, and the bill was placed on the Third Reading calendar.

Speaker Chopp assumed the Chair.

**SECOND READING**

**HOUSE BILL NO. 2098, By Representatives Edmonds, Pennington, McIntire, Jarrett, Morris, Cairnes, Santos and Conway; by request of Department of Revenue**

**Changing the property tax exemption for very low-income households.**

The bill was read the second time.

Speaker Chopp announced that House Bill No. 2098 was co-prime sponsored by Representatives Edmonds and Pennington.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edmonds and Pennington spoke in favor of passage of the bill.

**MOTIONS**

On motion of Representative Santos, Representatives Berkey, Edwards, Kessler, Linville, Miloscia, Poulsen, Quall, and Sommers were excused. On motion of Representative Schoesler, Representatives Boldt, DeBolt, and Mastin were excused.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2098.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2098 and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, McDermott, McIntire, McMorris, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 87.

Excused: Representatives Berkey, Boldt, DeBolt, Edwards, Kessler, Linville, Mastin, Miloscia, Poulsen, Quall, and Sommers - 11.

House Bill No. 2098, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2262, By Representatives Lambert, Sommers, Talcott and Kessler**

**Changing sexual misconduct laws with regard to school employees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2262.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2262 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 91.

Excused: Representatives Berkey, Boldt, DeBolt, Edwards, Linville, Mastin, and Poulsen - 7.

House Bill No. 2262, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5937, By Senate Committee on Ways & Means (originally sponsored by Senators Shin, Rasmussen, Jacobsen, Winsley, Kohl-Welles and McAuliffe; by request of Governor Locke and Superintendent of Public Instruction)**

**Changing the limits on postretirement employment for teachers' retirement system plan 1 and public employees' retirement system plan 1 retirees. (REVISED FOR ENGROSSED: Changing postretirement employment restrictions for teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees.)**

The bill was read the second time.

Representative Cox moved the adoption of the following amendment (233):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The department of retirement systems, the office of the superintendent of public instruction, the department of personnel, and the health care authority shall jointly develop publications for use during the 2001-03 biennium to explain options for, and implications of, postretirement employment for members and retirees of the teachers' retirement system plan 1 and the public employees' retirement system plan 1.

(2) The publications shall address such issues as: (a) Health insurance coverage upon reemployment; (b) health benefit options upon termination of postretirement employment; (c) sick leave, annual leave, and other compensation practices; (d) options for, and implications of, reentry into active retirement system membership; (e) hiring procedures for retirees; and (f) collective bargaining rights and responsibilities.

**Sec. 2.** RCW 28A.405.900 and 1990 c 33 s 404 are each amended to read as follows:

Certificated employees subject to the provisions of RCW 28A.310.250, 28A.405.010 through 28A.405.240, 28A.405.400 through 28A.405.410, 28A.415.250, and 28A.405.900 shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts, and shall not include retirees hired for postretirement employment under the provisions of this act.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated.

**Sec. 3.** RCW 41.32.570 and 1999 c 387 s 1 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

~~(2) (Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to five hundred twenty five hours per school year without reduction of pension.~~

~~———— (3) In addition to the five hundred twenty five hours of service permitted under subsection (2) of this section, a retired teacher or retired administrator may also serve only as a substitute teacher for up to an additional three hundred fifteen hours per school year without reduction of pension if:~~

~~———— (a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection; or~~

~~———— (b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolutions with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection.~~

~~———— (4) In addition to the five hundred twenty five hours of service permitted under subsection (2) of this section, a retired administrator or retired teacher may also serve as a substitute administrator up to an additional one hundred five hours per school year without reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired administrator or retired teacher are necessary because it cannot find a replacement administrator to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired administrator or retired teacher who has been employed as a substitute administrator to the department.~~

~~———— (5) In addition to the five hundred twenty five hours of service permitted under subsection (2) of this section and the one hundred five hours permitted under subsection (4) of this section, a retired principal may also serve as a substitute principal up to an additional two hundred ten hours per school year without a reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired principal are necessary because it cannot find a replacement principal to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired principal who has been employed as a substitute principal to the department.~~

~~———— (6) Subsection (2) of this section shall apply to all persons governed by the provisions of plan 1, regardless~~

of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.

~~(7) Subsection (3) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994.)~~ When any retired member first enters service in any public educational institution in Washington state and has satisfied the break in employment requirement of subsection (1) of this section, the member must irrevocably choose for the duration of the fiscal year to:

(a) Render service for up to eight hundred sixty-seven hours without a reduction in benefit. After eight hundred sixty-seven hours, the following month's benefit shall be reduced five percent for every seven hours worked; or

(b) Render service under contract for up to one thousand five hundred hours and receive ninety percent of the member's benefit, after which time the member's benefit shall be suspended. To receive a benefit under this subsection (2)(b):

(i) The member's employer must have agreed to make the applicable employer contribution for the duration of the member's employment; and

(ii) The member must have either been retired for one hundred twenty days before beginning employment, or given the employer notice of intent to retire by July 1, 2001, for the 2001-02 school year and by the May 15th preceding every school year thereafter.

(3) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five hundred twenty-five hours per year without a reduction of his or her pension.

**Sec. 4.** RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

~~(2) ((A retiree))~~ (a) When any retired member of plan 1 first enters service in an eligible position with an employer and has satisfied the break in employment requirement of subsection (1) of this section, the member must irrevocably choose for the duration of the calendar year to:

(i) Render service for up to eight hundred sixty-seven hours without a reduction in benefit. After eight hundred sixty-seven hours, the following month's benefit shall be reduced five percent for every eight hours worked; or

(ii) Render service for up to one thousand five hundred hours and receive ninety percent of the member's benefit, after which time the member's benefit shall be suspended. To receive a benefit under this subsection (2)(a)(ii):

(A) The member's employer must have agreed to make the applicable employer contribution for the duration of the member's employment; and

(B) The member must have either been retired for one hundred twenty days before beginning employment, or given the employer notice of intent to retire sixty days prior to retirement.

(b) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section((;)) may work up to ((five months per)) eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right

to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act expire June 30, 2004.

NEW SECTION. **Sec. 6.** Section 4 of this act expires December 31, 2004.

NEW SECTION. **Sec. 7.** The office of the state actuary shall review the actuarial impact of the temporary expansion of the postretirement employment limitations provided by sections 3 and 4 of this act. No later than July 1, 2003, the state actuary shall prepare a report for the joint committee on pension policy regarding the fiscal and policy impacts of this act. The joint committee shall solicit information from the superintendent of public instruction, the department of personnel, the office of financial management, the department of retirement systems, and the health care authority regarding the program impacts of this act and shall report to the legislative fiscal committees no later than October 1, 2003, on any proposed changes or improvements to this act. If the state actuary determines the expansion of postretirement options under sections 3 and 4 of this act has resulted in increased costs for the state retirement funds, the joint committee report shall include a proposal for a process to charge those employers who employ retirees pursuant to an extension of sections 3 and 4 of this act for the costs incurred by the retirement funds under the extension.

**Sec. 8.** RCW 41.32.802 and 1997 c 254 s 8 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ~~((five months))~~ eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

**Sec. 9.** RCW 41.32.860 and 1997 c 254 s 7 are each amended to read as follows:

(1) Except under RCW 41.32.862, no retiree shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010 ~~((or)),~~ 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused the suspension of benefits. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

**Sec. 10.** RCW 41.32.862 and 1997 c 254 s 9 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to (~~(five months)~~) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

**Sec. 11.** RCW 41.35.060 and 1998 c 341 s 7 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section may work up to (~~(five months)~~) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.35.030, he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.35.420 or 41.35.680. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

**Sec. 12.** RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to (~~(five months)~~) eight hundred sixty-seven hours per month per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to



become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

**Sec. 13.** RCW 41.40.750 and 1998 c 341 s 113 are each amended to read as follows:

(1) Effective September 1, 2000, the membership of all plan 2 members currently employed in eligible positions in a school district or educational service district and all plan 2 service credit for such members, is transferred to the Washington school employees' retirement system plan 2. Plan 2 members who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(2)(a) The membership and previous service credit of a plan 2 member not employed in an eligible position on September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 when he or she becomes employed in an eligible position. Plan 2 members not employed in an eligible position on September 1, 2000, who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(b) The membership and previous service credit of a plan 2 member last employed by a school district or educational service district and retired prior to September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 if the member opts to reestablish membership.

(3) Members who restore contributions and service credit under subsection (1) or (2) of this section shall have their contributions and service credit transferred to the Washington school employees' retirement system.

**NEW SECTION. Sec. 14.** Except for section 12 of this act which takes effect December 31, 2004, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

On page 1, line 3 of the title, after "retirees;" strike the remainder of the title and insert "amending RCW 28A.405.900, 41.32.570, 41.40.037, 41.32.802, 41.32.860, 41.32.862, 41.35.060, 41.40.037, and 41.40.750; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

Representatives Cox and Fromhold spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Fromhold spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5937 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5937 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall,

Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Berkey, Boldt, DeBolt, Edwards, Linville, and Mastin - 6.

Engrossed Substitute Senate Bill No. 5937 as amended by the House, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

**SECOND SUBSTITUTE HOUSE BILL NO. 2025, By House Committee on Appropriations (originally sponsored by Representatives Santos, Talcott, Quall, Keiser, Ogden, Tokuda, Schual-Berke and Kenney)**

#### **Changing transitional bilingual instruction program provisions.**

There being no objection, the rules were suspended and Second Substitute House Bill No. 2025 was returned to Second Reading for purpose of amendments.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

Representative Santos moved the adoption of the following amendment (231):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The superintendent of public instruction shall review:

(a) The criteria used to determine the point at which limited English proficient students are required to take the Washington assessment of student learning. The review shall be used to determine if the criteria are developmentally appropriate and in the best interest of the students.

(b) The criteria used to determine the point at which the results of the Washington assessment of student learning for students receiving instructional services in the state transitional bilingual instruction program should be included in a school district's and school's assessment results.

(2) In conducting the review, the superintendent shall consult with parents, teachers, principals, classroom instructional staff, recognized experts in second-language instruction, and statewide ethnic organizations that represent second-language learners.

(3) Preliminary results of the review shall be reported to the education and fiscal committees of the legislature by December 1, 2001. Final results of the review shall be reported to the education and fiscal committees of the legislature by December 1, 2002.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.180 RCW to read as follows:

The superintendent of public instruction shall develop an evaluation system designed to measure increases in the English and academic proficiency of eligible pupils. When developing the system, the superintendent shall:

(1) Require school districts to assess potentially eligible pupils within ten days of registration using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(2) Require school districts to annually assess all eligible pupils at the end of the school year using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(3) Develop a system to evaluate increases in the English and academic proficiency of students who are, or were, eligible pupils. This evaluation shall include students when they are in the program and after they exit the program until they finish their K-12 career or transfer from the school district. The purpose of the evaluation system is to inform schools, school districts, parents, and the state of the effectiveness of the transitional bilingual programs in school and school districts in teaching these students English and other content areas, such as mathematics and writing; and

(4) Report to the education and fiscal committees of the legislature by November 1, 2002, regarding the development of the systems described in this section and a timeline for the full implementation of those systems.

**Sec. 3.** RCW 28A.180.030 and 1990 c 33 s 164 are each amended to read as follows:

As used ((in RCW 28A.180.010 through 28A.180.080)) throughout this chapter, unless the context ((thereof)) clearly indicates ((to the contrary)) otherwise:

(1) "Transitional bilingual instruction" means:

(a) A system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. Concepts and information are introduced in the primary language and reinforced in the second language: PROVIDED, That the program shall include testing in the subject matter in English; or

(b) In those cases in which the use of two languages is not practicable as established by the superintendent of public instruction and unless otherwise prohibited by law, an alternative system of instruction which may include English as a second language and is designed to enable the pupil to achieve competency in English.

(2) "Primary language" means the language most often used by the student for communication in his/her home.

(3) "Eligible pupil" means any enrollee of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning.

**Sec. 4.** RCW 28A.180.040 and 1984 c 124 s 3 are each amended to read as follows:

Every school district board of directors shall:

(1) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction.

(2) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program.

(3) Determine by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases. ~~((If, however, a preliminary interview indicates little or no English-speaking ability, eligibility testing shall not be necessary.))~~

(4) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction.

(5) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models.

NEW SECTION. **Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Santos and Talcott spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos, Talcott and Benson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2025.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2025 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, and Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Berkey, Boldt, DeBolt, Edwards, Linville, and Mastin - 6.

Engrossed Second Substitute House Bill No. 2025, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2260, By Representatives Cairnes, Morris, Kessler, Linville, McMorris, Doumit, Anderson, Hatfield, Poulsen, Crouse, Voloria, Benson, DeBolt, Reardon, Ericksen, Armstrong, Dunshee, Mastin and Delvin**

**Changing the tax treatment of grocery distribution cooperatives.**

The bill was read the second time.

Speaker Chopp announced that House Bill No. 2260 was co-prime sponsored by Representatives Cairnes and Morris.

There being no objection, amendment (232) was withdrawn.

Representative Cairnes moved the adoption of the following amendment (234):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1) The amount of tax with respect to a qualified grocery distribution cooperative's sales of groceries or related goods for resale, excluding items subject to tax under RCW 82.04.260(4), to customer-owners of the

grocery distribution cooperative is equal to the gross proceeds of sales of the grocery distribution cooperative multiplied by the rate of one and one-half percent.

(2) A qualified grocery distribution cooperative is allowed a deduction from the gross proceeds of sales of groceries or related goods for resale, excluding items subject to tax under RCW 82.04.260(4), to customer-owners of the grocery distribution cooperative that is equal to the portion of the gross proceeds of sales for resale that represents the actual cost of the merchandise sold by the grocery distribution cooperative to customer-owners.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Grocery distribution cooperative" means an entity that sells groceries and related items to customer-owners of the grocery distribution cooperative and has customer-owners, in the aggregate, who own a majority of the outstanding ownership interests of the grocery distribution cooperative or of the entity controlling the grocery distribution cooperative. "Grocery distribution cooperative" includes an entity that controls a grocery distribution cooperative.

(b) "Qualified grocery distribution cooperative" means a grocery distribution cooperative that has been determined by a court of record of the state of Washington to be not engaged in wholesaling or making sales at wholesale, within the meaning of RCW 82.04.270 or any similar provision of a municipal ordinance that imposes a tax on gross receipts, gross proceeds of sales, or gross income, with respect to purchases made by customer-owners, and subsequently changes its form of doing business to make sales at wholesale of groceries or related items to its customer-owners.

(c) "Customer-owner" means a person who has an ownership interest in a grocery distribution cooperative and purchases groceries and related items at wholesale from that grocery distribution cooperative.

(d) "Controlling" means holding fifty percent or more of the voting interests of an entity and having at least equal power to direct or cause the direction of the management and policies of the entity, whether through the ownership of voting securities by contract, or otherwise.

**Sec. 2.** RCW 82.04.270 and 1999 c 358 s 1 are each amended to read as follows:

Upon every person except persons taxable under RCW 82.04.260(5) or section 1 of this act engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of 0.484 percent.

**Sec. 3.** RCW 82.04.270 and 1999 c 358 s 2 are each amended to read as follows:

Upon every person except persons taxable under RCW 82.04.260(5), section 1 of this act, or 82.04.272 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of 0.484 percent.

**Sec. 4.** RCW 82.04.290 and 1998 c 331 s 2, 1998 c 312 s 8, and 1998 c 308 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(2) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, section 1 of this act, 82.04.2905, 82.04.280, 82.04.2635, and 82.04.2907, and subsection (1) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.5 percent.

This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional

purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

**Sec. 5.** RCW 82.04.290 and 1998 c 343 s 4, 1998 c 331 s 2, 1998 c 312 s 8, and 1998 c 308 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(2) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, section 1 of this act, 82.04.2905, 82.04.280, 82.04.2635, 82.04.2907, and 82.04.272, and subsection (1) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.5 percent.

This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

**Sec. 6.** RCW 82.04.290 and 1998 c 343 s 4, 1998 c 331 s 2, 1998 c 312 s 8, and 1998 c 308 s 5 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(2) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, section 1 of this act, 82.04.2905, 82.04.280, 82.04.2907, and 82.04.272, and subsection (1) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.5 percent.

This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

**Sec. 7.** RCW 82.19.050 and 2001 c 118 s 7 are each amended to read as follows:

The litter tax imposed in this chapter does not apply to:

(1) The manufacture or sale of products for use and consumption outside the state; ((~~or~~))

(2) The value of products or gross proceeds of the sales exempt from tax under RCW 82.04.330; or

(3) The sale of products for resale by a qualified grocery distribution cooperative to customer-owners of the grocery distribution cooperative. For the purposes of this section, "qualified grocery distribution cooperative" and "customer-owner" have the meanings given in section 1 of this act.

**Sec. 8.** RCW 82.19.050 and 1992 c 175 s 7 are each amended to read as follows:

The litter tax imposed in this chapter does not apply to:

(1) The manufacture or sale of products for use and consumption outside the state; ((~~or~~))

(2) The value of products or gross proceeds of the sales of any animal, bird, or insect or the milk, eggs,

wool, fur, meat, honey, or other substance obtained therefrom, if the person performs only the growing or raising function of such animal, bird, or insect; or

(3) The sale of products for resale by a qualified grocery distribution cooperative to customer-owners of the grocery distribution cooperative. For the purposes of this section, "qualified grocery distribution cooperative" and "customer-owner" have the meanings given in section 1 of this act.

**NEW SECTION. Sec. 9.** (1) Sections 1, 2, 4, and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Sections 3 and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2001.

(3) Section 6 of this act takes effect July 1, 2003.

(4) Section 7 is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 22, 2001.

**NEW SECTION. Sec. 10.** (1) Sections 2 and 4 of this act expire July 1, 2001.

(2) Section 5 of this act expires July 1, 2003.

(3) Section 8 of this act expires July 22, 2001."

Correct the title.

Representatives Cairnes and Morris spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No. 2260.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2260 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Lisk, Lovick, Marine, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 92.

Excused: Representatives Berkey, Boldt, DeBolt, Edwards, Linville, and Mastin - 6.

Engrossed House Bill No. 2260, having received the necessary constitutional majority, was declared

2062  
passed.

JOURNAL OF THE HOUSE

**MESSAGE FROM THE SENATE**

May 16, 2001

Mr. Speakers:

The Senate refuses to concur in the House amendment ENGROSSED SENATE BILL NO. 6183, and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

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

The House went at ease until 10:00 a.m. Tuesday May 22, 2001, the 28<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



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TWENTY EIGHTH DAY

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House Chamber, Olympia, Tuesday, May 22, 2001

The House was called to order at 10:00 a.m. by Speaker Ballard. There being no objection, the Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amber Oien and Rose Baran. Prayer was offered by Representative John Pennington.

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

Speaker Ballard called upon Representative Pennington to preside.

**MESSAGE FROM THE SENATE**

May 21, 2001

Mr. Speakers:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5407,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6140,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

**INTRODUCTIONS AND FIRST READING**

HB 2259 by Representatives Rockefeller, Eickmeyer, Lantz, Jackley and Haigh

AN ACT Relating to clarifying that a court may not suspend more than one-half of a fine that is imposed on violators of disabled parking or disabled parking permits; and amending RCW 46.16.381.

Held on 1st Reading.

HB 2261 by Representatives Van Luven, Edwards, Cairnes, Cody and Campbell

AN ACT Relating to the taxation of organ procurement and transplanting activities; amending RCW 82.04.324; creating a new section; and declaring an emergency.

Held on 1st Reading.

HB 2263 by Representatives Schual-Berke, Doumit, Haigh, Kenney, McIntire, Tokuda, Fisher, Fromhold, Hurst, Veloria, Hunt, Edmonds, Wood, Kagi and Quall

AN ACT Relating to funding for traffic safety education; amending RCW 46.20.055 and 46.68.041; and reenacting and amending RCW 46.20.120.

Held on First Reading.

HB 2264 by Representatives Cody, Alexander, Romero, Skinner, Schual-Berke and Ballasiotes

AN ACT Relating to mental health service performance measures; adding new sections to chapter 71.24 RCW; and creating a new section.

Held on First Reading.

HB 2265 by Representatives Ogden and Talcott

AN ACT Relating to an open private choice primary; amending RCW 29.01.090, 29.04.180, 29.27.020, 29.27.030, 29.30.005, 29.30.025, 29.30.095, 29.30.101, 29.33.320, 29.36.045, 29.42.010, 29.42.050, 29.42.070, and 42.17.020; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 29.42 RCW; adding a new section to chapter 29.81A RCW; adding a new chapter to Title 29 RCW; creating new sections; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, 29.18.200, and 29.30.040; providing an expiration date; and declaring an emergency.

Held on First Reading.

ESSB 5407 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators West, Prentice, Kohl-Welles, Gardner and Rasmussen)

AN ACT Relating to changing provisions relating to the import of simulcast horse races from out-of-state racing facilities to class 1 racing associations' live racing facilities; amending RCW 67.16.200; and creating a new section.

Held on First Reading.

ESSB 6140 by Senate Committee on Transportation (originally sponsored by Senators McDonald, Prentice, Horn, Eide, Johnson, Finkbeiner, Patterson, Shin, Benton, Kastama, Costa, McAuliffe, Rossi, Long, Roach, Zarelli and Oke)

AN ACT Relating to the creation of regional transportation investment districts; amending RCW 43.84.092, 43.84.092, and 81.104.140; reenacting and amending RCW 47.05.021; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 47 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Held on First Reading.

2ESSB 6151 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long and Hargrove)

AN ACT Relating to the management of high-risk sex offenders in the civil commitment and criminal justice systems; amending RCW 71.09.020, 36.70A.103, 36.70A.200, 9.94A.030, 9.94A.715, 9.94A.060, 9.94A.120, 9.94A.190, 9.94A.390, 9.94A.590, 9.95.005, 9.95.010, 9.95.011, 9.95.017, 9.95.020, 9.95.032, 9.95.052, 9.95.055, 9.95.064, 9.95.070, 9.95.080, 9.95.090, 9.95.100, 9.95.110, 9.95.115, 9.95.120, 9.95.121, 9.95.122, 9.95.123, 9.95.124, 9.95.125, 9.95.126, 9.95.130, 9.95.140, 9.95.190, 9.95.250, 9.95.280, 9.95.290, 9.95.300, 9.95.310, 9.95.320, 9.95.340, 9.95.350, 9.95.360, 9.95.370, 9.95.900, 9A.28.020, 9A.36.021, 9A.40.030, 9A.44.100, and 72.09.370; reenacting and amending RCW 9.94A.320; adding new sections to chapter 71.09 RCW; adding a new section to chapter 36.70A RCW; adding new sections to chapter 9.94A RCW; adding new

sections to chapter 72.09 RCW; adding new sections to chapter 9.95 RCW; adding a new section to chapter 9A.76 RCW; creating new sections; repealing RCW 9.95.0011 and 9.95.145; repealing 2001 c . . . ss 1, 3, and 4 (Substitute Senate Bill No. 5123); prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

There being no objection, Second Engrossed Substitute Senate Bill No. 6151 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

## SECOND READING

### SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Long and Hargrove)

#### Revising provisions relating to high-risk sex offenders.

The bill was read the second time.

There being no objection, amendments (217), (218), (219), (220), (221), (222), (223) and (224) were withdrawn.

Representative Ballasiotes moved the adoption of the following striking amendment (238):

Strike everything after the enacting clause and insert the following:

### "PART I GENERAL PROVISIONS

**NEW SECTION. Sec. 101.** (1) The legislature makes the following findings:

- (a) The effective management of high-risk sex offenders requires a comprehensive approach that includes appropriate sentencing for sex offenses and a plan to address both the immediate and long-term need to protect the public and meet constitutional requirements.
  - (b) The individualized treatment required for constitutional civil commitment includes the realistic possibility of release to a less restrictive alternative in appropriate cases.
  - (c) Some high-risk sex offenders are most appropriately managed through an indeterminate sentencing structure in which they will be supervised and can be retained in or returned to a state correctional institution until the statutory maximum sentence has expired. The state does not currently have an indeterminate sentencing structure. Consequently, the state must make changes to its sentencing structure to effectively manage these high-risk sex offenders.
- (2) Therefore, the legislature intends to:
- (a) Maximize public safety and enhance the potential for successful treatment of sexually violent predators through the tightly managed use of less restrictive alternatives;
  - (b) Ensure the prompt siting and timely operation of a secure community transition facility on McNeil Island, and ensure the continued progress toward the construction and operation of the total confinement facility already planned for McNeil Island, to further the treatment and management of persons civilly committed under chapter 71.09 RCW;
  - (c) Provide guidance for the equitable distribution and siting of secure community transition facilities for persons ordered conditionally released to less restrictive alternatives under chapter 71.09 RCW; and
  - (d) Manage high-risk sex offenders to the greatest extent possible through the criminal justice system by establishing an indeterminate sentencing structure for those offenders who present a high risk to the community, based on their sex offense history.

**Sec. 102.** RCW 71.09.020 and 2001 c 286 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(1) ("Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.~~

~~\_\_\_\_\_ (2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.)~~ "Department" means the department of social and health services.

(2) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.

(3) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(4) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(5) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

~~((5))~~ (6) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.

~~((6))~~ (7) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, and public libraries.

(8) "Secretary" means the secretary of social and health services or the secretary's designee.

(9) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

(10) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to section 201 of this act and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

(11) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter ((71.09 RCW)), has been determined beyond a

reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

~~((7) "Less restrictive alternative" means court ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.~~

~~(8) "Secretary" means the secretary of social and health services or his or her designee.)~~

(12) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(13) "Total confinement facility" means a facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a secure facility by the secretary.

## PART II

### SITING AND OPERATION OF SECURE COMMUNITY TRANSITION FACILITIES

NEW SECTION. **Sec. 201.** A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary is authorized to site, construct, occupy, and operate a secure community transition facility on McNeil Island for persons authorized to petition for court-ordered conditional release under RCW 71.09.090(1) and a special commitment center on McNeil Island with up to four hundred four beds as a total confinement facility under this chapter, subject to appropriated funding for those purposes. The secure community transition facility shall be authorized for the number of beds needed to ensure compliance with the orders of the superior courts under this chapter and the federal district court for the western district of Washington, but in no case more than fifteen occupied beds.

(2) Notwithstanding RCW 36.70A.103 or any other law, this statute preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and other laws as necessary to enable the secretary to site, construct, occupy, and operate a secure community transition facility on McNeil Island and a total confinement facility on McNeil Island.

(3) To the greatest extent possible, until June 30, 2003, persons who were not civilly committed from the county in which the secure community transition facility established pursuant to subsection (1) of this section is located may not be conditionally released to a setting less restrictive than that facility in that county.

(4) As of the effective date of this section, the state shall immediately cease any efforts in effect on such date to site secure community transition facilities, other than the facility authorized by subsection (1) of this section, and shall instead site such facilities according to the requirements of subsections (5) and (6) of this section.

(5) The department shall determine, in consultation with the attorney general, whether additional secure community transition facilities, other than the facility authorized pursuant to subsection (1) of this section, are necessary. If additional facilities are necessary, the department shall prepare a projected list of counties in which the facilities need to be sited over the next six years, and every six years thereafter, and transmit that list to the office of financial management. In preparing this list, the department shall comply with the following requirements:

(a) No additional secure community transition facilities may be sited in the county where the special commitment center is located until after June 30, 2008.

(b) The total number of secure community transition facility beds sited between the effective date of this section and June 30, 2008, in each county may be no greater than the total number of persons civilly committed from that county who were residents of the special commitment center on April 1, 2001. The total number of secure community transition facility beds sited between July 1, 2008, and June 30, 2015, in each county may be no greater than the total number of persons civilly committed from that county who were residents of the special commitment center on July 1, 2008.

(c) The department shall, in consultation with the joint select committee established pursuant to section 219 of this act and consistent with the requirements of section 210 of this act, provide for the equitable

distribution of secure community transition facilities among counties. The department shall base this equitable distribution on the following factors and give weight to each in accordance with the order of priority listed below:

- (i) The total number of persons civilly committed from each county who were residents of the special commitment center on April 1, 2001, per one thousand persons residing in the county;
- (ii) The number of state hospital beds for mentally ill persons and secure community transition facility beds operated by the department of social and health services, and the number of correctional institution, work release, and other criminal justice facility beds owned or operated by, or operated under contract with, the department of corrections, located in each county per one thousand persons residing in the county;
- (iii) The number of projected secure community transition facility beds operated by the department of social and health services, and the number of projected correctional institution, work release, and other criminal justice facility beds owned or operated by, or operated under contract with, the department of corrections located in each county per one thousand persons residing in the county; and
- (iv) The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless per one thousand persons residing in the county.

(6) In identifying potential sites within a county for the location of a secure community transition facility, the department shall work with local governments to provide for the equitable distribution of such facilities in jurisdictions and neighborhoods within the county. The department and local governments shall base this equitable distribution on the following factors and give weight to each in accordance with the order of priority listed below:

- (a) The number of state hospital beds for mentally ill persons and secure community transition facility beds operated by the department of social and health services, and the number of correctional institution, work release, or other criminal justice facility beds owned or operated by, or operated under contract with, the department of corrections, located in each jurisdiction or neighborhood per one thousand persons residing in the jurisdiction or neighborhood;
- (b) The number of projected secure community transition facility beds operated by the department of social and health services, and the number of projected correctional institution, work release, or other criminal justice facility beds owned or operated by, or operated under contract with, the department of corrections located in each jurisdiction or neighborhood per one thousand persons residing in the jurisdiction or neighborhood; and
- (c) The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless in the jurisdiction or neighborhood per one thousand persons residing in the jurisdiction or neighborhood.

(7) For the purposes of subsections (3), (5), and (6) of this section, a person is civilly committed from a particular county if the petition for civil commitment with respect to the person was filed in that county.

(8) For the purposes of subsections (5) and (6) of this section:

- (a) "Equitable distribution" means siting or locating secure community transition facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one county, or in any one jurisdiction or community within a county, as relevant; and
- (b) "Jurisdiction" means a city, town, or unincorporated area of a county.

**NEW SECTION. Sec. 202.** A new section is added to chapter 72.09 RCW to read as follows:

The secretary is authorized to operate a correctional facility on McNeil Island for the confinement of sex offenders and other offenders sentenced by the courts, and to make necessary repairs, renovations, additions, and improvements to state property for that purpose, notwithstanding any local comprehensive plans, development regulations, permitting requirements, or other local laws. Operation of the correctional facility and other state facilities authorized by this section and other law includes access to adequate docking facilities on state-owned tidelands at the town of Steilacoom.

**Sec. 203.** RCW 36.70A.103 and 1991 sp.s. c 32 s 4 are each amended to read as follows:

State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter except as otherwise provided in sections 201 (1) and (2) and 202 of this act.

**NEW SECTION. Sec. 204.** Beginning on the effective date of this section, the state shall immediately enter into negotiations for a mitigation agreement with: (1) The county in which the secure community transition facility established pursuant to section 201(1) of this act is located; (2) each community in which the persons from that facility will reside or regularly spend time in pursuant to court orders for regular work or education, or to receive social services, or will regularly be transported through to reach those other communities; and (3) other impacted parties. The negotiations must be toward an agreement that will provide state funding, as appropriated for this purpose, in an amount adequate to mitigate anticipated or realized increased costs resulting from any increased risks to public safety brought about by the presence of sexually violent predators in those communities due to the siting of the secure community transition facility established pursuant to section 201(1) of this act. This section expires June 30, 2003.

**NEW SECTION. Sec. 205.** A new section is added to chapter 71.09 RCW to read as follows:

(1) The department shall make reasonable efforts to distribute the impact of the employment, education, and social services needs of the residents of the secure community transition facility established pursuant to section 201(1) of this act among the adjoining counties and not to concentrate the residents' use of resources in any one community.

(2) The department shall develop policies to ensure that placement of persons eligible in the future for conditional release to a setting less restrictive than the facility established pursuant to section 201(1) of this act will be equitably distributed among the counties and within jurisdictions in the county.

**NEW SECTION. Sec. 206.** The department of social and health services shall by August 1, 2001, and prior to operating the secure community transition facility established pursuant to section 201(1) of this act, hold at least three public hearings in the affected communities within the county where the facility is located.

The purpose of the public hearings is to seek input from county and city officials, local law enforcement officials, and the public regarding operations and security measures needed to adequately protect the community from any increased risk to public safety brought about by the presence of persons conditionally released from the special commitment center in these communities due to the siting of the facility. The department shall ensure that persons have a full opportunity to speak to the issues to be addressed during each hearing.

**NEW SECTION. Sec. 207.** The secretary of social and health services shall coordinate with the secretary of corrections and the appropriate local or state law enforcement agency or agencies to establish a twenty-four-hour law enforcement presence on McNeil Island before any person is admitted to the secure community transition facility established under section 201(1) of this act. Law enforcement shall coordinate with the emergency response team for McNeil Island to provide planning and coordination in the event of an escape from the special commitment center or the secure community transition facility.

In addition, or if no law enforcement agency will provide a law enforcement presence on the island, not more than ten correctional employees, as selected by the secretary of corrections, who are members of the emergency response team for the McNeil Island correctional facility, shall have the powers and duties of a general authority peace officer while acting in a law enforcement capacity. If there is no law enforcement agency to provide the law enforcement presence, those correctional employees selected as peace officers shall provide a twenty-four-hour presence and shall not have correctional duties at the correctional facility in addition to the emergency response team while acting in a law enforcement capacity.

**NEW SECTION. Sec. 208.** A new section is added to chapter 71.09 RCW to read as follows:

(1) By July 1, 2001, the department must provide the appropriate committees of the legislature with a transportation plan to address the issues of coordinating the movement of residents of the secure community transition facility established pursuant to section 201(1) of this act between McNeil Island and the mainland with the movement of others who must use the same docks or equipment within the funds appropriated for this purpose.

(2) If the department does not provide a separate vessel for transporting residents of the secure community transition facility established in section 201(1) of this act between McNeil Island and the mainland, the plan shall

include at least the following components:

(a) The residents shall be separated from minors and vulnerable adults, except vulnerable adults who have been found to be sexually violent predators.

(b) The residents shall not be transported during times when children are normally coming to and from the mainland for school.

(3) The department shall designate a separate waiting area at the points of debarkation, and residents shall be required to remain in this area while awaiting transportation.

(4) The department shall provide law enforcement agencies in the counties and cities in which residents of the secure community transition facility established pursuant to section 201(1) of this act regularly participate in employment, education, or social services, or through which these persons are regularly transported, with a copy of the court's order of conditional release with respect to these persons. The department shall also provide these law enforcement agencies with a general plan of each resident's planned activities in the community, and update these plans as needed.

**NEW SECTION. Sec. 209.** A new section is added to chapter 71.09 RCW to read as follows:

When considering whether a person civilly committed under this chapter and conditionally released to a secure community transition facility is appropriate for release to a placement that is less restrictive than that facility, the court shall consider whether the person has progressed in treatment to the point that a significant change in the person's routine, including but not limited to a change of employment, education, residence, or sex offender treatment provider will not cause the person to regress to the point that the person presents a greater risk to the community than can reasonably be addressed in the proposed placement.

**NEW SECTION. Sec. 210.** A new section is added to chapter 71.09 RCW to read as follows:

(1) Except with respect to the secure community transition facility established pursuant to section 201(1) of this act, a secure community transition facility shall meet the following minimum siting requirements:

(a) The location of the secure community transition facility shall enable:

(i) An average response time of five minutes or less by law enforcement officers who are qualified and designated to perform security response functions relative to the facility; and

(ii) An average response time by fire safety and emergency medical personnel that is comparable to the average of the local community.

(b) In no case shall a secure community transition facility be located adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a site is listed for consideration. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.

(2) The secretary shall adopt rules that, at a minimum:

(a) Include the requirements set out in subsection (1) of this section;

(b) Give great weight to sites that are the farthest removed from any risk potential activity;

(c) Provide that the requirements of sections 211 and 212 of this act can be met with respect to any site chosen; and

(d) Include criteria to be considered in evaluating the appropriateness of a potential site for a secure community transition facility. At a minimum, the criteria shall include:

(i) Whether limited visibility between the facility and adjacent properties can be achieved, upon request of an adjacent property owner, prior to placement of any person;

(ii) The distance from, and number of, risk potential activities and facilities;

(iii) Reasonable proximity to available qualified medical, mental health, sex offender, and chemical dependency treatment providers and facilities. For purposes of this section the "availability" of qualified treatment providers is based upon an analysis of provider qualifications and willingness to provide services, average commute time, and cost of services;

(iv) Suitability of the location for programming, staffing, and support considerations; and

(v) Reasonable proximity to employment, educational, vocational, and other treatment plan components.

(3) In making a decision regarding a site, the secretary shall give priority to public safety and security



considerations. Any analysis related to a decision to site a facility at a particular location shall be made available at the public hearings prescribed in section 214 of this act.

(4) Final regulations implementing this section may not be adopted prior to March 31, 2002.

**NEW SECTION. Sec. 211.** A new section is added to chapter 71.09 RCW to read as follows:

(1) Security systems for all secure community transition facilities shall meet the following minimum qualifications:

(a) The security panel must be a commercial grade panel with tamper-proof switches and a key-lock to prevent unauthorized access.

(b) There must be an emergency electrical supply system which shall include a battery back-up system and a generator.

(c) The system must include personal panic devices for all staff.

(d) The security system must be capable of being monitored and signaled either by telephone through either a land or cellular telephone system or by private radio network in the event of a total dial-tone failure or through equivalent technologies.

(e) The department shall issue photo-identification badges to all staff which must be worn at all times.

(2) Security systems for secure community transition facilities designed to house more than six residents shall also include a fence and provide the maximum protection appropriate in a civil facility for persons in less than total confinement.

**NEW SECTION. Sec. 212.** A new section is added to chapter 71.09 RCW to read as follows:

(1) Secure community transition facilities shall meet the following minimum staffing requirements:

(a) At any time the census of a facility is six or fewer residents, the facility shall maintain a minimum staffing ratio of one staff per resident during normal waking hours and two awake staff per three residents during normal sleeping hours.

(b) At any time the census of a facility is six or fewer residents, all staff shall be classified as residential rehabilitation counselor II or have a classification that indicates a higher level of skill, experience, and training.

(c) Before being assigned to a facility, all staff shall have training in sex offender issues, self-defense, and crisis de-escalation skills in addition to departmental orientation and, as appropriate, management training. All staff with resident treatment or care duties must participate in ongoing in-service training.

(d) All staff must pass a departmental background check and the check is not subject to the limitations in chapter 9.96A RCW. A person who has been convicted of a felony, or any sex offense, may not be employed at the secure community transition facility or be approved as an escort for a resident of the facility.

(2) With respect to the facility established pursuant to section 201(1) of this act, the department shall, no later than December 1, 2001, provide a staffing plan to the appropriate committees of the legislature that will cover the growth of that facility to its full capacity.

**NEW SECTION. Sec. 213.** A new section is added to chapter 71.09 RCW to read as follows:

(1) Unless otherwise ordered by the court:

(a) Residents of a secure community transition facility shall wear electronic monitoring devices at all times. To the extent that electronic monitoring devices that employ global positioning system technology are available and funds for this purpose are appropriated by the legislature, the department shall use these devices.

(b) At least one staff member, or other court-authorized and department-approved person must escort each resident when the resident leaves the secure community transition facility for appointments, employment, or other approved activities. Escorting persons must supervise the resident closely and maintain close proximity to the resident. The escort must immediately notify the department of any serious violation, as defined in section 216 of this act by the resident and must immediately notify law enforcement of any violation of law by the resident. The escort may not be a relative of the resident.

(2) Staff members of the special commitment center and any other total confinement facility and any secure community transition facility must be trained in self-defense and appropriate crisis responses including incident de-escalation. Prior to escorting a person outside of a facility, staff members must also have training in

the offense pattern of the offender they are escorting.

(3) Any escort must carry a cellular telephone or a similar device at all times when escorting a resident of a secure community transition facility.

(4) The department shall require training in offender pattern, self-defense, and incident response for all court-authorized escorts who are not employed by the department or the department of corrections.

**NEW SECTION. Sec. 214.** A new section is added to chapter 71.09 RCW to read as follows:

(1) Whenever the department operates, or the secretary enters into a contract to operate, a secure community transition facility except the secure community transition facility established pursuant to section 201(1) of this act, the secure community transition facility may be operated only after the public notification and opportunities for review and comment as required by this section.

(2) The secretary shall establish a process for early and continuous public participation in establishing or relocating secure community transition facilities. The process shall include, at a minimum, public meetings in the local communities affected, as well as opportunities for written and oral comments, in the following manner:

(a) If there are more than three sites initially selected as potential locations and the selection process by the secretary or a service provider reduces the number of possible sites for a secure community transition facility to no fewer than three, the secretary or the chief operating officer of the service provider shall notify the public of the possible siting and hold at least two public hearings in each community where a secure community transition facility may be sited. The public hearings shall be conducted not less than forty-five days before a final selection is made.

(b) When the secretary or service provider has determined the secure community transition facility's location, the secretary or the chief operating officer of the service provider shall hold at least one additional public hearing in the community where the secure community transition facility will be sited.

(c) When the secretary has entered negotiations with a service provider and only one site is under consideration, then at least two public hearings shall be held.

(d) To provide adequate notice of, and opportunity for interested persons to comment on, a proposed location, the secretary or the chief operating officer of the service provider shall provide at least fourteen days' advance notice of the meeting to all newspapers of general circulation in the community, all radio and television stations generally available to persons in the community, any school district in which the secure community transition facility would be sited or whose boundary is within two miles of a proposed secure community transition facility, any library district in which the secure community transition facility would be sited, local business or fraternal organizations that request notification from the secretary or agency, and any person or property owner within a one-half mile radius of the proposed secure community transition facility. Before initiating this process, the department of social and health services shall contact local government planning agencies in the communities containing the proposed secure community transition facility. The department of social and health services shall coordinate with local government agencies to ensure that opportunities are provided for effective citizen input and to reduce the duplication of notice and meetings.

(3) If local government land use regulations require that a special use or conditional use permit be submitted and approved before a secure community transition facility can be sited, and the process for obtaining such a permit includes public notice and hearing requirements similar to those required under this section, the requirements of this section shall not apply to the extent they would duplicate requirements under the local land use regulations.

(4) This section applies only to secure community transition facilities sited after the effective date of this section.

**NEW SECTION. Sec. 215.** A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall develop a process with local governments that allows each community in which a secure community transition facility is located to establish operational advisory boards of at least seven persons for the secure community transition facilities. The department may conduct community awareness activities to publicize this opportunity. The operational advisory boards developed under this section shall be implemented following the decision to locate a secure community transition facility in a particular community.

(2) The operational advisory boards may review and make recommendations regarding the security and operations of the secure community transition facility and conditions or modifications necessary with relation to any person who the secretary proposes to place in the secure community transition facility.

(3) The facility management must consider the recommendations of the community advisory boards. Where the facility management does not implement an operational advisory board recommendation, the management must provide a written response to the operational advisory board stating its reasons for its decision not to implement the recommendation.

(4) The operational advisory boards, their members, and any agency represented by a member shall not be liable in any cause of action as a result of its recommendations unless the advisory board acts with gross negligence or bad faith in making a recommendation.

**NEW SECTION. Sec. 216.** A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall adopt a violation reporting policy for persons conditionally released to less restrictive alternative placements. The policy shall require written documentation by the department and service providers of all violations of conditions set by the department, the department of corrections, or the court and establish criteria for returning a violator to the special commitment center or a secure community transition facility with a higher degree of security. Any conditionally released person who commits a serious violation of conditions shall be returned to the special commitment center, unless arrested by a law enforcement officer, and the court shall be notified immediately and shall initiate proceedings under RCW 71.09.098 to revoke or modify the less restrictive alternative placement. Nothing in this section limits the authority of the department to return a person to the special commitment center based on a violation that is not a serious violation as defined in this section. For the purposes of this section, "serious violation" includes but is not limited to:

(a) The commission of any criminal offense;  
(b) Any unlawful use or possession of a controlled substance; and  
(c) Any violation of conditions targeted to address the person's documented pattern of offense that increases the risk to public safety.

(2) When a person is conditionally released to a less restrictive alternative under this chapter and is under the supervision of the department of corrections, notice of any violation of the person's conditions of release must also be made to the department of corrections.

(3) Whenever the secretary contracts with a service provider to operate a secure community transition facility, the contract shall include a requirement that the service provider must report to the department of social and health services any known violation of conditions committed by any resident of the secure community transition facility.

(4) The secretary shall document in writing all violations, penalties, actions by the department of social and health services to remove persons from a secure community transition facility, and contract terminations. The secretary shall compile this information and submit it to the appropriate committees of the legislature on an annual basis. The secretary shall give great weight to a service provider's record of violations, penalties, actions by the department of social and health services or the department of corrections to remove persons from a secure community transition facility, and contract terminations in determining whether to execute, renew, or renegotiate a contract with a service provider.

**NEW SECTION. Sec. 217.** A new section is added to chapter 71.09 RCW to read as follows:

A conditional release from a total confinement facility to a less restrictive alternative is a release that subjects the conditionally released person to the registration requirements specified in RCW 9A.44.130 and to community notification under RCW 4.24.550.

When a person is conditionally released to the secure community transition facility established pursuant to section 201(1) of this act, the sheriff must provide each household on McNeil Island with the community notification information provided for under RCW 4.24.550.

**NEW SECTION. Sec. 218.** A new section is added to chapter 71.09 RCW to read as follows:

An employer who hires a person conditionally released to a less restrictive alternative must notify all other

employees of the conditionally released person's status. Notification for conditionally released persons who enroll in institutions of higher education shall be made pursuant to the provisions of RCW 9A.44.130 related to sex offenders enrolled in institutions of higher education and RCW 4.24.550. This section applies only to conditionally released persons whose court-approved treatment plan includes permission or a requirement for the person to obtain education or employment and to employment positions or educational programs that meet the requirements of the court-approved treatment plan.

**NEW SECTION. Sec. 219.** (1) A joint select committee on the equitable distribution of secure community transition facilities is established.

(2) The joint select committee shall consist of the following persons:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate, at least one member being a member of the senate human services and corrections committee;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the co-speakers of the house of representatives, at least one member being a member of the house criminal justice and corrections committee;

(c) One member from the department of social and health services;

(d) One member from the Washington state association of counties;

(e) One member from the association of Washington cities;

(f) One member representing crime victims, appointed jointly by the president of the senate and the co-speakers of the house of representatives;

(g) One person selected by the governor; and

(h) Two persons representing local law enforcement, one representing cities and one representing counties.

(3) The chair of the joint select committee shall be a legislative member chosen by the joint select committee members.

(4) The joint select committee shall review and make recommendations regarding:

(a) Any necessary revisions to the factors provided in section 201 (5) and (6) of this act for the equitable distribution of secure community transition facilities;

(b) Any necessary revisions to the provisions related to siting and operating secure community transition facilities in sections 210, 211, 212, 213, and 216 of this act;

(c) Whether the security measures implemented by the department with respect to the secure community transition facility authorized pursuant to section 201(1) of this act, including those required by section 211 of this act, are sufficient to adequately protect the community; and

(d) Except with respect to the facility established pursuant to section 201(1) of this act, a method for determining possible mitigation measures for compensating communities for any increased risks to public safety brought about by the siting of a secure community transition facility in a community.

(5) The joint select committee shall present a report of its findings and recommendations to the governor and the appropriate committees of the legislature, including any proposed legislation, not later than November 15, 2001.

(6) The joint select committee may, where feasible, consult with individuals from the public and private sector in carrying out its duties under this section.

(7) Nonlegislative members of the joint select committee shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members of the joint select committee shall be reimbursed for travel expenses as provided in RCW 44.04.120.

(8) Staff of senate committee services and the office of program research of the house of representatives shall provide support to the joint select committee.

(9) This section expires March 1, 2002.

**NEW SECTION. Sec. 220.** A new section is added to chapter 71.09 RCW to read as follows:

Nothing in this act shall operate to restrict a court's authority to make less restrictive alternative placements to a committed person's individual residence or to a setting less restrictive than a secure community transition facility. A court-ordered less restrictive alternative placement to a committed person's individual

residence is not a less restrictive alternative placement to a secure community transition facility.

**NEW SECTION. Sec. 221.** The legislature finds that the state needs an increasing number of certified sex offender treatment providers to treat sexually violent predators and meet the state's commitment to long-term treatment, help reduce recidivism, and more adequately provide for the community. The legislature recognizes that these treatment providers offer a valuable service to the people of Washington and may experience difficulty maintaining adequate liability protection given the inherent uncertainties of providing treatment to sexually violent predators. The legislature intends to provide very limited immunity, for instances of simple negligence only, to certified sex offender treatment providers for their treatment decisions involving sexually violent predators released to a less restrictive alternative under chapter 71.09 RCW.

**Sec. 222.** RCW 18.155.020 and 2000 c 171 s 33 and 2000 c 28 s 38 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Certified sex offender treatment provider" means a licensed, certified, or registered health professional who is certified to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW ((9.94A.670 and 13.40.160)) and sexually violent predators under chapter 71.09 RCW.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health.

(4) "Sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

**Sec. 223.** RCW 18.155.030 and 2000 c 171 s 34 and 2000 c 28 s 39 are each reenacted and amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider may perform or provide the following services:

(a) Evaluations conducted for the purposes of and pursuant to RCW 9.94A.670 and 13.40.160;

(b) Treatment of convicted sex offenders who are sentenced and ordered into treatment pursuant to ~~((RCW 9.94A.670))~~ chapter 9.94A RCW and adjudicated juvenile sex offenders who are ordered into treatment pursuant to ~~((RCW 13.40.160))~~ chapter 13.40 RCW;

(c) Except as provided under subsection (3) of this section, treatment of sexually violent predators who are conditionally released to a less restrictive alternative pursuant to chapter 71.09 RCW.

(3) A certified sex offender treatment provider may not perform or provide treatment of sexually violent predators under subsection (2)(c) of this section if the certified sex offender treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

**NEW SECTION. Sec. 224.** A new section is added to chapter 4.24 RCW to read as follows:

(1) A certified sex offender treatment provider is not liable in a civil action for damages for the injuries or death of another caused by a sexually violent predator or level III sex offender being treated by the certified sex offender treatment provider if:

(a) The certified sex offender treatment provider is acting within the course of his or her duties in treating the sexually violent predator or sex offender;

(b) The sexually violent predator is being treated as a condition of release to a less restrictive alternative under chapter 71.09 RCW, or the level III sex offender on community custody is being treated pursuant to a court-ordered or department-ordered condition of sentence; and

(c) The certified sex offender treatment provider's act or omission did not constitute gross negligence or

willful or wanton misconduct.

(2) Nothing in this section affects the certified sex offender treatment provider's civil liability for damages caused by the certified sex offender treatment provider's breach of any duty to warn or protect imposed by law.

(3) Nothing in this section affects the state's civil liability for damages for injuries or death of another caused by a sexually violent predator or level III sex offender.

(4) Nothing in this section affects any statutory or court-ordered requirements of the certified sex offender treatment provider to report any known violations of conditions by the sexually violent predator or level III sex offender. The certified sex offender treatment provider shall report any expressions of intent to harm or other predatory behavior, whether or not there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(5) A certified sex offender treatment provider acts within the scope of his or her profession when he or she provides services to the department of corrections by identifying and notifying the department of risk factors of sex offenders who are not amenable to treatment but who are required under court order to receive treatment.

**NEW SECTION. Sec. 225.** A new section is added to chapter 71.09 RCW to read as follows:

(1) Examinations and treatment of sexually violent predators who are conditionally released to a less restrictive alternative under this chapter shall be conducted only by sex offender treatment providers certified by the department of health under chapter 18.155 RCW unless the court or the department of social and health services finds that: (a) The court-ordered less restrictive alternative placement is located in another state; (b) the treatment provider is employed by the department; or (c)(i) all certified treatment providers become unavailable to provide treatment within a reasonable geographic distance of the person's home, as determined in rules adopted by the department of social and health services; and (ii) the evaluation and treatment plan comply with the rules adopted by the department of social and health services.

A treatment provider approved by the department of social and health services under (c) of this subsection, who is not certified by the department of health, shall consult with a certified provider during the person's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified provider.

(2) A treatment provider, whether or not he or she is employed or approved by the department of social and health services under subsection (1) of this section or otherwise certified, may not perform or provide treatment of sexually violent predators under this section if the treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

(3) Nothing in this section prohibits a qualified expert from examining or evaluating a sexually violent predator who has been conditionally released for purposes of presenting an opinion in court proceedings.

### PART III SENTENCING STRUCTURE

**Sec. 301.** RCW 9.94A.030 and 2001 c 287 s 4 and 2001 c 95 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

~~((2))~~ (3) "Commission" means the sentencing guidelines commission.

~~((3))~~ (4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

~~((4))~~ (5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.120(2)(b), 9.94A.650 through 9.94A.670, 9.94A.137, 9.94A.700 through 9.94A.715, or 9.94A.383, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

~~((5))~~ (6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.

~~((6))~~ (7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

~~((7))~~ (8) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((8))~~ (9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

~~((9))~~ (10) "Confinement" means total or partial confinement.

~~((10))~~ (11) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((11))~~ (12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

~~((12))~~ (13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

~~((13))~~ (14) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

~~((14))~~ (15) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

~~((15))~~ (16) "Department" means the department of corrections.

~~((16))~~ (17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((17))~~ (18) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((18))~~ (19) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

~~((19))~~ (20) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((20))~~ (21) "Earned release" means earned release from confinement as provided in RCW 9.94A.150.

~~((21))~~ (22) "Escape" means:

(a) ~~(Escape by a)~~ Sexually violent predator escape (RCW 9A.76.--- (section 1, chapter 287, Laws of 2001, as amended by section 358, chapter ... (this act), Laws of 2001 1st sp. sess.)), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((22))~~ (23) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((23))~~ (24) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((24))~~ (25) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((25))~~ (26) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((26))~~ (27) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((27))~~ (28) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;



- (b) Assault in the second degree;
  - (c) Assault of a child in the second degree;
  - (d) Child molestation in the second degree;
  - (e) Controlled substance homicide;
  - (f) Extortion in the first degree;
  - (g) Incest when committed against a child under age fourteen;
  - (h) Indecent liberties;
  - (i) Kidnapping in the second degree;
  - (j) Leading organized crime;
  - (k) Manslaughter in the first degree;
  - (l) Manslaughter in the second degree;
  - (m) Promoting prostitution in the first degree;
  - (n) Rape in the third degree;
  - (o) Robbery in the second degree;
  - (p) Sexual exploitation;
  - (q) Vehicular assault;
  - (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
  - (s) Any other class B felony offense with a finding of sexual motivation;
  - (t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
  - (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
  - (v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
  - (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.
- ((~~28~~)) (29) "Nonviolent offense" means an offense which is not a violent offense.
- ((~~29~~)) (30) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.
- ((~~30~~)) (31) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.
- ((~~31~~)) (32) "Persistent offender" is an offender who:
- (a)(i) Has been convicted in this state of any felony considered a most serious offense; and
  - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree~~(, with a finding of sexual motivation)~~; or (C) an attempt to commit any crime listed in this subsection ~~((31))~~ (32)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((32))~~ (33) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((33))~~ (34) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((34))~~ (35) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

~~((35))~~ (36) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((36))~~ (37) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((37))~~ (38) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony

classified as a sex offense under (a) of this subsection.

~~((38))~~ (39) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((39))~~ (40) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((40))~~ (41) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((41))~~ (42) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((42))~~ (43) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((43))~~ (44) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((44))~~ (45) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((45))~~ (46) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.135.

~~((46))~~ (47) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.137 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((47))~~ (48) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 302.** RCW 9.94A.715 and 2001 c 10 s 5 are each amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under

section 303 of this act, a violent offense, any crime against persons under RCW 9.94A.440(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range established under RCW 9.94A.040 or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.205 and 9.94A.207.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

**NEW SECTION.** **Sec. 303.** A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

- (i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;
- (ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or
- (iii) An attempt to commit any crime listed in this subsection (1)(a); committed on or after the effective date of this section; or
- (b) Has a prior conviction for an offense listed in RCW 9.94A.030(32)(b), and is convicted of any sex offense which was committed after the effective date of this section.
- For purposes of this subsection (1)(b), failure to register is not a sex offense.
- (2) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term consisting of the statutory maximum sentence for the offense and a minimum term either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.390, if the offender is otherwise eligible for such a sentence.
- (3) A person sentenced under subsection (2) of this section shall serve the sentence in a facility or institution operated, or utilized under contract by the state.
- (4) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.
- (5)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to sections 304, 307, and 308 of this act.
- (b) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under sections 304 and 306 through 309 of this act.

**NEW SECTION. Sec. 304.** A new section is added to chapter 9.94A RCW to read as follows:

- (1) When an offender is sentenced under section 303 of this act, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions of the offender's community custody based upon the risk to community safety. In addition, the department shall make a recommendation with regard to, and the board may require the offender to participate in, rehabilitative programs, or otherwise perform affirmative conduct, and obey all laws. The board must consider and may impose department-recommended conditions.
- (2) The department may not recommend and the board may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions. The board shall notify the offender in writing of any such conditions or modifications.
- (3) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.
- (4) If an offender violates conditions imposed by the court, the department, or the board during community custody, the board or the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in section 309 of this act.
- (5) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:
- (a) The crime of conviction;
  - (b) The offender's risk of reoffending; or
  - (c) The safety of the community.

(6) An offender released by the board under section 306 of this act shall be subject to the supervision of the department until the expiration of the maximum term of the sentence. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board shall be subject to the provisions of sections 307 through 310 of this act.

(7) If the department finds that an emergency exists requiring the immediate imposition of conditions of release in addition to those set by the board under section 306 of this act and subsection (1) of this section in order to prevent the offender from committing a crime, the department may impose additional conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board under subsection (1) of this section within seven working days.

**NEW SECTION. Sec. 305.** A new section is added to chapter 72.09 RCW to read as follows:

The department shall provide offenders sentenced under section 303 of this act with the opportunity for sex offender treatment during incarceration.

**NEW SECTION. Sec. 306.** A new section is added to chapter 9.95 RCW to read as follows:

(1)(a) Before the expiration of the minimum term, as part of the end of sentence review process under RCW 72.09.340, 72.09.345, and where appropriate, 72.09.370, the department shall conduct, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(b) The board may contract for an additional, independent examination, subject to the standards in this section.

(2) The board shall impose the conditions and instructions provided for in RCW 9.94A.720. The board shall consider the department's recommendations and may impose conditions in addition to those recommended by the department. The board may impose or modify conditions of community custody following notice to the offender.

(3) No later than ninety days before expiration of the minimum term, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term, not to exceed an additional two years.

**NEW SECTION. Sec. 307.** A new section is added to chapter 9.95 RCW to read as follows:

(1) Whenever the board or a community corrections officer of this state has reason to believe an offender released under section 306 of this act has violated a condition of community custody or the laws of this state, any community corrections officer may arrest or cause the arrest and detention of the offender pending a determination by the board whether sanctions should be imposed or the offender's community custody should be revoked. The community corrections officer shall report all facts and circumstances surrounding the alleged violation to the board, with recommendations.

(2) If the board or the department causes the arrest or detention of an offender for a violation that does not amount to a new crime and the offender is arrested or detained by local law enforcement or in a local jail, the board or department, whichever caused the arrest or detention, shall be financially responsible for local costs.

Jail bed costs shall be allocated at the rate established under RCW 9.94A.207(3).

**NEW SECTION. Sec. 308.** A new section is added to chapter 9.95 RCW to read as follows:

Any offender released under section 306 of this act who is arrested and detained in physical custody by the authority of a community corrections officer, or upon the written order of the board, shall not be released from custody on bail or personal recognizance, except upon approval of the board and the issuance by the board of an order reinstating the offender's release on the same or modified conditions. All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

**NEW SECTION. Sec. 309.** A new section is added to chapter 9.95 RCW to read as follows:

(1) If an offender released by the board under section 306 of this act violates any condition or requirement of community custody, the board may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2) Following the hearing specified in subsection (3) of this section, the board may impose sanctions such as work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community, or may suspend or revoke the release to community custody whenever an offender released by the board under section 306 of this act violates any condition or requirement of community custody.

(3) If an offender released by the board under section 306 of this act is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the board prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The board shall develop hearing procedures and a structure of graduated sanctions consistent with the hearing procedures and graduated sanctions developed pursuant to RCW 9.94A.205. The board may suspend the offender's release to community custody and confine the offender in a correctional institution owned, operated by, or operated under contract with the state prior to the hearing unless the offender has been arrested and confined for a new criminal offense.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearings shall be conducted by members of the board unless the board enters into an agreement with the department to use the hearing officers established under RCW 9.94A.205;

(b) The board shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the board;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing examiner if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; (v) question witnesses who appear and testify; and (vi) be represented by counsel if revocation of the release to community custody is a possible sanction for the violation; and

(e) The sanction shall take effect if affirmed by the hearing examiner. Within seven days after the hearing examiner's decision, the offender may appeal the decision to a panel of three reviewing examiners designated by the chair of the board or by the chair's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii)

the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

(5) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

**NEW SECTION. Sec. 310.** A new section is added to chapter 9.95 RCW to read as follows:

In the event the board suspends release status of an offender released under section 306 of this act by reason of an alleged violation of a condition of release, or pending disposition of a new criminal charge, the board may nullify the suspension order and reinstate release under previous conditions or any new conditions the board determines advisable. Before the board may nullify a suspension order and reinstate release, it shall determine that the best interests of society and the offender shall be served by such reinstatement rather than return to confinement.

**Sec. 311.** RCW 9.94A.060 and 1996 c 232 s 3 are each amended to read as follows:

(1) The commission consists of twenty voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, subject to confirmation by the senate.

(2) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management or designee, as an ex officio member;

(c) ~~((Until the indeterminate sentence review board ceases to exist pursuant to RCW 9.95.0011,))~~ The chair of the indeterminate sentence review board, as an ex officio member;

(d) The head of the state agency, or the agency head's designee, having responsibility for juvenile corrections programs, as an ex officio member;

(e) Two prosecuting attorneys;

(f) Two attorneys with particular expertise in defense work;

(g) Four persons who are superior court judges;

(h) One person who is the chief law enforcement officer of a county or city;

(i) Four members of the public who are not prosecutors, defense attorneys, judges, or law enforcement officers, one of whom is a victim of crime or a crime victims' advocate;

(j) One person who is an elected official of a county government, other than a prosecuting attorney or sheriff;

(k) One person who is an elected official of a city government;

(l) One person who is an administrator of juvenile court services.

In making the appointments, the governor shall endeavor to assure that the commission membership includes adequate representation and expertise relating to both the adult criminal justice system and the juvenile justice system. In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the defense attorney members, of the association of superior court judges in respect to the members who are judges, of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer, of the Washington state association of counties in respect to the member who is a county official, of the association of Washington cities in respect to the member who is a city official, of the office of crime victims advocacy and other organizations of crime victims in respect to the member who is a victim of crime or a crime victims' advocate, and of the Washington association of juvenile court administrators in respect to the member who is an administrator of juvenile court services.

(3)(a) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed.

(b) The governor shall stagger the terms of the members appointed under subsection (2)(j), (k), and (l) of this section by appointing one of them for a term of one year, one for a term of two years, and one for a term of three years.

(4) The speaker of the house of representatives and the president of the senate may each appoint two



nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120(~~(, as now existing or hereafter amended)~~). Members shall be compensated in accordance with RCW 43.03.250.

**Sec. 312.** RCW 9.94A.120 and 2001 c 10 s 2 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, the court shall impose a sentence within the standard sentence range established in RCW 9.94A.310;

(ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

(iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

(iv) RCW 9.94A.383, relating to community custody for offenders whose term of confinement is one year or less;

(v) RCW 9.94A.560, relating to persistent offenders;

(vi) RCW 9.94A.590, relating to mandatory minimum terms;

(vii) RCW 9.94A.650, relating to the first-time offender waiver;

(viii) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(ix) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(x) Section 303 of this act, relating to certain sex offenses;

(xi) RCW 9.94A.390, relating to exceptional sentences;

~~((xi))~~ (xii) RCW 9.94A.400, relating to consecutive and concurrent sentences.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community service work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.390.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145.

(5) Except as provided under RCW 9.94A.140(4) and 9.94A.142(4), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.140 and 9.94A.142.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring

mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, community placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

**Sec. 313.** RCW 9.94A.190 and 2000 c 28 s 4 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract by the state. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract by the state, consistent with the provisions of RCW 9.94A.400.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract by the state.

(5) Sentences imposed pursuant to section 303 of this act shall be served in a facility or institution operated, or utilized under contract by the state.

**Sec. 314.** RCW 9.94A.390 and 2000 c 28 s 8 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence unless it is imposed on an offender sentenced under section 303 of this act. An exceptional sentence imposed on an offender sentenced under section 303 of this act shall be to a minimum term set by the court and a maximum term equal to the statutory maximum sentence for the offense of conviction under chapter 9A.20 RCW.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.210(4).

A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.210 (2) through (6).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons

for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(k) The offense resulted in the pregnancy of a child victim of rape.

(l) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

**Sec. 315.** RCW 9.94A.590 and 2000 c 28 s 7 are each amended to read as follows:

(1) The following minimum terms of total confinement are mandatory and shall not be varied or modified under RCW 9.94A.390:

(a) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years.

(b) An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years.

(c) An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years.

(d) An offender convicted of the crime of sexually violent predator escape shall be sentenced to a minimum term of total confinement not less than sixty months.

(2) During such minimum terms of total confinement, no offender subject to the provisions of this section is eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW 9.94A.150, or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.150(4).

**Sec. 316.** RCW 9.94A.670 and 2000 c 28 s 20 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider as defined in RCW 18.155.020.

(b) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative if:

- (a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense;
  - (b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state; and
  - (c) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.
- (3) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.
- (a) The report of the examination shall include at a minimum the following:
    - (i) The offender's version of the facts and the official version of the facts;
    - (ii) The offender's offense history;
    - (iii) An assessment of problems in addition to alleged deviant behaviors;
    - (iv) The offender's social and employment situation; and
    - (v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

- (b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:
  - (i) Frequency and type of contact between offender and therapist;
  - (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
  - (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
  - (iv) Anticipated length of treatment; and
  - (v) Recommended crime-related prohibitions.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to section 303 of this act, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less (~~then~~ ~~than~~) than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

- (a) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to section 303 of this act, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.
- (b) The court shall order treatment for any period up to three years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

- (5) As conditions of the suspended sentence, the court may impose one or more of the following:
  - (a) Up to six months of confinement, not to exceed the sentence range of confinement for that offense;
  - (b) Crime-related prohibitions;
  - (c) Require the offender to devote time to a specific employment or occupation;
  - (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
  - (e) Report as directed to the court and a community corrections officer;
  - (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(g) Perform community service work; or

(h) Reimburse the victim for the cost of any counseling required as a result of the offender's crime.

(6) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

(7) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

(8) Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. Either party may request, and the court may order, another evaluation regarding the advisability of termination from treatment. The offender shall pay the cost of any additional evaluation ordered unless the court finds the offender to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment for up to the remaining period of community custody.

(9) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections (6) and (8) of this section.

(10) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(11) Examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

(12) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment.

**NEW SECTION. Sec. 317.** A new section is added to chapter 9.95 RCW to read as follows:

(1) "Board" means the indeterminate sentence review board.

(2) "Community custody" means that portion of an offender's sentence subject to controls including crime-related prohibitions and affirmative conditions from the court, the board, or the department of corrections based on risk to community safety, that is served under supervision in the community, and which may be modified or revoked for violations of release conditions.

(3) "Crime-related prohibition" has the meaning defined in RCW 9.94A.030.

(4) "Department" means the department of corrections.

(5) "Parole" means that portion of a person's sentence for a crime committed before July 1, 1984, served on conditional release in the community subject to board controls and revocation and under supervision of the department.

(6) "Secretary" means the secretary of the department of corrections or his or her designee.

**Sec. 318.** RCW 9.95.005 and 1986 c 224 s 4 are each amended to read as follows:

The board shall meet at ~~((the penitentiary and the reformatory))~~ major state correctional institutions at such times as may be necessary for a full and complete study of the cases of all convicted persons whose durations

of confinement are to be determined by it (~~(the)~~); whose community custody supervision is under the board's authority; or whose applications for parole come before it. Other times and places of meetings may also be fixed by the board.

The superintendents of the different institutions shall provide suitable quarters for the board and assistants while in the discharge of their duties.

**Sec. 319.** RCW 9.95.010 and 1955 c 133 s 2 are each amended to read as follows:

When a person, whose crime was committed before July 1, 1984, is convicted of any felony, except treason, murder in the first degree, or carnal knowledge of a child under ten years, and a new trial is not granted, the court shall sentence such person to the penitentiary, or, if the law allows and the court sees fit to exercise such discretion, to the reformatory, and shall fix the maximum term of such person's sentence only.

The maximum term to be fixed by the court shall be the maximum provided by law for the crime of which such person was convicted, if the law provides for a maximum term. If the law does not provide a maximum term for the crime of which such person was convicted the court shall fix such maximum term, which may be for any number of years up to and including life imprisonment but in any case where the maximum term is fixed by the court it shall be fixed at not less than twenty years.

**Sec. 320.** RCW 9.95.011 and 1993 c 144 s 3 are each amended to read as follows:

(1) When the court commits a convicted person to the department of corrections on or after July 1, 1986, for an offense committed before July 1, 1984, the court shall, at the time of sentencing or revocation of probation, fix the minimum term. The term so fixed shall not exceed the maximum sentence provided by law for the offense of which the person is convicted.

The court shall attempt to set the minimum term reasonably consistent with the purposes, standards, and sentencing ranges adopted under RCW 9.94A.040, but the court is subject to the same limitations as those placed on the board under RCW 9.92.090, 9.95.040 (1) through (4), 9.95.115, 9A.32.040, 9A.44.045, and chapter 69.50 RCW. The court's minimum term decision is subject to review to the same extent as a minimum term decision by the parole board before July 1, 1986.

Thereafter, the expiration of the minimum term set by the court minus any time credits earned under RCW 9.95.070 and 9.95.110 constitutes the parole eligibility review date, at which time the board may consider the convicted person for parole under RCW 9.95.100 and 9.95.110 and chapter 72.04A RCW. Nothing in this section affects the board's authority to reduce or increase the minimum term, once set by the court, under RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080, 9.95.100, 9.95.115, 9.95.125, or 9.95.047.

(2) Not less than ninety days prior to the expiration of the minimum term of a person sentenced under section 303 of this act, for a sex offense committed on or after July 1, 2001, less any time credits permitted by statute, the board shall review the person for conditional release to community custody as provided in section 306 of this act. If the board does not release the person, it shall set a new minimum term not to exceed an additional two years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

**Sec. 321.** RCW 9.95.017 and 1986 c 224 s 11 are each amended to read as follows:

(1) The board shall cause to be prepared criteria for duration of confinement, release on parole, and length of parole for persons committed to prison for crimes committed before July 1, 1984.

The proposed criteria should take into consideration RCW 9.95.009(2). Before submission to the governor, the board shall solicit comments and review on their proposed criteria for parole release. These proposed criteria shall be submitted for consideration by the 1987 legislature.

(2) Persons committed to the department of corrections and who are under the authority of the board for crimes committed on or after July 1, 2001, are subject to the provisions for duration of confinement, release to community custody, and length of community custody established in sections 303 through 310 of this act.

**Sec. 322.** RCW 9.95.020 and 1955 c 133 s 3 are each amended to read as follows:

If the sentence of a person so convicted is not suspended by the court, the superintendent of (~~the~~

~~penitentiary or the superintendent of the reformatory))~~ a major state correctional institution shall receive such person, if committed to his or her institution, and imprison ~~((him))~~ the person until released under the provisions of this chapter, under section 306 of this act, upon the completion of the statutory maximum sentence, or through the action of the governor.

**Sec. 323.** RCW 9.95.032 and 1984 c 114 s 3 are each amended to read as follows:

Such statement shall be signed by the prosecuting attorney and approved by the judge by whom the judgment was rendered and shall be delivered to the sheriff, traveling guard, department of corrections personnel, or other officer executing the sentence, and a copy of such statement shall be furnished to the defendant or his or her attorney. Such officer shall deliver the statement, at the time of the prisoner's commitment, to the superintendent of the institution to which such prisoner has been ~~((sentenced and))~~ committed. The superintendent shall make such statement available for use by the board ~~((of prison terms and paroles))~~.

**Sec. 324.** RCW 9.95.052 and 1986 c 224 s 10 are each amended to read as follows:

At any time after the board (or the court after July 1, 1986) has determined the minimum term of confinement of any person subject to confinement in a state correctional institution for a crime committed before July 1, 1984, the board may request the superintendent of such correctional institution to conduct a full review of such person's prospects for rehabilitation and report to the board the facts of such review and the resulting findings. Upon the basis of such report and such other information and investigation that the board deems appropriate, the board may redetermine and refix such convicted person's minimum term of confinement whether the term was set by the board or the court.

The board shall not reduce a person's minimum term of confinement unless the board has received from the department of corrections all institutional conduct reports relating to the person.

**Sec. 325.** RCW 9.95.055 and 1992 c 7 s 25 are each amended to read as follows:

The indeterminate sentence review board is hereby granted authority, in the event of a declaration by the governor that a war emergency exists, including a general mobilization, and for the duration thereof only, to reduce downward the minimum term, as set by the board, of any inmate under the jurisdiction of the board confined in a state correctional facility, who will be accepted by and inducted into the armed services: PROVIDED, That a reduction downward shall not be made under this section for those inmates who are confined for treason, murder in the first degree or carnal knowledge of a female child under ten years: AND PROVIDED FURTHER, That no such inmate shall be released under this section who is ~~((found to be a sexual psychopath under the provisions of and as defined by chapter 71.12 RCW))~~ being considered for civil commitment as a sexually violent predator under chapter 71.09 RCW or was sentenced under section 303 of this act for a crime committed on or after July 1, 2001.

**Sec. 326.** RCW 9.95.064 and 1989 c 276 s 4 are each amended to read as follows:

(1) In order to minimize the trauma to the victim, the court may attach conditions on release of ((a- defendant)) an offender under RCW 9.95.062, convicted of a crime committed before July 1, 1984, regarding the whereabouts of the defendant, contact with the victim, or other conditions.

(2) Offenders released under section 306 of this act are subject to crime-related prohibitions and affirmative conditions established by the court, the department of corrections, or the board pursuant to RCW 9.94A.715 and sections 303 through 310 of this act.

**Sec. 327.** RCW 9.95.070 and 1999 c 143 s 19 are each amended to read as follows:

(1) Every prisoner, convicted of a crime committed before July 1, 1984, who has a favorable record of conduct at the penitentiary or the reformatory, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties, and tasks assigned to him or her to the satisfaction of the superintendent of the penitentiary or reformatory, and in whose behalf the superintendent of the penitentiary or reformatory files a report certifying that his or her conduct and work have been meritorious and recommending allowance of time credits to him or her, shall upon, but not until, the adoption of such recommendation by the indeterminate sentence



review board, be allowed time credit reductions from the term of imprisonment fixed by the board.

(2) Offenders sentenced under section 303 of this act for a crime committed on or after July 1, 2001, are subject to the earned release provisions for sex offenders established in RCW 9.94A.150.

**Sec. 328.** RCW 9.95.080 and 1992 c 7 s 26 are each amended to read as follows:

In case any ~~((convicted))~~ person convicted of a crime committed before July 1, 1984, and under the jurisdiction of the indeterminate sentence review board undergoing sentence in a state correctional ~~((facility))~~ institution commits any infractions of the rules and regulations of the institution, the board may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned, including the forfeiture of all or a portion of credits earned or to be earned, pursuant to the provisions of RCW 9.95.110, and make a new order determining the length of time the person shall serve, not exceeding the maximum penalty provided by law for the crime for which the person was convicted, or the maximum fixed by the court. Such revocation and redetermination shall not be had except upon a hearing before the indeterminate sentence review board. At such hearing the convicted person shall be present and entitled to be heard and may present evidence and witnesses in his or her behalf.

**Sec. 329.** RCW 9.95.090 and 1999 c 143 s 20 are each amended to read as follows:

(1) The board shall require of every able bodied ~~((convicted person imprisoned in the penitentiary or the reformatory))~~ offender confined in a state correctional institution for a crime committed before July 1, 1984, as many hours of faithful labor in each and every day during his or her term of imprisonment as shall be prescribed by the rules and regulations of the institution in which he or she is confined.

(2) Offenders sentenced under section 303 of this act for crimes committed on or after July 1, 2001, shall perform work or other programming as required by the department of corrections during their term of confinement.

**Sec. 330.** RCW 9.95.100 and 1955 c 133 s 11 are each amended to read as follows:

Any ~~((convicted))~~ person convicted of a felony committed before July 1, 1984, and undergoing sentence in ~~((the penitentiary or the reformatory))~~ a state correctional institution, not sooner released under the provisions of this chapter, shall, in accordance with the provisions of law, be discharged from custody on serving the maximum punishment provided by law for the offense of which such person was convicted, or the maximum term fixed by the court where the law does not provide for a maximum term. The board shall not, however, until his or her maximum term expires, release a prisoner, unless in its opinion his or her rehabilitation has been complete and he or she is a fit subject for release.

**Sec. 331.** RCW 9.95.110 and 1999 c 143 s 21 are each amended to read as follows:

(1) The board may permit ~~((a convicted person))~~ an offender convicted of a crime committed before July 1, 1984, to leave the buildings and enclosures of ~~((the penitentiary or the reformatory))~~ a state correctional institution on parole, after such convicted person has served the period of confinement fixed for him or her by the board, less time credits for good behavior and diligence in work: PROVIDED, That in no case shall an inmate be credited with more than one-third of his or her sentence as fixed by the board.

The board may establish rules and regulations under which ~~((a convicted person))~~ an offender may be allowed to leave the confines of ~~((the penitentiary or the reformatory))~~ a state correctional institution on parole, and may return such person to the confines of the institution from which he or she was paroled, at its discretion.

(2) The board may permit an offender convicted of a crime committed on or after July 1, 2001, and sentenced under section 303 of this act, to leave a state correctional institution on community custody according to the provisions of sections 303 through 310 of this act. The person may be returned to the institution following a violation of his or her conditions of release to community custody pursuant to the hearing provisions of section 309 of this act.

**Sec. 332.** RCW 9.95.115 and 1989 c 259 s 3 are each amended to read as follows:

The indeterminate sentence review board is hereby granted authority to parole any person sentenced to the

custody of the department of corrections, under a mandatory life sentence for a crime committed ~~((prior to))~~ before July 1, 1984, except those persons sentenced to life without the possibility of parole. No such person shall be granted parole unless the person has been continuously confined therein for a period of twenty consecutive years less earned good time: PROVIDED, That no such person shall be released under parole who is ~~((found to be a sexual psychopath under the provisions of and as defined by chapter 71.06 RCW))~~ subject to civil commitment as a sexually violent predator under chapter 71.09 RCW.

**Sec. 333.** RCW 9.95.120 and 1999 c 143 s 22 are each amended to read as follows:

Whenever the board or a ~~((probation and parole))~~ community corrections officer of this state has reason to believe a ~~((convicted))~~ person convicted of a crime committed before July 1, 1984, has breached a condition of his or her parole or violated the law of any state where he or she may then be or the rules and regulations of the board, any ~~((probation and parole))~~ community corrections officer of this state may arrest or cause the arrest and detention and suspension of parole of such convicted person pending a determination by the board whether the parole of such convicted person shall be revoked. All facts and circumstances surrounding the violation by such convicted person shall be reported to the board by the ~~((probation and parole))~~ community corrections officer, with recommendations. The board, after consultation with the secretary of corrections, shall make all rules and regulations concerning procedural matters, which shall include the time when state ~~((probation and parole))~~ community corrections officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board to perform its functions under this section. On the basis of the report by the ~~((probation and parole))~~ community corrections officer, or at any time upon its own discretion, the board may revise or modify the conditions of parole or order the suspension of parole by the issuance of a written order bearing its seal, which order shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board for his or her return to a state correctional institution for convicted felons. Any such revision or modification of the conditions of parole or the order suspending parole shall be personally served upon the parolee.

Any parolee arrested and detained in physical custody by the authority of a state ~~((probation and parole))~~ community corrections officer, or upon the written order of the board, shall not be released from custody on bail or personal recognizance, except upon approval of the board and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Whenever a paroled prisoner is accused of a violation of his or her parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state or the laws of any state where he or she may then be, he or she shall be entitled to a fair and impartial hearing of such charges within thirty days from the time that he or she is served with charges of the violation of conditions of ~~((his))~~ parole after his or her arrest and detention. The hearing shall be held before one or more members of the board at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

In the event that the board suspends a parole by reason of an alleged parole violation or in the event that a parole is suspended pending the disposition of a new criminal charge, the board shall have the power to nullify the order of suspension and reinstate the individual to parole under previous conditions or any new conditions that the board may determine advisable. Before the board shall nullify an order of suspension and reinstate a parole they shall have determined that the best interests of society and the individual shall best be served by such reinstatement rather than a return to a penal institution.

**Sec. 334.** RCW 9.95.121 and 1981 c 136 s 38 are each amended to read as follows:

(1) For offenders convicted of crimes committed before July 1, 1984, within fifteen days from the date of notice to the department of corrections of the arrest and detention of the alleged parole violator, he or she shall be personally served by a state ~~((probation and parole))~~ community corrections officer with a copy of the factual allegations of the violation of the conditions of parole, and, at the same time shall be advised of his or her right to an on-site parole revocation hearing and of his or her rights and privileges as provided in RCW 9.95.120 through

9.95.126. The alleged parole violator, after service of the allegations of violations of the conditions of parole and the advice of rights may waive the on-site parole revocation hearing as provided in RCW 9.95.120, and admit one or more of the alleged violations of the conditions of parole. If the board accepts the waiver it shall either, (1) reinstate the parolee on parole under the same or modified conditions, or (2) revoke the parole of the parolee and enter an order of parole revocation and return to state custody. A determination of a new minimum sentence shall be made within thirty days of return to state custody which shall not exceed the maximum sentence as provided by law for the crime of which the parolee was originally convicted or the maximum fixed by the court.

If the waiver made by the parolee is rejected by the board it shall hold an on-site parole revocation hearing under the provisions of RCW 9.95.120 through 9.95.126.

(2) Offenders sentenced under section 303 of this act are subject to the violation hearing process established in section 309 of this act.

**Sec. 335.** RCW 9.95.122 and 1999 c 143 s 23 are each amended to read as follows:

(1) At any on-site parole revocation hearing for a person convicted of a crime committed before July 1, 1984, the alleged parole violator shall be entitled to be represented by an attorney of his or her own choosing and at his or her own expense, except, upon the presentation of satisfactory evidence of indigency and the request for the appointment of an attorney by the alleged parole violator, the board may cause the appointment of an attorney to represent the alleged parole violator to be paid for at state expense, and, in addition, the board may assume all or such other expenses in the presentation of evidence on behalf of the alleged parole violator as it may have authorized: PROVIDED, That funds are available for the payment of attorneys' fees and expenses. Attorneys for the representation of alleged parole violators in on-site hearings shall be appointed by the superior courts for the counties wherein the on-site parole revocation hearing is to be held and such attorneys shall be compensated in such manner and in such amount as shall be fixed in a schedule of fees adopted by rule of the board.

(2) The rights of offenders sentenced under section 303 of this act are defined in section 309 of this act.

**Sec. 336.** RCW 9.95.123 and 1999 c 143 s 24 are each amended to read as follows:

In conducting on-site parole or community custody revocation hearings or community custody violations hearings, the board shall have the authority to administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas for the compulsory attendance of witnesses and the production of evidence for presentation at such hearings. Subpoenas issued by the board shall be effective throughout the state. Witnesses in attendance at any on-site parole or community custody revocation hearing shall be paid the same fees and allowances, in the same manner and under the same conditions as provided for witnesses in the courts of the state in accordance with chapter 2.40 RCW (~~as now or hereafter amended~~). If any person fails or refuses to obey a subpoena issued by the board, or obeys the subpoena but refuses to testify concerning any matter under examination at the hearing, the board may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena: PROVIDED, That an offer to pay statutory fees and mileage has been made to the witness at the time of the service of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the board. The court, upon such petition, shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he or she has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey (~~said~~) the order, the witness shall be dealt with as for contempt of court.

**Sec. 337.** RCW 9.95.124 and 1999 c 143 s 25 are each amended to read as follows:

At all on-site parole revocation hearings for offenders convicted of crimes committed before July 1, 1984, the (~~probation and parole~~) community corrections officers of the department of corrections, having made the allegations of the violations of the conditions of parole, may be represented by the attorney general. The attorney

general may make independent recommendations to the board about whether the violations constitute sufficient cause for the revocation of the parole and the return of the parolee to a state correctional institution for convicted felons. The hearings shall be open to the public unless the board for specifically stated reasons closes the hearing in whole or in part. The hearings shall be recorded either manually or by a mechanical recording device. An alleged parole violator may be requested to testify and any such testimony shall not be used against him or her in any criminal prosecution. The board shall adopt rules governing the formal and informal procedures authorized by this chapter and make rules of practice before the board in on-site parole revocation hearings, together with forms and instructions.

**Sec. 338.** RCW 9.95.125 and 1993 c 140 s 2 are each amended to read as follows:

After the on-site parole revocation hearing for a person convicted of a crime committed before July 1, 1984, has been concluded, the members of the board having heard the matter shall enter their decision of record within ten days, and make findings and conclusions upon the allegations of the violations of the conditions of parole. If the member, or members having heard the matter, should conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of the evidence, or, those which have been proven by a preponderance of the evidence are not sufficient cause for the revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole. For parole violations not resulting in new convictions, modified conditions of parole may include sanctions according to an administrative sanction grid. If the member or members having heard the matter should conclude that the allegations of violation of the conditions of parole have been proven by a preponderance of the evidence and constitute sufficient cause for the revocation of parole, then such member or members shall enter an order of parole revocation and return the parole violator to state custody. Within thirty days of the return of such parole violator to a state correctional institution ~~((for convicted felons))~~ the board shall enter an order determining a new minimum term not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the court.

**Sec. 339.** RCW 9.95.126 and 1969 c 98 s 8 are each amended to read as follows:

All officers and employees of the state, counties, cities and political subdivisions of this state shall cooperate with the board ~~((of prison terms and paroles))~~ in making available suitable facilities for conducting parole or community custody revocation hearings.

**Sec. 340.** RCW 9.95.130 and 1993 c 140 s 3 are each amended to read as follows:

From and after the suspension, cancellation, or revocation of the parole of any ~~((convicted person))~~ offender convicted of a crime committed before July 1, 1984, and until his or her return to custody ~~((convicted person))~~ offender shall be deemed an escapee and a fugitive from justice. The indeterminate sentence review board may deny credit against the maximum sentence any time during which he or she is an escapee and fugitive from justice.

**Sec. 341.** RCW 9.95.140 and 1992 c 7 s 27 are each amended to read as follows:

(1) The ~~((indeterminate sentence review))~~ board shall cause a complete record to be kept of every prisoner under the jurisdiction of the board released on parole or community custody. Such records shall be organized in accordance with the most modern methods of filing and indexing so that there will be always immediately available complete information about each such prisoner. Subject to information sharing provisions related to mentally ill offenders, the end of sentence review committee, and the department of corrections, the board may make rules as to the privacy of such records and their use by others than the board and its staff. ~~((In determining the rules regarding dissemination of information regarding convicted))~~ Sex offenders convicted of crimes committed before July 1, 1984, who are under the board's jurisdiction~~((;))~~ shall be subject to the determinations of the end of sentence review committee regarding risk level and subject to sex offender registration and community notification. The board ~~((shall consider the provisions of section 116, chapter 3, Laws of 1990 and RCW 4.24.550 and))~~ shall be immune from liability for the release of information concerning sex offenders as provided in RCW 4.24.550.

The superintendents of state correctional facilities and all officers and employees thereof and all other public officials shall at all times cooperate with the board and furnish to the board, its officers, and employees such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of the board, its officers, and employees free access to all prisoners confined in the state correctional facilities.

(2) Offenders sentenced under section 303 of this act shall be subject to the determinations of the end of sentence review committee regarding risk level and subject to sex offender registration and community notification.

(3) The end of sentence review committee shall make law enforcement notifications for offenders under board jurisdiction on the same basis that it notifies law enforcement regarding offenders sentenced under chapter 9.94A RCW for crimes committed after July 1, 1984.

**Sec. 342.** RCW 9.95.190 and 1992 c 7 s 28 are each amended to read as follows:

The provisions of RCW 9.95.010 through 9.95.170, inclusive, shall apply to all convicted persons serving time in a state correctional facility for crimes committed before July 1, 1984, to the end that at all times the same provisions relating to sentences, imprisonments, and paroles of prisoners shall apply to all inmates thereof.

**Sec. 343.** RCW 9.95.250 and 1981 c 136 s 43 are each amended to read as follows:

In order to carry out the provisions of this chapter 9.95 RCW the parole officers working under the supervision of the secretary of corrections shall be known as ~~((probation and parole))~~ community corrections officers.

**Sec. 344.** RCW 9.95.280 and 1999 c 143 s 31 are each amended to read as follows:

The board may deputize any person (regularly employed by another state) to act as an officer and agent of this state in effecting the return of any person convicted of a crime committed before July 1, 1984, who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of such a person, any agent so deputized shall have all the powers of a police officer of this state.

**Sec. 345.** RCW 9.95.290 and 1955 c 183 s 2 are each amended to read as follows:

Any deputization pursuant to this statute with regard to an offender convicted of a crime committed before July 1, 1984, shall be in writing and any person authorized to act as an agent of this state pursuant hereto shall carry formal evidence of his or her deputization and shall produce the same upon demand.

**Sec. 346.** RCW 9.95.300 and 1999 c 143 s 32 are each amended to read as follows:

The board may enter into contracts with similar officials of any other state or states for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of parole ~~((or))~~, probation, or community custody as granted by this state.

**Sec. 347.** RCW 9.95.310 and 1986 c 125 s 1 are each amended to read as follows:

The purpose of RCW 9.95.310 through 9.95.370 is to provide necessary assistance, other than assistance which is authorized to be provided under the vocational rehabilitation laws, Title 28A RCW, under the public assistance laws, Title 74 RCW or the ~~((department of))~~ employment security department or other state agency, for parolees, inmates assigned to work/training release facilities, discharged prisoners and persons convicted of a felony committed before July 1, 1984, and granted probation in need and whose capacity to earn a living under these circumstances is impaired; and to help such persons attain self-care and/or self-support for rehabilitation and restoration to independence as useful citizens as rapidly as possible thereby reducing the number of returnees to the institutions of this state to the benefit of such person and society as a whole.

**Sec. 348.** RCW 9.95.320 and 1986 c 125 s 2 are each amended to read as follows:

The secretary of corrections or his or her designee may provide to any parolee, inmate assigned to a work/training release facility, discharged prisoner and persons convicted of a felony committed before July 1,

1984, and granted probation in need and without necessary means, from any funds legally available therefor, such reasonable sums as he or she deems necessary for the subsistence of such person and his or her family until such person has become gainfully employed. Such aid may be made under such terms and conditions, and through local parole or probation officers if necessary, as the secretary of corrections or his or her designee may require and shall be supplementary to any moneys which may be provided under public assistance or from any other source.

**Sec. 349.** RCW 9.95.340 and 1986 c 125 s 3 are each amended to read as follows:

Any funds in the hands of the department of corrections, or which may come into its hands, which belong to discharged prisoners, inmates assigned to work/training release facilities, parolees or persons convicted of a felony and granted probation who absconded, or whose whereabouts are unknown, shall be deposited in the community services revolving fund. Said funds shall be used to defray the expenses of clothing and other necessities and for transporting discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation who are without means to secure the same. All payments disbursed from these funds shall be repaid, whenever possible by discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation for whose benefit they are made. Whenever any money belonging to such persons is so paid into the revolving fund, it shall be repaid to them in accordance with law if a claim therefor is filed with the department of corrections within five years of deposit into said fund and upon a clear showing of a legal right of such claimant to such money. This section applies to persons convicted of a felony committed before July 1, 1984.

**Sec. 350.** RCW 9.95.350 and 1986 c 125 s 4 are each amended to read as follows:

All money or other property paid or delivered to a (~~probation or parole~~) community corrections officer or employee of the department of corrections by or for the benefit of any discharged prisoner, inmate assigned to a work/training release facility, parolee or persons convicted of a felony and granted probation shall be immediately transmitted to the department of corrections and it shall enter the same upon its books to his or her credit. Such money or other property shall be used only under the direction of the department of corrections.

If such person absconds, the money shall be deposited in the revolving fund created by RCW 9.95.360, and any other property, if not called for within one year, shall be sold by the department of corrections and the proceeds credited to the revolving fund.

If any person, files a claim within five years after the deposit or crediting of such funds, and satisfies the department of corrections that he or she is entitled thereto, the department may make a finding to that effect and may make payment to the claimant in the amount to which he or she is entitled.

This section applies to persons convicted of a felony committed before July 1, 1984.

**Sec. 351.** RCW 9.95.360 and 1986 c 125 s 5 are each amended to read as follows:

The department of corrections shall create, maintain, and administer outside the state treasury a permanent revolving fund to be known as the "community services revolving fund" into which shall be deposited all moneys received by it under RCW 9.95.310 through 9.95.370 and any appropriation made for the purposes of RCW 9.95.310 through 9.95.370. All expenditures from this revolving fund shall be made by check or voucher signed by the secretary of corrections or his or her designee. The community services revolving fund shall be deposited by the department of corrections in such banks or financial institutions as it may select which shall give to the department a surety bond executed by a surety company authorized to do business in this state, or collateral eligible as security for deposit of state funds in at least the full amount of deposit.

This section applies to persons convicted of a felony committed before July 1, 1984.

**Sec. 352.** RCW 9.95.370 and 1981 c 136 s 50 are each amended to read as follows:

The secretary of corrections or his or her designee shall enter into a written agreement with every person receiving funds under RCW 9.95.310 through 9.95.370 that such person will repay such funds under the terms and conditions in said agreement. No person shall receive funds until such an agreement is validly made. This section applies to persons convicted of a felony committed before July 1, 1984.

**Sec. 353.** RCW 9.95.900 and 1981 c 137 s 32 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the following sections of law do not apply to any felony offense committed on or after July 1, 1984: RCW ((9.95.003, 9.95.005, 9.95.007,)) 9.95.010, 9.95.011, 9.95.013, 9.95.015, 9.95.017, ((9.95.020, 9.95.030, 9.95.031, 9.95.032,)) 9.95.040, 9.95.045, 9.95.047, 9.95.052, ((9.95.070,)) 9.95.080, ((9.95.090,)) 9.95.100, ((9.95.110,)) 9.95.115, 9.95.116, 9.95.120, ((9.95.121, 9.95.122, 9.95.123,)) 9.95.124, 9.95.125, ((9.95.126,)) 9.95.130, ((9.95.140, 9.95.150, 9.95.160, 9.95.170,)) 9.95.190, 9.95.200, 9.95.204, 9.95.206, 9.95.210, 9.95.212, 9.95.214, 9.95.220, 9.95.230, 9.95.240, 9.95.250, 9.95.260, 9.95.265, 9.95.280, 9.95.290, 9.95.310, 9.95.320, 9.95.330, 9.95.340, 9.95.350, ((and)) 9.95.360, 9.95.370, 72.04A.070, and 72.04A.080.

(2) The following sections apply to any felony offense committed before July 1, 1984, and to any offense sentenced under section 303 of this act and committed on or after July 1, 2001: RCW 9.95.003, 9.95.005, 9.95.007, 9.95.020, 9.95.030, 9.95.031, 9.95.032, 9.95.055, 9.95.060, 9.95.062, 9.95.063, 9.95.064, 9.95.070, 9.95.090, 9.95.110, 9.95.121, 9.95.122, 9.95.123, 9.95.126, 9.95.140, 9.95.150, 9.95.160, 9.95.170, 9.95.300, and 9.96.050.

**Sec. 354.** RCW 9A.28.020 and 1994 c 271 s 101 are each amended to read as follows:

(1) A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he or she does any act which is a substantial step toward the commission of that crime.

(2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

(3) An attempt to commit a crime is a:

(a) Class A felony when the crime attempted is murder in the first degree, murder in the second degree, ~~((or))~~ arson in the first degree, child molestation in the first degree, indecent liberties by forcible compulsion, rape in the first degree, rape in the second degree, rape of a child in the first degree, or rape of a child in the second degree;

(b) Class B felony when the crime attempted is a class A felony other than ~~((murder in the first degree, murder in the second degree, or arson in the first degree))~~ an offense listed in (a) of this subsection;

(c) Class C felony when the crime attempted is a class B felony;

(d) Gross misdemeanor when the crime attempted is a class C felony;

(e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

**Sec. 355.** RCW 9A.36.021 and 1997 c 196 s 2 are each amended to read as follows:

(1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) Intentionally assaults another and thereby recklessly inflicts substantial bodily harm; or

(b) Intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; or

(c) Assaults another with a deadly weapon; or

(d) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(e) With intent to commit a felony, assaults another; or

(f) Knowingly inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture.

(2) Assault in the second degree is a class B felony, except that assault in the second degree with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135 is a class A felony.

**Sec. 356.** RCW 9A.40.030 and 1975 1st ex.s. c 260 s 9A.40.030 are each amended to read as follows:

(1) A person is guilty of kidnapping in the second degree if he or she intentionally abducts another person under circumstances not amounting to kidnapping in the first degree.

(2) In any prosecution for kidnapping in the second degree, it is a defense if established by the defendant by a preponderance of the evidence that (a) the abduction does not include the use of or intent to use or threat to use deadly force, and (b) the actor is a relative of the person abducted, and (c) the actor's sole intent is to assume custody of that person. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, any other crime.

(3) Kidnapping in the second degree is a class B felony, except that kidnapping in the second degree with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135 is a class A felony.

**Sec. 357.** RCW 9A.44.100 and 1997 c 392 s 515 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he or she knowingly causes another person who is not his or her spouse to have sexual contact with him or her or another:

(a) By forcible compulsion;

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless;

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment;

(e) When the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or

(f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who has a significant relationship with the victim.

(2) Indecent liberties is a class B felony, except that indecent liberties by forcible compulsion is a class A felony.

**Sec. 358.** RCW 9A.76.--- and 2001 c 287 s 1 are each amended to read as follows:

(1) A person is guilty of ~~((escape by a))~~ sexually violent predator escape ~~if((, having been committed to the department of social and health services as a sexually violent predator under chapter 71.09 RCW, he or she:~~

~~— (a) Escapes from custody;~~

~~— (b) Escapes from a commitment facility;~~

~~— (c) Escapes from a less restrictive alternative facility; or~~

~~— (d) While on conditional release and residing in a location other than at a commitment center or less restrictive alternative facility, leaves or remains absent from the state of Washington without prior court authorization));~~

(a) Having been found to be a sexually violent predator and confined to the special commitment center or another secure facility under court order, the person escapes from the secure facility;

(b) Having been found to be a sexually violent predator and being under an order of conditional release, the person leaves or remains absent from the state of Washington without prior court authorization; or

(c) Having been found to be a sexually violent predator and being under an order of conditional release, the person: (i) Without authorization, leaves or remains absent from his or her residence, place of employment, educational institution, or authorized outing; (ii) tampers with his or her electronic monitoring device or removes it without authorization; or (iii) escapes from his or her escort.

(2) ~~((Escape by a))~~ Sexually violent predator escape is a class ~~((B))~~ A felony with a minimum sentence of sixty months, and shall be sentenced under section 303 of this act.

**Sec. 359.** RCW 9.94A.320 and 2001 c 310 s 4, 2001 c 287 s 3, 2001 c 224 s 3, 2001 c 222 s 24, and 2001 c 207 s 3 are each reenacted and amended to read as follows:



## CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)  
Malicious explosion 1 (RCW 70.74.280(1))  
Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))  
Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)  
Assault of a Child 1 (RCW 9A.36.120)  
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))  
Rape 1 (RCW 9A.44.040)  
Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)  
Rape 2 (RCW 9A.44.050)  
Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)  
~~((Escape by a))~~ Sexually Violent Predator Escape  
(RCW 9A.76.--- (section 1, chapter 287, Laws of 2001, as amended by section 358, chapter ... (this act), Laws of 2001 1st sp. sess.))  
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))  
Kidnapping 1 (RCW 9A.40.020)  
Leading Organized Crime (RCW 9A.82.060(1)(a))  
Malicious explosion 3 (RCW 70.74.280(3))  
Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))  
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- IX Assault of a Child 2 (RCW 9A.36.130)  
Controlled Substance Homicide (RCW 69.50.415)  
Explosive devices prohibited (RCW 70.74.180)  
Homicide by Watercraft by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)  
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))  
Malicious placement of an explosive 2 (RCW 70.74.270(2))  
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

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Robbery 1 (RCW 9A.56.200)  
 Sexual Exploitation (RCW 9.68A.040)  
 Vehicular Homicide by being under the influence of  
 intoxicating liquor or any drug (RCW 46.61.520)

- VIII Arson 1 (RCW 9A.48.020)  
 Deliver or possess with intent to deliver  
 methamphetamine (RCW 69.50.401(a)(1)(ii))  
 Hit and Run--Death (RCW 46.52.020(4)(a))  
 Homicide by Watercraft by the operation of any  
 vessel in a reckless manner (RCW 79A.60.050)  
 Manslaughter 2 (RCW 9A.32.070)  
 Manufacture, deliver, or possess with intent to deliver  
 amphetamine (RCW 69.50.401(a)(1)(ii))  
 Manufacture, deliver, or possess with intent to deliver  
 heroin or cocaine (RCW 69.50.401(a)(1)(i))  
 Possession of Ephedrine, Pseudoephedrine, or  
 Anhydrous Ammonia with intent to manufacture  
 methamphetamine (RCW 69.50.440)  
 Promoting Prostitution 1 (RCW 9A.88.070)  
 Selling for profit (controlled or counterfeit) any  
 controlled substance (RCW 69.50.410)  
 Theft of Anhydrous Ammonia (RCW 69.55.010)  
 Vehicular Homicide by the operation of any vehicle  
 in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)  
 Child Molestation 2 (RCW 9A.44.086)  
 Dealing in depictions of minor engaged in sexually  
 explicit conduct (RCW 9.68A.050)  
 Drive-by Shooting (RCW 9A.36.045)  
 Homicide by Watercraft by disregard for the safety of  
 others (RCW 79A.60.050)  
 Indecent Liberties (without forcible compulsion)  
 (RCW 9A.44.100(1) (b) and (c))  
 Introducing Contraband 1 (RCW 9A.76.140)  
 Involving a minor in drug dealing (RCW  
 69.50.401(f))  
 Malicious placement of an explosive 3 (RCW  
 70.74.270(3))  
 Sending, bringing into state depictions of minor  
 engaged in sexually explicit conduct (RCW  
 9.68A.060)  
 Unlawful Possession of a Firearm in the first degree  
 (RCW 9.41.040(1)(a))  
 Use of a Machine Gun in Commission of a Felony  
 (RCW 9.41.225)  
 Vehicular Homicide by disregard for the safety of  
 others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))  
 Bribery (RCW 9A.68.010)

- Incest 1 (RCW 9A.64.020(1))
  - Intimidating a Judge (RCW 9A.72.160)
  - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
  - Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
  - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
  - Rape of a Child 3 (RCW 9A.44.079)
  - Theft of a Firearm (RCW 9A.56.300)
  - Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)
- V
- Abandonment of dependent person 1 (RCW 9A.42.060)
  - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
  - Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
  - Child Molestation 3 (RCW 9A.44.089)
  - Criminal Mistreatment 1 (RCW 9A.42.020)
  - Custodial Sexual Misconduct 1 (RCW 9A.44.160)
  - Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
  - Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
  - Extortion 1 (RCW 9A.56.120)
  - Extortionate Extension of Credit (RCW 9A.82.020)
  - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
  - Incest 2 (RCW 9A.64.020(2))
  - Kidnapping 2 (RCW 9A.40.030)
  - Perjury 1 (RCW 9A.72.020)
  - Persistent prison misbehavior (RCW 9.94.070)
  - Possession of a Stolen Firearm (RCW 9A.56.310)
  - Rape 3 (RCW 9A.44.060)
  - Rendering Criminal Assistance 1 (RCW 9A.76.070)
  - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
  - Sexually Violating Human Remains (RCW 9A.44.105)
  - Stalking (RCW 9A.46.110)
- IV
- Arson 2 (RCW 9A.48.030)
  - Assault 2 (RCW 9A.36.021)
  - Assault by Watercraft (RCW 79A.60.060)
  - Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
  - Commercial Bribery (RCW 9A.68.060)

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Counterfeiting (RCW 9.16.035(4))  
 Escape 1 (RCW 9A.76.110)  
 Hit and Run--Injury (RCW 46.52.020(4)(b))  
 Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))  
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)  
 Influencing Outcome of Sporting Event (RCW 9A.82.070)  
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 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))  
 Residential Burglary (RCW 9A.52.025)  
 Robbery 2 (RCW 9A.56.210)  
 Theft of Livestock 1 (RCW 9A.56.080)  
 Threats to Bomb (RCW 9.61.160)  
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
 Vehicular Assault (RCW 46.61.522)  
 Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)  
 Assault 3 (RCW 9A.36.031)  
 Assault of a Child 3 (RCW 9A.36.140)  
 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
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 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
 Criminal Gang Intimidation (RCW 9A.46.120)  
 Criminal Mistreatment 2 (RCW 9A.42.030)  
 Custodial Assault (RCW 9A.36.100)  
 Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
 Escape 2 (RCW 9A.76.120)  
 Extortion 2 (RCW 9A.56.130)  
 Harassment (RCW 9A.46.020)  
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 Introducing Contraband 2 (RCW 9A.76.150)  
 Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))  
 Malicious Injury to Railroad Property (RCW 81.60.070)  
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
- Theft of Livestock 2 (RCW 9A.56.080)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
- Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
- Willful Failure to Return from Work Release (RCW 72.65.070)
  
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Escape from Community Custody (RCW 72.09.310)
- Health Care False Claims (RCW 48.80.030)
- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
  
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)

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Forgery (RCW 9A.60.020)  
 Malicious Mischief 2 (RCW 9A.48.080)  
 Possess Controlled Substance that is a Narcotic from  
 Schedule III, IV, or V or Non-narcotic from Schedule  
 I-V (except phencyclidine or flunitrazepam) (RCW  
 69.50.401(d))  
 Possession of Stolen Property 2 (RCW 9A.56.160)  
 Reckless Burning 1 (RCW 9A.48.040)  
 Taking Motor Vehicle Without Permission (RCW  
 9A.56.070)  
 Theft 2 (RCW 9A.56.040)  
 Theft of Rental, Leased, or Lease-purchased Property  
 (valued at two hundred fifty dollars or more but less  
 than one thousand five hundred dollars) (RCW  
 9A.56.096(4))  
 Unlawful Issuance of Checks or Drafts (RCW  
 9A.56.060)  
 Unlawful Use of Food Stamps (RCW 9.91.140 (2)  
 and (3))  
 Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 360.** RCW 72.09.370 and 1999 c 214 s 2 are each amended to read as follows:

(1) The secretary shall identify offenders in confinement or partial confinement who: (a) Are reasonably believed to be dangerous to themselves or others; and (b) have a mental disorder. In determining an offender's dangerousness, the secretary shall consider behavior known to the department and factors, based on research, that are linked to an increased risk for dangerousness of mentally ill offenders and shall include consideration of an offender's chemical dependency or abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the division of mental health, and, as necessary, the indeterminate sentence review board, other divisions or administrations within the department of social and health services, specifically including the division of alcohol and substance abuse and the division of developmental disabilities, the appropriate regional support network, and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. The team may include a school district representative for offenders under the age of twenty-one. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 9.94A.155 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by the county designated mental health professional, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or chemical dependency or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a county designated mental health professional is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate county designated mental health professional. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a county designated mental health professional is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a county designated mental health professional shall occur on the day of

release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the county designated mental health professional determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the county designated mental health professional believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported by corrections personnel on the day of completion, directly to the identified evaluation and treatment facility.

(8) The secretary shall adopt rules to implement this section.

**NEW SECTION. Sec. 361.** A new section is added to chapter 9.95 RCW to read as follows:

The indeterminate sentence review board, in fulfilling its duties under the provisions of this act, shall be considered a parole board as that concept was treated in law under the state's indeterminate sentencing statutes.

#### **PART IV TECHNICAL PROVISIONS**

**NEW SECTION. Sec. 401.** The following acts or parts of acts are each repealed:

(1) RCW 9.95.0011 (Indeterminate sentence review board--Report--Recommendation of governor) and 1997 c 350 s 1, 1989 c 259 s 4, & 1986 c 224 s 12; and

(2) RCW 9.95.145 (Sex offenders--Release of information--Classification of offenders) and 1997 c 364 s 5 & 1990 c 3 s 127.

**NEW SECTION. Sec. 402.** The secretary of corrections, the secretary of social and health services, and the indeterminate sentence review board may adopt rules to implement this act.

**NEW SECTION. Sec. 403.** (1) Sections 301 through 361 of this act shall not affect the validity of any sentence imposed under any other law for any offense committed before, on, or after the effective date of this section.

(2) Sections 301 through 361 of this act shall apply to offenses committed on or after the effective date of this section.

**NEW SECTION. Sec. 404.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 405.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001, except for sections 101 through 225 of this act which take effect immediately."

Correct the title.

Representatives O'Brien moved the adoption of the following amendment (239) to the striking amendment:

On page 5, line 8, after "beds." insert the following: "The department may submit a request to the legislature for authorization to operate additional beds at this facility."

Representatives O'Brien, Benson and Mastin spoke in favor of adoption of the amendment to the striking

amendment.

Representatives Carrell and Conway spoke against adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

The question before the House was the striking amendment as amended.

Representatives Ballasiotes, O'Brien, Talcott, Benson, Kagi, Darneille, Ballasiotes (again), Haigh, and Mastin spoke in favor of the striking amendment as amended.

Representatives Carrell, Conway, Casada, Campbell, Van Luven, and Lantz spoke against striking amendment as amended.

### COLLOQUY

Representative Kagi: "Subsection (5) of section 201 of the striking amendment to Second Engrossed Substitute Senate Bill No. 6151 directs the Department of Social and Health Services to determine whether additional secure community transition facilities will be needed in the future. If such a determination is made, that subsection requires that the Department of Social and Health Services prepare a projected list of counties in which secure community transition facilities need to be sited over the next six years, and transmit that list to the Office of Financial Management.

Is it intended that this list of counties will be incorporated into the Office of Financial Management's list of essential public facilities?"

Representative Ballasiotes: "Yes, it is intended that the list of counties in which secure community transition facilities need to be sited over the next six years will be incorporated into the Office of Financial Management's list of essential public facilities."

The striking amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

### MOTIONS

On motion of Representative Schoesler, Representative DeBolt was excused. On motion of Representative Santos, Representatives Berkey, Edwards and Poulsen were excused.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 6151 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6151 as amended by the House and the bill passed the House by the following vote: Yeas - 75, Nays - 19, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, B. Chandler, G. Chandler, Clements, Cody, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lisk, Lovick, Mastin, McDermott, McIntire, McMorris,



Mielke, Mitchell, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Skinner, Sommers, Sump, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 75.

Voting nay: Representatives Bush, Campbell, Carrell, Casada, Conway, Darneille, Fisher, Hurst, Jackley, Kirby, Lantz, Linville, Marine, Miloscia, Morell, Morris, Roach, Simpson, and Talcott - 19.

Excused: Representatives Berkey, DeBolt, Edwards and Poulsen - 4.

Second Engrossed Substitute Senate Bill No. 6151 as amended by the House, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Rules Committee was relieved of Engrossed House Bill No. 2168 and the bill was placed on the Third Reading calendar.

### THIRD READING

**ENGROSSED HOUSE BILL NO. 2168, By Representatives Conway, Schoesler, O'Brien, Ballasiotes, Darneille, Kirby and Hunt**

**Regulating siting of essential state community justice facilities.**

There being no objection, the rules were suspended and ENGROSSED HOUSE BILL NO. 2168 was returned to second reading for purposes of amendment.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**ENGROSSED HOUSE BILL NO. 2168, By Representatives Conway, Schoesler, O'Brien, Ballasiotes, Darneille, Kirby and Hunt**

**Regulating siting of essential state community justice facilities.**

Representative Conway moved the adoption of the following amendment (0241):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.05.020 and 1998 c 269 s 2 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility.

(2) "Department" means the department of social and health services.

(3) "Equitable distribution" or "distribute equitably" means siting or locating community facilities in a manner that will not cause a disproportionate grouping of facilities in any single geographic region, or in any community or neighborhood within a jurisdiction.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

((4)) (5) "Service provider" means the entity that operates a community facility.

**NEW SECTION. Sec. 2.** A new section is added to chapter 72.05 RCW to read as follows:

(1) The department shall prepare a projected list of counties in which community facilities need to be sited over the period of calendar year 2002 through 2008, and every six years thereafter, and transmit that list to the office of financial management. The list may be updated as needed. In preparing this list, the department shall make substantial efforts to provide for the equitable distribution of community facilities among counties. The department shall give great weight to the following factors in determining equitable distribution:

- (a) The locations of existing residential facilities owned or operated by, or operated under contract with, the department in each county;
- (b) The locations of other projected residential facilities owned or operated by, or operated under contract with, the department in each county;
- (c) The number of juvenile registered sex offenders classified as level II or III and juvenile sex offenders registered as homeless per thousand persons residing in the county;
- (d) The number of juvenile violent offenders under parole or probation per thousand persons residing in the county; and
- (e) The number of juvenile offenders sentenced or adjudicated in the county per thousand persons residing in the county.

(2)(a) In preparing the list required under subsection (1) of this section, the department shall:

- (i) Give great weight to the factors identified in subsection (1) of this section;
- (ii) Use the information contained in the most recent edition of the report required under subsection (4) of this section; and
- (iii) Use the criteria adopted under subsection (5) of this section.

(b) Prior to finalizing the list of projected community facilities required under subsection (1) of this section, the department shall consult with the county legislative authorities of each county identified on the list. The department shall also hold at least one public hearing within each such county or, if known, the affected part of the county.

(3) In identifying potential sites within a county for the location of a community facility, the department shall work with local governments to provide for the equitable distribution of such facilities among the jurisdictions and neighborhoods within the county. The department and local governments shall give great weight to the following factors in determining equitable distribution:

- (a) The locations of existing residential facilities owned or operated by, or operated under contract with, the department in each jurisdiction or neighborhood in the county;
- (b) The locations of other projected residential facilities owned or operated by, or operated under contract with, the department in each jurisdiction or neighborhood in the county;
- (c) The number of juvenile registered sex offenders classified as level II or III and juvenile sex offenders registered as homeless per thousand persons residing in each jurisdiction or neighborhood in the county; and
- (d) The number of juvenile violent offenders under parole or probation per thousand persons residing in each jurisdiction or neighborhood in the county.

(4) To carry out the purposes of subsections (1) and (3) of this section, the department shall, no later than January 1, 2002, develop a mapping system to identify the locations of existing and projected facilities identified in subsections (1) and (3) of this section. The department also shall maintain a list of the number of offenders identified in subsections (1) and (3) of this section and shall annually publish a report including the map and offender rates for the counties and jurisdictions of the state.

(5) The department shall by rule, adopt facility criteria and shall consult with local governments in such rule making.

(6) As used in this section, the term "jurisdiction" means a city, town, or unincorporated area of a county.

**Sec. 3.** RCW 72.05.400 and 1998 c 269 s 5 are each amended to read as follows:

(1) Whenever the department operates, or the secretary enters a contract to operate, a community facility, the community facility may be operated only after the public notification and opportunities for review and comment as required by this section.

(2) The secretary shall establish a process for early and continuous public participation in establishing or

relocating community facilities. The process shall include, at a minimum, public meetings in the local communities affected, as well as opportunities for written and oral comments, in the following manner:

(a) If there are more than three sites initially selected as potential locations and the selection process by the secretary or a service provider reduces the number of possible sites for a community facility to no fewer than three, the secretary or the chief operating officer of the service provider shall notify the public of the possible siting and hold at least two public hearings in each community where a community facility may be sited at least forty-five days before a final selection is made.

(b) When the secretary or service provider has determined the community facility's location, the secretary or the chief operating officer of the service provider shall hold at least one additional public hearing in the community where the community facility will be sited.

(c) When the secretary has entered negotiations with a service provider and only one site is under consideration, then at least two public hearings shall be held.

(d) To provide adequate notice of ~~((;))~~ and opportunity for interested persons to comment on ~~((;))~~ a proposed location, the secretary or the chief operating officer of the service provider shall provide at least fourteen days' advance notice of the ~~((meeting to))~~ public hearings to at least the following:

(i) The affected counties, cities, and towns;

(ii) Local government planning agencies in the affected communities;

(iii) All newspapers of general circulation in the ~~((community,))~~ local area and all radio stations and television stations generally available to persons in the community ~~((;))~~ where the potential site is located;

(iv) Any school district, private school, or kindergarten in which the community facility would be sited or whose boundary is within two miles of a proposed community facility, and institutions of higher education, any library district ~~((in which the community facility would be sited, local business or fraternal organizations that request notification from the secretary or agency, and any person or property owner within a one-half mile radius of the proposed community facility)), and all other local government offices within a one-half mile radius of the proposed site or sites;~~

(v) The local chamber of commerce, local economic development agencies, and any other local organizations that request such notification from the department; and

(vi) Written notification to all residents and property owners within a one-half mile radius of the proposed site or sites.

(3) The notice required under subsection (2) of this section must also inform the public that any interested person or entity, including a local government entity, is invited to submit written comments regarding a proposed location, including comments regarding whether the site meets the equitable distribution and other statutory requirements for the facility. Written comments must be submitted not later than thirty days following the date notice is issued pursuant to subsection (2) of this section.

(4) The department must consider the testimony received at the public hearings and any written comments submitted before making a final selection of the site for the location or relocation of a community facility. The department shall issue a written analysis of the final selection, including how the selection was consistent with the requirements of section 2 of this act.

(5) Before initiating ~~((this))~~ the process in subsection (2) of this section, the department shall contact local government planning agencies in the communities containing the proposed community facility. The department shall coordinate with local government agencies to ensure that opportunities are provided for effective citizen input and to reduce the duplication of notice and meetings.

~~((3))~~ (6) The secretary shall not issue a license to any service provider until the service provider submits proof that the requirements of this section have been met.

~~((4))~~ (7) If local government land use regulations require that a special use or conditional use permit be submitted and approved before a community facility can be sited, and the process for obtaining such a permit includes public notice and hearing requirements similar to those required under this section, the requirements of this section shall not apply to the extent they would duplicate requirements under the local land use regulations.

(8) This section shall apply only to community facilities sited after September 1, 1998.

**Sec. 4.** RCW 72.65.010 and 1992 c 7 s 56 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

(1) "Department" (~~(shall)~~) means the department of corrections.

(2) "Equitable distribution" or "distribute equitably" means siting or locating work release facilities in a manner that will not cause a disproportionate grouping of facilities in any single geographic region, or in any community or neighborhood within a jurisdiction.

(3) "Prisoner" means a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(4) "Secretary" (~~(shall)~~) means the secretary of corrections.

~~((3))~~ (5) "State correctional institutions" shall mean and include all state adult correctional facilities established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

~~((4) "Prisoner" shall mean a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.~~

~~(5))~~ (6) "Superintendent" (~~(shall)~~) means the superintendent of a state correctional institution, camp or other facility now or hereafter established under the jurisdiction of the department pursuant to law.

NEW SECTION. Sec. 5. A new section is added to chapter 72.65 RCW to read as follows:

(1) The department shall prepare a projected list of counties in which work release facilities need to be sited over the period of calendar year 2002 through 2008, and every six years thereafter, and transmit that list to the office of financial management. The list may be updated as needed. In preparing this list, the department shall make substantial efforts to provide for the equitable distribution of work release facilities among counties. The department shall give great weight to the following factors in determining equitable distribution:

(a) The locations of existing residential facilities owned or operated by, or operated under contract with, the department in each county;

(b) The locations of other projected residential facilities owned or operated by, or operated under contract with, the department in each county;

(c) The number of adult registered sex offenders classified as level II or III and adult sex offenders registered as homeless per thousand persons residing in the county;

(d) The number of adult violent offenders under parole or probation per thousand persons residing in the county; and

(e) The number of adult offenders sentenced or adjudicated in the county per thousand persons residing in the county.

(2)(a) In preparing the list required under subsection (1) of this section, the department shall:

(i) Give great weight to the factors identified in subsection (1) of this section;

(ii) Use the information contained in the most recent edition of the report required under subsection (4) of this section; and

(iii) Use the criteria adopted under subsection (5) of this section.

(b) Prior to finalizing the list of projected work release facilities required under subsection (1) of this section, the department shall consult with the county legislative authorities of each county identified on the list. The department also shall hold at least one public hearing within each such county or, if known, the affected part of the county.

(3) In identifying potential sites within a county for the location of a work release facility, the department shall work with local governments to provide for the equitable distribution of such facilities among the jurisdictions and neighborhoods within the county. The department and local governments shall give great weight to the following factors in determining equitable distribution:

(a) The locations of existing residential facilities owned or operated by, or operated under contract with, the department in each jurisdiction or neighborhood in the county;

(b) The locations of other projected residential facilities owned or operated by, or operated under contract with, the department in each jurisdiction or neighborhood in the county;

(c) The number of adult registered sex offenders classified as level II or III and adult sex offenders registered as homeless per thousand persons residing in each jurisdiction or neighborhood in the county; and

(d) The number of adult violent offenders under parole or probation per thousand persons residing in each jurisdiction or neighborhood in the county.

(4) To carry out the purposes of subsections (1) and (3) of this section, the department shall, no later than January 1, 2002, develop a mapping system to identify the locations of existing and projected facilities identified in subsections (1) and (3) of this section. The department also shall maintain a list of the number of offenders identified in subsections (1) and (3) of this section and shall annually publish a report including the map and offender rates for the counties and jurisdictions of the state.

(5) The department shall by rule, adopt facility criteria and shall consult with local governments in such rule making.

(6) As used in this section, the term "jurisdiction" means a city, town, or unincorporated area of a county.

**Sec. 6.** RCW 72.65.220 and 1997 c 348 s 1 are each amended to read as follows:

(1) The department or a private or public entity under contract with the department may establish or relocate for the operation of a work release or other community-based facility only after ~~((public notifications and local public meetings have been completed consistent with))~~ meeting the requirements of this section.

(2) The department and other state agencies responsible for siting department-owned, operated, or contracted facilities shall establish a process for early and continuous public participation in establishing or relocating work release or other community-based facilities. This process shall include public meetings in the local communities affected, opportunities for written and oral comments, and wide dissemination of proposals and alternatives, including at least the following:

(a) When the department or a private or public entity under contract with the department has selected three or fewer sites for final consideration of a department-owned, operated, or contracted work release or other community-based facility, the department or contracting organization shall make public notification and conduct at least two public hearings in each of the local communities ((of the final three or fewer proposed sites)) where such a facility may be sited at least forty-five days before a final selection is made. An additional public hearing after public notification shall also be conducted in the local community selected as the final proposed site.

(b) ~~((Notifications required under this section shall be provided to))~~ To provide adequate notice of and opportunity for interested persons to comment on a proposed location, the department or contracting entity shall provide at least fourteen days' advance notice of the public hearings to at least the following:

(i) The affected counties, cities, and towns;

(ii) Local government planning agencies in the affected communities;

(iii) All newspapers of general circulation in the local area and all ((local)) radio stations((;)) and television stations((, and cable networks)) generally available to persons in the community where the potential site is located;

~~((;))~~ (iv) Appropriate school districts, private schools, kindergartens, institutions of higher education, city and county libraries, and all other local government offices within a one-half mile radius of the proposed site or sites;

~~((;))~~ (v) The local chamber of commerce, local economic development agencies, and any other local organizations that request such notification from the department; and

~~((iv) In writing))~~ (vi) Written notification to all residents ((and/or)) and property owners within a one-half mile radius of the proposed site or sites.

(3) The notice required under subsection (2) of this section must also inform the public that any interested person or entity, including a local government entity, is invited to submit written comments regarding a proposed location, including comments regarding whether the site meets the equitable distribution and other statutory requirements for the facility. Written comments must be submitted not later than thirty days following the date notice is issued pursuant to subsection (2) of this section.

(4) The department must consider the testimony received at the public hearings and any written comments submitted before making a final selection of the site for the location or relocation of a work release facility. The department shall issue a written analysis of the final selection, including how the selection was consistent with the

requirements of section 5 of this act.

(5) When the department contracts for the operation of a work release or other community-based facility that is not owned or operated by the department, the department shall require as part of its contract that the contracting entity comply with all the public notification and public hearing requirements as provided in this section for each located and relocated work release or other community-based facility.

(6) If local government regulations require that a special use or conditional use permit be submitted and approved before a work release facility can be sited, and the process for obtaining such a permit includes public notice and hearing requirements similar to those required under this section, the requirements of this section shall not apply to the extent they would duplicate requirements under the local land use regulations.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Conway and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be the final passage of Second Engrossed House Bill No. 2168.

### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 2168 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Berkey, DeBolt, Edwards and Poulsen - 4.

Second Engrossed House Bill No. 2168, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., May 23, 2001, the 29<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FIRST SPECIAL LEGISLATIVE SESSION

---

TWENTY NINTH DAY

---

House Chamber, Olympia, Wednesday, May 23, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Paul Peck and Daniel Ballif. Prayer was offered by Representative Bill Fromhold.

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

**MESSAGE FROM THE SENATE**

May 22, 2001

Mr. Speakers:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6007,  
ENGROSSED SENATE BILL NO. 6188,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 2259 by Representatives Rockefeller, Eickmeyer, Lantz, Jackley and Haigh

AN ACT Relating to clarifying that a court may not suspend more than one-half of a fine that is imposed on violators of disabled parking or disabled parking permits; and amending RCW 46.16.381.

Held on 1st Reading.

HB 2261 by Representatives Van Luven, Edwards, Cairnes, Cody and Campbell

AN ACT Relating to the taxation of organ procurement and transplanting activities; amending RCW 82.04.324; creating a new section; and declaring an emergency.

Held on 1st Reading.

HB 2263 by Representatives Schual-Berke, Doumit, Haigh, Kenney, McIntire, Tokuda, Fisher, Fromhold, Hurst, Veloria, Hunt, Edmonds, Wood, Kagi and Quall

AN ACT Relating to funding for traffic safety education; amending RCW 46.20.055 and 46.68.041; and reenacting and amending RCW 46.20.120.

Held on First Reading.

HB 2264 by Representatives Cody, Alexander, Romero, Skinner, Schual-Berke and Ballasiotes



AN ACT Relating to mental health service performance measures; adding new sections to chapter 71.24 RCW; and creating a new section.

HB 2265 by Representatives Ogden and Talcott

AN ACT Relating to an open private choice primary; amending RCW 29.01.090, 29.04.180, 29.27.020, 29.27.030, 29.30.005, 29.30.025, 29.30.095, 29.30.101, 29.33.320, 29.36.045, 29.42.010, 29.42.050, 29.42.070, and 42.17.020; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 29.42 RCW; adding a new section to chapter 29.81A RCW; adding a new chapter to Title 29 RCW; creating new sections; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, 29.18.200, and 29.30.040; providing an expiration date; and declaring an emergency.

Held on First Reading.

ESSB 5407 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators West, Prentice, Kohl-Welles, Gardner and Rasmussen)

AN ACT Relating to changing provisions relating to the import of simulcast horse races from out-of-state racing facilities to class 1 racing associations' live racing facilities; amending RCW 67.16.200; and creating a new section.

ESSB 6007 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice, Winsley, Gardner, Franklin, Fairley, Kline and Costa; by request of Employment Security Department)

AN ACT Relating to extending unemployment insurance coverage to employees of Indian tribes; amending RCW 50.04.090; adding a new section to chapter 50.04 RCW; adding a new chapter to Title 50 RCW; creating new sections; and declaring an emergency.

SB 6188 by Senators Prentice, Swecker, Haugen, McDonald, Gardner, Horn, Rasmussen and Deccio

AN ACT Relating to streamlining the environmental permit process for transportation projects.

Referred to Committee on Transportation.

There being no objection, House Bill No. 2264 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, Engrossed Substitute Senate Bill No. 5407 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, Engrossed Substitute Senate Bill No. 6007 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, the bill list on the day's Introduction & First Reading sheet under the fourth order was referred to the committee so designed.

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

JOURNAL OF THE HOUSE  
SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5407, By Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators West, Prentice, Kohl-Welles, Gardner and Rasmussen)**

**Allowing more simulcast horse racing.**

The bill was read the second time.

With the consent of the House, amendment number (242) was adopted.

Representative Bush moved the adoption of the following amendment (243):

On page 5, after line 28, insert the following:

"(10) A licensee shall include the following statement in any advertising or promotion of a simulcast race conducted by the licensee:

"CAUTION: Participation in gambling activity may result in pathological gambling behavior causing emotional and financial harm. For help, call 1-800-547-6133."

For purposes of this subsection, advertising includes print media, point-of-sale advertising, electronic media, billboards, and radio advertising."

Renumber subsequent subsection accordingly.

Representatives Bush, Lantz, and Pennington spoke in favor of the adoption of the amendment.

Representatives Wood, Clements, and Buck spoke against adoption of the amendment.

The amendment was not adopted.

**POINT OF INQUIRY**

Representative Bush requested a ruling on the number of votes necessary to pass Engrossed Substitute Senate Bill No. 5407.

**SPEAKERS' RULING**

The Speaker (Representative Ogden presiding): "In ruling upon the point of inquiry by Representative Bush concerning the number of votes necessary to pass Engrossed Substitute Senate Bill No. 5407, the Speakers first note that an informal opinion of the Attorney General's Office finds that parimutuel wagering in connection with simulcast horse racing is allowed under current law, and that the bill would not authorize any form of gambling not already authorized under existing law.

"The Speakers also note that the President of the Senate, in ruling upon the same point of inquiry concerning the number of votes necessary to pass the bill, found that the measure would remove restrictions on the number of simulcast races that may be imported by horse racing associations on live race days. Because the measure would permit increased occurrences of gambling, the President ruled that a 60 percent vote is required on final passage in accordance with Article II, Section 24 of the State Constitution.

"The Speakers also rule that a 60 percent vote (59) votes is required for final passage."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood, Clements, and Eickmeyer spoke in favor of passage of the bill.

Representatives Pennington and Bush spoke against passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5407.

#### MOTIONS

On motion of Representative Santos, Representatives Edwards and Poulsen were excused. On motion of Representative Schoesler, Representatives Campbell, DeBolt and Dunn were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5407 and the bill passed the House by the following vote: Yeas - 61, Nays - 32, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Benson, Berkey, Buck, Cairnes, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunshee, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jackley, Jarrett, Keiser, Kenney, Kessler, Kirby, Linville, Lisk, Mastin, McDermott, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pflug, Quall, Romero, Ruderman, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Van Luven, Voloria, Wood, Woods, and Speaker Chopp - 61.

Voting nay: Representatives Armstrong, Barlean, Boldt, Bush, Carrell, Casada, Cox, Crouse, Edmonds, Esser, Fromhold, Hurst, Kagi, Lambert, Lantz, Lovick, Marine, McIntire, Mielke, Morell, Pearson, Pennington, Reardon, Roach, Rockefeller, Santos, Schindler, Schmidt, Sump, Talcott, Tokuda, and Speaker Ballard - 32.

Excused: Representatives Campbell, DeBolt, Dunn, Edwards and Poulsen - 5.

Engrossed Substitute Senate Bill No. 5407, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute Senate Bill No. 5407.

AARON REARDON, 38<sup>th</sup> District

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6007, By Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice, Winsley, Gardner, Franklin, Fairley, Kline and Costa; by request of Employment Security Department)**

**Extending unemployment insurance coverage to employees of Indian tribes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Conway spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6007.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6007 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 93.

Excused: Representatives Campbell, DeBolt, Dunn, Edwards and Poulsen - 5.

Engrossed Substitute Senate Bill No. 6007, having received the necessary constitutional majority, was declared passed.

### MESSAGES FROM THE SENATE

May 23, 2001

Mr. Speakers:

The Senate has passed:

SENATE BILL NO. 5082,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094,  
SUBSTITUTE SENATE BILL NO. 5236,

and the same are herewith transmitted.

Tony M. Cook, Secretary

May 23, 2001

Mr. Speakers:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 2260,

and the same is herewith transmitted.

Tony M. Cook, Secretary

### SECOND READING

**HOUSE BILL NO. 2264, By Representatives Cody, Alexander, Romero, Skinner, Schual-Berke and Ballasiotes**

**Creating performance measures to evaluate the community mental health service delivery system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Campbell spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2264.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2264 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives DeBolt, Dunn, and Edwards - 3.

House Bill No. 2264, having received the necessary constitutional majority, was declared passed.

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

### MOTION

On motion of Representative Gombosky, the House adjourned until 1:00 p.m., May 24, 2001, the 30<sup>th</sup> Legislative Day of the First Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
FIRST SPECIAL LEGISLATIVE SESSION

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THIRTIETH DAY

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House Chamber, Olympia, Thursday, May 24, 2001

The House was called to order at 1:00 p.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sean McCaffrey and Mark Rupp. Prayer was offered by Representative Sarah Casada.

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

**MESSAGES FROM THE SENATE**

May 23, 2001

Mr. Speakers:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5407,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6007,

and the same are herewith transmitted.

Tony M. Cook, Secretary

May 23, 2001

Mr. Speakers:

The Senate has passed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1058,

and the same is herewith transmitted.

Tony M. Cook, Secretary

May 23, 2001

Mr. Speakers:

The Senate has passed the following bills:

SECOND ENGROSSED SENATE BILL NO. 5686,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1058,  
ENGROSSED HOUSE BILL NO. 2260,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5407,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6007,

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2001-4661, by Representatives Van Luven, Kenney, Esser, Tokuda, Buck, Dickerson, Talcott, Gombosky, Skinner, Reardon, Ballasiotes, Dunshee, Woods, Edmonds, Schindler, Cooper, Mulliken, Haigh, Lisk, Murray, Jarrett, McIntire, Marine, Schual-Berke, Delvin, Lovick, McDermott, Kessler, Grant, Santos, Ogden, Keiser, Hunt, Simpson, Kagi, Conway, Doumit, Hatfield and Linville

WHEREAS, The year 2001 marks the 150th anniversary of the YMCA movement in the United States; and

WHEREAS, The YMCA has touched the lives of virtually all Americans, from pioneering camping, public libraries, night schools, group swim lessons and lifesaving, to teaching English as a second language and inventing basketball and volleyball; and

WHEREAS, The YMCA is dedicated to building strong kids, strong families, and strong communities; and

WHEREAS, The YMCA serves people of all ages, incomes, and abilities through a wide variety of programs and services designed to meet changing community needs; and

WHEREAS, The YMCA lives by its mission "To put Christian principles into practice through the programs that build healthy spirit, mind, and body for all"; and

WHEREAS, The YMCA is an organization that incorporates the values of caring, honesty, responsibility, and respect into all of its programs; and

WHEREAS, The YMCA is an organization that is volunteer-founded, volunteer-based, and volunteer-led, and more than 20,000 citizens of Washington State see fit to provide volunteer services at their local YMCA; and

WHEREAS, The YMCA's of Washington State provide high quality, affordable childcare to more than 10,000 children each year; and

WHEREAS, The YMCA's of Washington State annually serve more than 440,000 individuals, including 245,000 youth; and

WHEREAS, The YMCA's of Washington State provide financial assistance in excess of 16 million dollars to make programs and services accessible to all members of the community; and

WHEREAS, The YMCA's of Washington State annually provide teens with a safe place to go after school; provide families with a fun and affordable place to spend time together; provide seniors with social programs; and provide healthy programs and services for all people in the community; and

WHEREAS, The 150th anniversary of the YMCA movement will draw special public attention to the distinguished history of the organization and to the benefits that the people of Washington State have enjoyed as a result of the proud tradition of this organization;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize June 2, 2001, as YMCA's 150th Anniversary Appreciation Day in Washington State and urge all citizens to join in this special observance.

House Resolution No. 4661 was adopted.

HOUSE RESOLUTION NO. 2001-4662, by Representatives Romero, Hunt, Armstrong, Veloria, Kenney, G. Chandler, Ballard, Grant and Mulliken

WHEREAS, Our nation, our state, and in particular the Manson and other Chelan County and North Central Washington communities earlier this month lost a wonderful treasure and a remarkable inspiration with the passing of our true friend and so very respected colleague, Esther Stefaniw; and

WHEREAS, In making and living her principles to the very heart of her being, Esther Stefaniw made of her uncommon life a truly exceptional and honorable model of common sense for every one of us to follow; and

WHEREAS, Raised in Brooklyn, Esther Stefaniw over the recent decades made Manson, Chelan County, North Central Washington, and each of the other diverse corners of the Evergreen State very much her home; and

WHEREAS, The promise and motivation unquestionably inherent in the learning that happens every day in her neighborhood schools and in the community involvement that happens every day in her local government

celebrates so well the work and passion of this caring, tremendous citizen; and

WHEREAS, She and her husband operated an organic orchard; and one of their hygienic, wholesome creations was feted and honored with membership in the much-sought-after "Fruit of the Month Club"; and

WHEREAS, Esther very admirably and honorably served her region as a member of the Chelan County Sheriff's Marine Patrol, keeping a close guard and beneficial watch over boaters, swimmers, and other users of Lake Chelan and the rivers of North Central Washington; and

WHEREAS, In her courageous battle against the cancer with which she was first diagnosed six years ago and that was diagnosed again this past New Year's Eve, Esther Stefaniw's strong and enduring values taught us lessons we shall never and certainly should never forget; and

WHEREAS, Though all too few, her years here among us will surely live on in everlasting encouragement as the magnificent merit of her motivation is reflected in our own years to come; and

WHEREAS, In raising four wonderful children, Esther and her husband, Mark, soon commenced what became an unflagging commitment to the nurturing of youth and other school and family-related activities; and

WHEREAS, Not long after her election almost twenty years ago to the Manson School District Board of Directors, her school-leader peers statewide recognized in Esther Stefaniw the caring, humane, and visionary qualities that go into the makings of a Washington State School Directors Association president; and

WHEREAS, More recently, our cherished friend contributed indefatigable and inspirational service to county government, as well as inexhaustible work with the Chelan-Douglas Health District Board of Directors, the Regional Jail Committee, the Upper Columbia Salmon Recovery Board, the Working Together for the 21st Century group, and so many other civic-leadership organizations; and

WHEREAS, Esther Stefaniw recognized the fundamental goodness, the intrinsic value, and the incomparable caliber in each and every individual; and

WHEREAS, In untiring commitment to make her home a better place to call our home, Esther always trusted her sure-fire intuition; and

WHEREAS, Her love for family and her allegiance for community, colleague, and country find perfect reflection in the boundless energy and talent which is the essence of this woman we revere, salute, and will never forget, Esther Stefaniw;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington celebrates the life, the work, and the dedication of Esther Stefaniw; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the family of Esther Stefaniw, to the Chelan County Commission, and to the Manson School District Board of Directors.

House Resolution No. 4662 was adopted.

### INTRODUCTIONS AND FIRST READING

HB 2259 by Representatives Rockefeller, Eickmeyer, Lantz, Jackley and Haigh

AN ACT Relating to clarifying that a court may not suspend more than one-half of a fine that is imposed on violators of disabled parking or disabled parking permits; and amending RCW 46.16.381.

Referred to Rules Committee.

HB 2261 by Representatives Van Luven, Edwards, Cairnes, Cody and Campbell

AN ACT Relating to the taxation of organ procurement and transplanting activities; amending RCW 82.04.324; creating a new section; and declaring an emergency.

Referred to Rules Committee.



HB 2263 by Representatives Schual-Berke, Doumit, Haigh, Kenney, McIntire, Tokuda, Fisher, Fromhold, Hurst, Veloria, Hunt, Edmonds, Wood, Kagi and Quall

AN ACT Relating to funding for traffic safety education; amending RCW 46.20.055 and 46.68.041; and reenacting and amending RCW 46.20.120.

Referred to Rules Committee.

HB 2265 by Representatives Ogden and Talcott

AN ACT Relating to an open private choice primary; amending RCW 29.01.090, 29.04.180, 29.27.020, 29.27.030, 29.30.005, 29.30.025, 29.30.095, 29.30.101, 29.33.320, 29.36.045, 29.42.010, 29.42.050, 29.42.070, and 42.17.020; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 29.42 RCW; adding a new section to chapter 29.81A RCW; adding a new chapter to Title 29 RCW; creating new sections; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, 29.18.200, and 29.30.040; providing an expiration date; and declaring an emergency.

Referred to Rules Committee.

HB 2266 by Representatives Linville and G. Chandler

AN ACT Relating to reimbursement of members and employees of commodity boards and commissions; and amending RCW 15.65.270 and 15.66.130.

HCR 4414 by Representatives Carrell and Lantz

Creating a joint select committee on civil forfeiture.

HCR 4415 by Representatives Kessler and Mastin

Returning bills to the house of origin.

HCR 4416 by Representatives Mastin and Kessler

Adjourning SINE DIE.

SSB 6012 by Senate Committee on Environment, Energy & Water (originally sponsored by Senators Honeyford, Rasmussen, Hochstatter, Hale and Carlson)

AN ACT Relating to customary agricultural practices in the urban growth area; and amending RCW 70.94.743.

There being no objection, House Bill No. 2266 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, House Concurrent Resolution No. 4414 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

There being no objection, House Concurrent Resolution No. 4415 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

There being no objection, House Concurrent Resolution No. 4416 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

There being no objection, Substitute Senate Bill No. 6012 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

### SECOND READING

#### HOUSE BILL NO. 2266, By Representatives Linville and G. Chandler

**Modifying reimbursement for travel expenses incurred by certain agricultural boards and commissions.**

The bill was read the second time.

Representative Linville moved the adoption of the following amendment (250) :

On page 1, line 12, after "RCW 43.03.230" strike "and shall" and insert "~~((and shall))~~. Members and employees of the board may"

On page 2, line 13, after "RCW 43.03.230" strike "and shall" and insert "~~((and shall))~~. Members and employees of the commission may"

Representatives Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and G. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 2266.

### MOTION

On motion of Representative Santos, Representatives Edwards, Rockefeller and Sommers were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2266 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden,

Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Rockefeller, and Sommers - 3.

Engrossed House Bill No. 2266, having received the necessary constitutional majority, was declared passed.

#### **HOUSE CONCURRENT RESOLUTION NO. 4414, By Representatives Carrell and Lantz**

##### **Creating a joint select committee on civil forfeiture.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final adoption.

Representatives Lantz and Carrell spoke in favor of adoption of the concurrent resolution.

Speaker Ballard stated the question before the House to be the final adoption of House Concurrent Resolution No. 4414.

House Concurrent Resolution No. 4414 was adopted.

#### **SENATE AMENDMENTS TO HOUSE BILL**

May 23, 2001

Mr. Speakers:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2025, with the following amendment:

On page 2, last line of section 2 subsection (4), insert the following: "The legislature shall approve and provide funding for the evaluation system in subsection (3) of this section before any implementation of the system developed under subsection (3) may occur."

There being no objection, the House concurred in the Senate amendment to Engrossed Second Substitute House Bill No. 2025.

Representative Santos spoke in favor of the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2025 as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2025 as amended by the Senate and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 95.

Excused: Representatives Edwards, Rockefeller, and Sommers - 3.

Engrossed Second Substitute House Bill No. 2025 as amended by the Senate having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

### REPORTS OF STANDING COMMITTEES

May 24, 2001

ESB 6188 Prime Sponsor, Senator Prentice: Streamlining the environmental permit process for transportation projects. Reported by Committee on Transportation.

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Ahern; Anderson; Armstrong; G. Chandler; Edmonds; Haigh; Hatfield; Hurst; Jackley; Jarrett; Marine; Mielke; Morell; Murray; Ogden; Reardon; Romero; Schindler; Simpson; Skinner; Sump; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Ericksen, Hankins, Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Haigh, Hatfield, Hurst, Jackley, Marine, Mielke, Morell, Murray, Ogden, Reardon, Romero, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Excused: Representatives Lovick, Jarrett and Rockefeller.

There being no objection, the rules were suspended and ENGROSSED SENATE BILL NO. 6188 was placed on Second Reading.

### SECOND READING

**ENGROSSED SENATE BILL NO. 6188, By Senators Prentice, Swecker, Haugen, McDonald, Gardner, Horn, Rasmussen and Deccio**

**Streamlining the environmental permit process for transportation projects.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero, Ericksen, Cooper, G. Chandler, Armstrong, Fisher, Clements, Mitchell and Mastin spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Senate Bill No. 6188.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6188 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Edwards and Rockefeller - 2.

Engrossed Senate Bill No. 6188, having received the necessary constitutional majority, was declared passed.

**MESSAGES FROM THE SENATE**

May 24, 2001

Mr. Speakers:

The Senate has passed:

and the same is herewith transmitted.

ENGROSSED HOUSE BILL NO. 1845,

Tony M. Cook, Secretary

May 24, 2001

Mr. Speakers:

The President has signed:

and the same is herewith transmitted.

SECOND SUBSTITUTE HOUSE BILL NO. 1058,  
ENGROSSED HOUSE BILL NO. 2260,

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

ENGROSSED HOUSE BILL NO. 1845,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2025,

**SENATE AMENDMENTS TO HOUSE BILL**

May 24, 2001

Mr. Speakers:

The Senate has passed HOUSE BILL NO. 2098 with the following amendment:

On page 2, beginning on line 30, after "unit" strike all material through "located" on line 37, and insert "in a facility with ten units or fewer or mobile home lot in a mobile home park with ten lots or fewer was occupied by a very low-income household at the time the exemption was granted and the income of the household subsequently rises above fifty percent of the median income but remains at or below eighty percent of the median income"

On page 3, line 4, after "84.52.105." insert "For purposes of this section, median income, as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located, shall be adjusted for family size."

There being no objection, the House concurred in the Senate amendments to House Bill No. 2098,.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2098 as amended by the Senate.

Representatives Edmonds and Pennington spoke in favor of passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2098 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Edwards and Rockefeller - 2.

House Bill No. 2098 as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### **SECOND READING**

**SUBSTITUTE SENATE BILL NO. 6012, By Senate Committee on Environment, Energy & Water (originally sponsored by Senators Honeyford, Rasmussen, Hochstatter, Hale and Carlson)**

**Allowing customary agricultural related burning in an urban growth area.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler, Linville and Pennington spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No.

6012.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6012 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods Speaker Ballard, and Speaker Chopp - 96.

Excused: Representatives Edwards and Rockefeller - 2.

Substitute Senate Bill No. 6012, having received the necessary constitutional majority, was declared passed.

**HOUSE CONCURRENT RESOLUTION NO. 4415, By Representatives Kessler and Mastin****Returning bills to the house of origin.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final adoption.

Representative Mastin spoke in favor of adoption of the concurrent resolution.

Speaker Ballard stated the question before the House to be the final adoption of House Concurrent Resolution No. 4415.

House Concurrent Resolution No. 4415 was adopted.

Speaker Ballard called upon Representative Pennington to preside.

**MESSAGE FROM THE SENATE**

May 24, 2001

Mr. Speakers:

The President has signed:

as the same is herewith transmitted.

ENGROSSED SENATE BILL NO. 6188,

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

ENGROSSED SENATE BILL NO. 6188,

**MESSAGES FROM THE SENATE**

May 24, 2001

Mr. Speakers:

The Senate has passed:  
and the same is herewith transmitted.

HOUSE CONCURRENT RESOLUTION NO. 4414,

Tony M. Cook, Secretary

May 24, 2001

Mr. Speakers:

The President has signed:  
and the same is herewith transmitted.

SUBSTITUTE SENATE BILL NO. 6012,

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 2098,  
HOUSE CONCURRENT RESOLUTION NO. 4414,  
SUBSTITUTE SENATE BILL NO. 6012,

**SENATE AMENDMENTS TO HOUSE BILL**

May 24, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2242, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.46.020 and 1999 c 353 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(3) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(4) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.



(5) "Audit" or "department audit" means an examination of the records of a nursing facility participating in the medicaid payment system, including but not limited to: The contractor's financial and statistical records, cost reports and all supporting documentation and schedules, receivables, and resident trust funds, to be performed as deemed necessary by the department and according to department rule.

(6) "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

(7) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement; except that, any person who acquires an ownership interest or power specified in (c)(i), (ii), or (iii) of this subsection with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

~~(8) ("Capital portion of the rate" means the sum of the property and financing allowance rate allocations, as established in part E of this chapter.~~

~~(9))~~ (9) "Capitalization" means the recording of an expenditure as an asset.

~~((10))~~ (10) "Case mix" means a measure of the intensity of care and services needed by the residents of a nursing facility or a group of residents in the facility.

~~((11))~~ (11) "Case mix index" means a number representing the average case mix of a nursing facility.

~~((12))~~ (12) "Case mix weight" means a numeric score that identifies the relative resources used by a particular group of a nursing facility's residents.

(12) "Certificate of capital authorization" means a certification from the department for an allocation from the biennial capital financing authorization for all new or replacement building construction, or for major renovation projects, receiving a certificate of need or a certificate of need exemption under chapter 70.38 RCW

after July 1, 2001.

(13) "Contractor" means a person or entity licensed under chapter 18.51 RCW to operate a medicare and medicaid certified nursing facility, responsible for operational decisions, and contracting with the department to provide services to medicaid recipients residing in the facility.

(14) "Default case" means no initial assessment has been completed for a resident and transmitted to the department by the cut-off date, or an assessment is otherwise past due for the resident, under state and federal requirements.

(15) "Department" means the department of social and health services (DSHS) and its employees.

(16) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(17) "Direct care" means nursing care and related care provided to nursing facility residents. Therapy care shall not be considered part of direct care.

(18) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct care of a nursing facility's residents.

(19) "Entity" means an individual, partnership, corporation, limited liability company, or any other association of individuals capable of entering enforceable contracts.

(20) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(21) "Essential community provider" means a facility which is the only nursing facility within a commuting distance radius of at least forty minutes duration, traveling by automobile.

~~(22)~~ (22) "Facility" or "nursing facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a multiservice facility licensed as a nursing home, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

~~((22))~~ (23) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

~~((23))~~ (24) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

~~((24))~~ (25) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

~~((25))~~ (26) "Goodwill" means the excess of the price paid for a nursing facility business over the fair market value of all net identifiable tangible and intangible assets acquired, as measured in accordance with generally accepted accounting principles.

~~((26))~~ (27) "Grouper" means a computer software product that groups individual nursing facility residents into case mix classification groups based on specific resident assessment data and computer logic.

~~((27))~~ (28) "High labor-cost county" means an urban county in which the median allowable facility cost per case mix unit is more than ten percent higher than the median allowable facility cost per case mix unit among all other urban counties, excluding that county.

(29) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

~~((28))~~ (30) "Home and central office costs" means costs that are incurred in the support and operation of a home and central office. Home and central office costs include centralized services that are performed in support of a nursing facility. The department may exclude from this definition costs that are nonduplicative, documented, ordinary, necessary, and related to the provision of care services to authorized patients.

(31) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

~~((29))~~ (32) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

~~((30))~~ (33) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments.

Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or

modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

~~((31))~~ (34) "Medical care program" or "medicaid program" means medical assistance, including nursing care, provided under RCW 74.09.500 or authorized state medical care services.

~~((32))~~ (35) "Medical care recipient," "medicaid recipient," or "recipient" means an individual determined eligible by the department for the services provided under chapter 74.09 RCW.

~~((33))~~ (36) "Minimum data set" means the overall data component of the resident assessment instrument, indicating the strengths, needs, and preferences of an individual nursing facility resident.

~~((34))~~ (37) "Net book value" means the historical cost of an asset less accumulated depreciation.

~~((35))~~ (38) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles.

~~((36) "Noncapital portion of the rate" means the sum of the direct care, therapy care, operations, support services, and variable return rate allocations, as established in part E of this chapter.~~

~~((37))~~ (39) "Nonurban county" means a county which is not located in a metropolitan statistical area as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government.

(40) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((38))~~ (41) "Owner" means a sole proprietor, general or limited partners, members of a limited liability company, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

~~((39))~~ (42) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((40))~~ (43) "Patient day" or "resident day" means a calendar day of care provided to a nursing facility resident, regardless of payment source, which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A "medicaid day" or "recipient day" means a calendar day of care provided to a medicaid recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

~~((41))~~ (44) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((42))~~ (45) "Qualified therapist" means:

(a) A mental health professional as defined by chapter 71.05 RCW;

(b) A mental retardation professional who is a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(c) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(d) A physical therapist as defined by chapter 18.74 RCW;

(e) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training; and

(f) A respiratory care practitioner certified under chapter 18.89 RCW.

~~((43))~~ (46) "Rate" or "rate allocation" means the medicaid per-patient-day payment amount for medicaid

patients calculated in accordance with the allocation methodology set forth in part E of this chapter.

~~((44))~~ (47) "Real property," whether leased or owned by the contractor, means the building, allowable land, land improvements, and building improvements associated with a nursing facility.

~~((45))~~ (48) "Rebased rate" or "cost-rebased rate" means a facility-specific component rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year designated as a year to be used for cost-rebasing payment rate allocations under the provisions of this chapter.

~~((46))~~ (49) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((47))~~ (50) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((48))~~ (51) "Related care" means only those services that are directly related to providing direct care to nursing facility residents. These services include, but are not limited to, nursing direction and supervision, medical direction, medical records, pharmacy services, activities, and social services.

~~((49))~~ (52) "Resident assessment instrument," including federally approved modifications for use in this state, means a federally mandated, comprehensive nursing facility resident care planning and assessment tool, consisting of the minimum data set and resident assessment protocols.

~~((50))~~ (53) "Resident assessment protocols" means those components of the resident assessment instrument that use the minimum data set to trigger or flag a resident's potential problems and risk areas.

~~((51))~~ (54) "Resource utilization groups" means a case mix classification system that identifies relative resources needed to care for an individual nursing facility resident.

~~((52))~~ (55) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((53))~~ (56) "Secretary" means the secretary of the department of social and health services.

~~((54))~~ (57) "Support services" means food, food preparation, dietary, housekeeping, and laundry services provided to nursing facility residents.

~~((55))~~ (58) "Therapy care" means those services required by a nursing facility resident's comprehensive assessment and plan of care, that are provided by qualified therapists, or support personnel under their supervision, including related costs as designated by the department.

~~((56))~~ (59) "Title XIX" or "medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended and the medicaid program administered by the department.

(60) "Urban county" means a county which is located in a metropolitan statistical area as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government.

**Sec. 2.** RCW 74.46.165 and 1998 c 322 s 10 are each amended to read as follows:

(1) Contractors shall be required to submit with each annual nursing facility cost report a proposed settlement report showing underspending or overspending in each component rate during the cost report year on a per-resident day basis. The department shall accept or reject the proposed settlement report, explain any adjustments, and issue a revised settlement report if needed.

(2) Contractors shall not be required to refund payments made in the operations, variable return, property, and ~~((return on investment))~~ financing allowance component rates in excess of the adjusted costs of providing services corresponding to these components.

(3) The facility will return to the department any overpayment amounts in each of the direct care, therapy care, and support services rate components that the department identifies following the audit and settlement

procedures as described in this chapter, provided that the contractor may retain any overpayment that does not exceed 1.0% of the facility's direct care, therapy care, and support services component rate. However, no overpayments may be retained in a cost center to which savings have been shifted to cover a deficit, as provided in subsection (4) of this section. Facilities that are not in substantial compliance for more than ninety days, and facilities that provide substandard quality of care at any time, during the period for which settlement is being calculated, will not be allowed to retain any amount of overpayment in the facility's direct care, therapy care, and support services component rate. The terms "not in substantial compliance" and "substandard quality of care" shall be defined by federal survey regulations.

(4) Determination of unused rate funds, including the amounts of direct care, therapy care, and support services to be recovered, shall be done separately for each component rate, and, except as otherwise provided in this subsection, neither costs nor rate payments shall be shifted from one component rate or corresponding service area to another in determining the degree of underspending or recovery, if any. ~~((However,))~~ In computing a preliminary or final settlement, savings in the support services cost center ~~((may))~~ shall be shifted to cover a deficit in the direct care or therapy cost centers up to the amount of any savings ~~((—Not more than twenty percent of the rate in a cost center may be shifted))~~, but no more than twenty percent of the support services component rate may be shifted. In computing a preliminary or final settlement, savings in direct care and therapy care may be shifted to cover a deficit in these two cost centers up to the amount of savings in each, regardless of the percentage of either component rate shifted. Contractor-retained overpayments up to one percent of direct care, therapy care, and support services rate components, as authorized in subsection (3) of this section, shall be calculated and applied after all shifting is completed.

(5) Total and component payment rates assigned to a nursing facility, as calculated and revised, if needed, under the provisions of this chapter and those rules as the department may adopt, shall represent the maximum payment for nursing facility services rendered to medicaid recipients for the period the rates are in effect. No increase in payment to a contractor shall result from spending above the total payment rate or in any rate component.

(6) RCW 74.46.150 through 74.46.180, and rules adopted by the department prior to July 1, 1998, shall continue to govern the medicaid settlement process for periods prior to October 1, 1998, as if these statutes and rules remained in full force and effect.

(7) For calendar year 1998, the department shall calculate split settlements covering January 1, 1998, through September 30, 1998, and October 1, 1998, through December 31, 1998. For the period beginning October 1, 1998, rules specified in this chapter shall apply. The department shall by rule, determine the division of calendar year 1998 adjusted costs for settlement purposes.

**Sec. 3.** RCW 74.46.410 and 1998 c 322 s 17 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in the medicaid per-resident day payment rate established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval, or exemption from the requirements for certificate of need for the replacement of existing nursing home beds, pursuant to chapter 70.38 RCW if such approval or exemption was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after January 1, 1985;

- (f) Salaries or other compensation of owners, officers, directors, stockholders, partners, principals, participants, and others associated with the contractor or its home office, including all board of directors' fees for any purpose, except reasonable compensation paid for service related to patient care;
- (g) Costs in excess of limits or in violation of principles set forth in this chapter;
- (h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the payment system set forth in this chapter;
- (i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;
- (j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;
- (k) Charity and courtesy allowances;
- (l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;
- (m) Vending machine expenses;
- (n) Expenses for barber or beautician services not included in routine care;
- (o) Funeral and burial expenses;
- (p) Costs of gift shop operations and inventory;
- (q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;
- (r) Fund-raising expenses, except those directly related to the patient activity program;
- (s) Penalties and fines;
- (t) Expenses related to telephones, ~~((televisions,))~~ radios, and similar appliances in patients' private accommodations;
- (u) Televisions acquired prior to July 1, 2001;
- (v) Federal, state, and other income taxes;
- ~~((w))~~ (w) Costs of special care services except where authorized by the department;
- ~~((w))~~ (x) Expenses of an employee benefit not in fact made available to all employees on an equal or fair basis, for example, key-man insurance and other insurance or retirement plans;
- ~~((x))~~ (y) Expenses of profit-sharing plans;
- ~~((y))~~ (z) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;
- ~~((z))~~ (aa) Personal expenses and allowances of owners or relatives;
- ~~((aa))~~ (bb) All expenses of maintaining professional licenses or membership in professional organizations;
- ~~((bb))~~ (cc) Costs related to agreements not to compete;
- ~~((ee))~~ (dd) Amortization of goodwill, lease acquisition, or any other intangible asset, whether related to resident care or not, and whether recognized under generally accepted accounting principles or not;
- ~~((dd))~~ (ee) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;
- ~~((ee))~~ (ff) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;
- ~~((ff))~~ (gg) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;
- ~~((gg))~~ (hh) Lease acquisition costs, goodwill, the cost of bed rights, or any other intangible assets;
- ~~((hh))~~ (ii) All rental or lease costs other than those provided in RCW 74.46.300 on and after January 1, 1985;

~~((ii))~~ (jj) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;

~~((jj))~~ (kk) Compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period;

~~((kk))~~ (ll) For all partial or whole rate periods after July 17, 1984, costs of land and depreciable assets that cannot be reimbursed under the Deficit Reduction Act of 1984 and implementing state statutory and regulatory provisions;

~~((ll))~~ (mm) Costs reported by the contractor for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the contractor in the period to be covered by the rate;

~~((mm))~~ (nn) Costs of outside activities, for example, costs allocated to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space;

~~((nn))~~ (oo) Travel expenses outside the states of Idaho, Oregon, and Washington and the province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing facility is allowed whether inside or outside these areas if the travel is necessary, ordinary, and related to resident care;

~~((oo))~~ (pp) Moving expenses of employees in the absence of demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the province of British Columbia;

~~((pp))~~ (qq) Depreciation in excess of four thousand dollars per year for each passenger car or other vehicle primarily used by the administrator, facility staff, or central office staff;

~~((qq))~~ (rr) Costs for temporary health care personnel from a nursing pool not registered with the secretary of the department of health;

~~((rr))~~ (ss) Payroll taxes associated with compensation in excess of allowable compensation of owners, relatives, and administrative personnel;

~~((ss))~~ (tt) Costs and fees associated with filing a petition for bankruptcy;

~~((tt))~~ (uu) All advertising or promotional costs, except reasonable costs of help wanted advertising;

~~((uu))~~ (vv) Outside consultation expenses required to meet department-required minimum data set completion proficiency;

~~((vv))~~ (ww) Interest charges assessed by any department or agency of this state for failure to make a timely refund of overpayments and interest expenses incurred for loans obtained to make the refunds;

~~((ww))~~ (xx) All home office or central office costs, whether on or off the nursing facility premises, and whether allocated or not to specific services, in excess of the median of those adjusted costs for all facilities reporting such costs for the most recent report period; and

~~((xx))~~ (yy) Tax expenses that a nursing facility has never incurred.

**Sec. 4.** RCW 74.46.421 and 1999 c 353 s 3 are each amended to read as follows:

(1) The purpose of part E of this chapter is to determine nursing facility medicaid payment rates that, in the aggregate for all participating nursing facilities, are in accordance with the biennial appropriations act.

(2)(a) The department shall use the nursing facility medicaid payment rate methodologies described in this chapter to determine initial component rate allocations for each medicaid nursing facility.

(b) The initial component rate allocations shall be subject to adjustment as provided in this section in order to assure that the statewide average payment rate to nursing facilities is less than or equal to the statewide average payment rate specified in the biennial appropriations act.

(3) Nothing in this chapter shall be construed as creating a legal right or entitlement to any payment that (a) has not been adjusted under this section or (b) would cause the statewide average payment rate to exceed the statewide average payment rate specified in the biennial appropriations act.

(4)~~((a))~~ ~~The statewide average payment rate for the capital portion of the rate for any state fiscal year under the nursing facility medicaid payment system, weighted by patient days, shall not exceed the annual statewide weighted average nursing facility payment rate for the capital portion of the rate identified for that fiscal~~

year in the biennial appropriations act.

~~—(b) If the department determines that the weighted average nursing facility payment rate for the capital portion of the rate calculated in accordance with this chapter is likely to exceed the weighted average nursing facility payment rate for the capital portion of the rate identified in the biennial appropriations act, then the department shall adjust all nursing facility property and financing allowance payment rates proportional to the amount by which the weighted average rate allocations would otherwise exceed the budgeted capital portion of the rate amount. Any such adjustments shall only be made prospectively, not retrospectively, and shall be applied proportionately to each component rate allocation for each facility.~~

~~—(5))~~(a) The statewide average payment rate ~~((for the noncapital portion of the rate))~~ for any state fiscal year under the nursing facility payment system, weighted by patient days, shall not exceed the annual statewide weighted average nursing facility payment rate ~~((for the noncapital portion of the rate))~~ identified for that fiscal year in the biennial appropriations act.

(b) If the department determines that the weighted average nursing facility payment rate ~~((for the noncapital portion of the rate))~~ calculated in accordance with this chapter is likely to exceed the weighted average nursing facility payment rate ~~((for the noncapital portion of the rate))~~ identified in the biennial appropriations act, then the department shall adjust all nursing facility ~~((direct care, therapy care, support services, operations, and variable return))~~ payment rates proportional to the amount by which the weighted average rate allocations would otherwise exceed the budgeted ~~((noncapital portion of the))~~ rate amount. Any such adjustments shall only be made prospectively, not retrospectively, and shall be applied proportionately to each ~~((direct care, therapy care, support services, operations, and variable return))~~ component rate allocation for each facility.

**Sec. 5.** RCW 74.46.431 and 1999 c 353 s 4 are each amended to read as follows:

(1) Effective July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return. The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.

(2) All component rate allocations for essential community providers as defined in this chapter shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use. For all facilities other than essential community providers, effective July 1, 2001, component rate allocations in direct care, therapy care, support services, variable return, operations, property, and financing allowance shall continue to be based upon a minimum facility occupancy of eighty-five percent of licensed beds. For all facilities other than essential community providers, effective July 1, 2002, the component rate allocations in operations, property, and financing allowance shall be based upon a minimum facility occupancy of ninety percent of licensed beds, regardless of how many beds are set up or in use.

(3) Information and data sources used in determining medicaid payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2004, direct care component rate allocations.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)~~((k))~~ (i).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW



74.46.506(5)((4)) (i).

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2004, therapy care component rate allocations.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2004, support services component rate allocations.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2004, operations component rate allocations.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of (~~five dollars and fifteen cents per hour~~) the state minimum wage or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities temporarily reducing the number of set-up beds during a remodel, facilities having less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

(13) Effective July 1, 2001, medicaid rates shall continue to be revised downward in all components, in accordance with department rules, for facilities converting banked beds to active service under chapter 70.38 RCW by using the facility's increased licensed bed capacity to recalculate minimum occupancy for rate setting. However, for facilities other than essential community providers which bank beds under chapter 70.38 RCW, after April 1, 2001, medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only by using the facility's decreased licensed bed capacity to recalculate minimum occupancy for rate setting, but no upward revision shall be made to operations, property, or financing allowance component rates.

(14) Facilities obtaining a certificate of need or a certificate of need exemption under chapter 70.38 RCW after June 30, 2001, must have a certificate of capital authorization in order for (a) the depreciation resulting from the capitalized addition to be included in calculation of the facility's property component rate allocation; and (b) the net invested funds associated with the capitalized addition to be included in calculation of the facility's financing allowance rate allocation.

**Sec. 6.** RCW 74.46.433 and 1999 c 353 s 9 are each amended to read as follows:

(1) The department shall establish for each medicaid nursing facility a variable return component rate allocation. In determining the variable return allowance:

(a) The variable return array and percentage ((assigned at the October 1, 1998, rate setting shall remain in effect until June 30, 2001)) shall be assigned whenever rebasing of noncapital rate allocations is scheduled under RCW 46.46.431 (4), (5), (6), and (7).

(b) To calculate the array of facilities for the July 1, 2001, rate setting, the department, without using peer groups, shall first rank all facilities in numerical order from highest to lowest according to each facility's examined and documented, but unlidged, combined direct care, therapy care, support services, and operations per resident day cost from the 1999 cost report period. However, before being combined with other per resident day costs and ranked, a facility's direct care cost per resident day shall be adjusted to reflect its facility average case mix index, to be averaged from the four calendar quarters of 1999, weighted by the facility's resident days from each quarter, under RCW 74.46.501(7)(b)(ii). The array shall then be divided into four quartiles, each containing, as nearly as possible, an equal number of facilities, and four percent shall be assigned to facilities in the lowest quartile, three percent to facilities in the next lowest quartile, two percent to facilities in the next highest quartile, and one percent to facilities in the highest quartile.

(c) The department shall ((then)), subject to (d) of this subsection, compute the variable return allowance by multiplying ((the appropriate)) a facility's assigned percentage ((amounts, which shall not be less than one percent and not greater than four percent,)) by the sum of the facility's direct care, therapy care, support services, and operations ((rate components. The percentage amounts will be based on groupings of facilities according to the rankings prescribed in (a) of this subsection, as applicable. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs)) component rates determined in accordance with this chapter and rules adopted by the department.

(d) Effective July 1, 2001, if a facility's examined and documented direct care cost per resident day for the preceding report year is lower than its average direct care component rate weighted by medicaid resident days for the same year, the facility's direct care cost shall be substituted for its July 1, 2001, direct care component rate, and its variable return component rate shall be determined or adjusted each July 1st by multiplying the facility's assigned percentage by the sum of the facility's July 1, 2001, therapy care, support services, and operations component rates, and its direct care cost per resident day for the preceding year.

(2) The variable return rate allocation calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**Sec. 7.** RCW 74.46.435 and 1999 c 353 s 10 are each amended to read as follows:

(1) Effective July 1, 2001, the property component rate allocation for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation, subject to RCW 74.46.310 through 74.46.380, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center by the greater of a facility's total resident days for the facility in the prior period or resident days as calculated on eighty-five percent facility occupancy. Effective July 1, 2002, the property component rate allocation for all facilities, except essential community providers, shall be set by using the greater of a facility's total resident days from the most recent cost report period or resident days calculated at ninety percent facility occupancy. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total resident days used in computing the property component rate shall be adjusted to anticipated resident day level.

(2) A nursing facility's property component rate allocation shall be rebased annually, effective July 1st (~~or October 1st as applicable~~), in accordance with this section and this chapter.

(3) When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

(4) Effective July 1, 2001, for the purpose of calculating a nursing facility's property component rate, if a contractor (~~elects~~) has elected to bank licensed beds prior to April 1, 2001, or elects to convert banked beds to active service at any time, under chapter 70.38 RCW, the department shall use the facility's (~~anticipated resident occupancy level subsequent to the decrease or increase in licensed bed capacity~~) new licensed bed capacity to recalculate minimum occupancy for rate setting and revise the property component rate, as needed, effective as of the date the beds are banked or converted to active service. However, in no case shall the department use less than eighty-five percent occupancy of the facility's licensed bed capacity after banking or conversion. Effective July 1, 2002, in no case, other than essential community providers, shall the department use less than ninety percent occupancy of the facility's licensed bed capacity after conversion.

(5) The property component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**Sec. 8.** RCW 74.46.437 and 1999 c 353 s 11 are each amended to read as follows:

(1) Beginning July 1, 1999, the department shall establish for each medicaid nursing facility a financing allowance component rate allocation. The financing allowance component rate shall be rebased annually, effective July 1st, in accordance with the provisions of this section and this chapter.

(2) Effective July 1, 2001, the financing allowance shall be determined by multiplying the net invested funds of each facility by .10, and dividing by the greater of a nursing facility's total resident days from the most recent cost report period or resident days calculated on eighty-five percent facility occupancy. Effective July 1, 2002, the financing allowance component rate allocation for all facilities, other than essential community providers, shall be set by using the greater of a facility's total resident days from the most recent cost report period or resident days calculated at ninety percent facility occupancy. However, assets acquired on or after May 17, 1999, shall be grouped in a separate financing allowance calculation that shall be multiplied by .085. The financing allowance factor of .085 shall not be applied to the net invested funds pertaining to new construction or major renovations receiving certificate of need approval or an exemption from certificate of need requirements under chapter 70.38 RCW, or to working drawings that have been submitted to the department of health for construction review approval, prior to May 17, 1999. If a capitalized addition, renovation, replacement, or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total resident days used in computing the financing allowance shall be adjusted to the greater of the anticipated resident day level or eighty-five percent of the new licensed bed capacity. Effective July 1, 2002, for all facilities, other than essential community providers, the total resident days used to compute the financing allowance after a capitalized addition, renovation, replacement, or retirement of an asset shall be set by using the greater of a facility's total resident days from the most recent cost report period or resident days calculated at ninety percent facility occupancy.

(3) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, 74.46.370, and 74.46.380, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing resident care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(4) Effective July 1, 2001, for the purpose of calculating a nursing facility's financing allowance component rate, if a contractor (~~elects~~) has elected to bank licensed beds prior to April 1, 2001, or elects to

convert banked beds to active service at any time, under chapter 70.38 RCW, the department shall use the facility's ~~((anticipated resident occupancy level subsequent to the decrease or increase in licensed bed capacity))~~ new licensed bed capacity to recalculate minimum occupancy for rate setting and revise the financing allowance component rate, as needed, effective as of the date the beds are banked or converted to active service. However, in no case shall the department use less than eighty-five percent occupancy of the facility's licensed bed capacity after banking or conversion. Effective July 1, 2002, in no case, other than for essential community providers, shall the department use less than ninety percent occupancy of the facility's licensed bed capacity after conversion.

(5) The financing allowance rate allocation calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**Sec. 9.** RCW 74.46.501 and 1998 c 322 s 24 are each amended to read as follows:

(1) From individual case mix weights for the applicable quarter, the department shall determine two average case mix indexes for each medicaid nursing facility, one for all residents in the facility, known as the facility average case mix index, and one for medicaid residents, known as the medicaid average case mix index.

(2)(a) In calculating a facility's two average case mix indexes for each quarter, the department shall include all residents or medicaid residents, as applicable, who were physically in the facility during the quarter in question (January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, or October 1st through December 31st).

(b) The facility average case mix index shall exclude all default cases as defined in this chapter. However, the medicaid average case mix index shall include all default cases.

(3) Both the facility average and the medicaid average case mix indexes shall be determined by multiplying the case mix weight of each resident, or each medicaid resident, as applicable by the number of days, as defined in this section and as applicable, the resident was at each particular case mix classification or group, and then averaging.

(4)(a) In determining the number of days a resident is classified into a particular case mix group, the department shall determine a start date for calculating case mix grouping periods as follows:

(i) If a resident's initial assessment for a first stay or a return stay in the nursing facility is timely completed and transmitted to the department by the cutoff date under state and federal requirements and as described in subsection (5) of this section, the start date shall be the later of either the first day of the quarter or the resident's facility admission or readmission date;

(ii) If a resident's significant change, quarterly, or annual assessment is timely completed and transmitted to the department by the cutoff date under state and federal requirements and as described in subsection (5) of this section, the start date shall be the date the assessment is completed;

(iii) If a resident's significant change, quarterly, or annual assessment is not timely completed and transmitted to the department by the cutoff date under state and federal requirements and as described in subsection (5) of this section, the start date shall be the due date for the assessment.

(b) If state or federal rules require more frequent assessment, the same principles for determining the start date of a resident's classification in a particular case mix group set forth in subsection (4)(a) of this section shall apply.

(c) In calculating the number of days a resident is classified into a particular case mix group, the department shall determine an end date for calculating case mix grouping periods as follows:

(i) If a resident is discharged before the end of the applicable quarter, the end date shall be the day before discharge;

(ii) If a resident is not discharged before the end of the applicable quarter, the end date shall be the last day of the quarter;

(iii) If a new assessment is due for a resident or a new assessment is completed and transmitted to the department, the end date of the previous assessment shall be the earlier of either the day before the assessment is due or the day before the assessment is completed by the nursing facility.

(5) The cutoff date for the department to use resident assessment data, for the purposes of calculating both the facility average and the medicaid average case mix indexes, and for establishing and updating a facility's direct care component rate, shall be one month and one day after the end of the quarter for which the resident assessment

data applies.

(6) A threshold of ninety percent, as described and calculated in this subsection, shall be used to determine the case mix index each quarter. The threshold shall also be used to determine which facilities' costs per case mix unit are included in determining the ceiling, floor, and price. If the facility does not meet the ninety percent threshold, the department may use an alternate case mix index to determine the facility average and medicaid average case mix indexes for the quarter. The threshold is a count of unique minimum data set assessments, and it shall include resident assessment instrument tracking forms for residents discharged prior to completing an initial assessment. The threshold is calculated by dividing ~~((the))~~ a facility's count of ~~((unique minimum data set assessments))~~ residents being assessed by the average census for ~~((each))~~ the facility. A daily census shall be reported by each nursing facility as it transmits assessment data to the department. The department shall compute a quarterly average census based on the daily census. If no census has been reported by a facility during a specified quarter, then the department shall use the facility's licensed beds as the denominator in computing the threshold.

(7)(a) Although the facility average and the medicaid average case mix indexes shall both be calculated quarterly, the facility average case mix index will be used only every three years in combination with cost report data as specified by RCW 74.46.431 and 74.46.506, to establish a facility's allowable cost per case mix unit. A facility's medicaid average case mix index shall be used to update a nursing facility's direct care component rate quarterly.

(b) The facility average case mix index used to establish each nursing facility's direct care component rate shall be based on an average of calendar quarters of the facility's average case mix indexes.

(i) For October 1, 1998, direct care component rates, the department shall use an average of facility average case mix indexes from the four calendar quarters of 1997.

(ii) For July 1, 2001, direct care component rates, the department shall use an average of facility average case mix indexes from the four calendar quarters of 1999.

(c) The medicaid average case mix index used to update or recalibrate a nursing facility's direct care component rate quarterly shall be from the calendar quarter commencing six months prior to the effective date of the quarterly rate. For example, October 1, 1998, through December 31, 1998, direct care component rates shall utilize case mix averages from the April 1, 1998, through June 30, 1998, calendar quarter, and so forth.

**Sec. 10.** RCW 74.46.506 and 1999 c 353 s 5 and 1999 c 181 s 1 are each reenacted and amended to read as follows:

(1) The direct care component rate allocation corresponds to the provision of nursing care for one resident of a nursing facility for one day, including direct care supplies. Therapy services and supplies, which correspond to the therapy care component rate, shall be excluded. The direct care component rate includes elements of case mix determined consistent with the principles of this section and other applicable provisions of this chapter.

(2) Beginning October 1, 1998, the department shall determine and update quarterly for each nursing facility serving medicaid residents a facility-specific per-resident day direct care component rate allocation, to be effective on the first day of each calendar quarter. In determining direct care component rates the department shall utilize, as specified in this section, minimum data set resident assessment data for each resident of the facility, as transmitted to, and if necessary corrected by, the department in the resident assessment instrument format approved by federal authorities for use in this state.

(3) The department may question the accuracy of assessment data for any resident and utilize corrected or substitute information, however derived, in determining direct care component rates. The department is authorized to impose civil fines and to take adverse rate actions against a contractor, as specified by the department in rule, in order to obtain compliance with resident assessment and data transmission requirements and to ensure accuracy.

(4) Cost report data used in setting direct care component rate allocations shall be 1996 and 1999, for rate periods as specified in RCW 74.46.431(4)(a).

(5) Beginning October 1, 1998, the department shall rebase each nursing facility's direct care component rate allocation as described in RCW 74.46.431, adjust its direct care component rate allocation for economic trends and conditions as described in RCW 74.46.431, and update its medicaid average case mix index, consistent

with the following:

(a) Reduce total direct care costs reported by each nursing facility for the applicable cost report period specified in RCW 74.46.431(4)(a) to reflect any department adjustments, and to eliminate reported resident therapy costs and adjustments, in order to derive the facility's total allowable direct care cost;

(b) Divide each facility's total allowable direct care cost by its adjusted resident days for the same report period, increased if necessary to a minimum occupancy of eighty-five percent; that is, the greater of actual or imputed occupancy at eighty-five percent of licensed beds, to derive the facility's allowable direct care cost per resident day;

(c) Adjust the facility's per resident day direct care cost by the applicable factor specified in RCW 74.46.431(4) (b) and (c) to derive its adjusted allowable direct care cost per resident day;

(d) Divide each facility's adjusted allowable direct care cost per resident day by the facility average case mix index for the applicable quarters specified by RCW 74.46.501(7)(b) to derive the facility's allowable direct care cost per case mix unit;

(e) Effective for July 1, 2001, rate setting, divide nursing facilities into at least two and, if applicable, three peer groups: Those located in ~~((metropolitan statistical areas as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government, and those not located in a metropolitan statistical area))~~ nonurban counties; those located in high labor-cost counties, if any; and those located in other urban counties;

(f) Array separately the allowable direct care cost per case mix unit for all ~~((metropolitan statistical area and for all nonmetropolitan statistical area facilities))~~ facilities in nonurban counties, for all facilities in high labor-cost counties, if applicable; and for all facilities in other urban counties, and determine the median allowable direct care cost per case mix unit for each peer group;

(g) Except as provided in ~~((k))~~ (i) of this subsection, from October 1, 1998, through June 30, 2000, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than eighty-five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to eighty-five percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred fifteen percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred fifteen percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between eighty-five and one hundred fifteen percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(h) Except as provided in ~~((k))~~ (i) of this subsection, from July 1, 2000, ~~((through June 30, 2002))~~ forward, and for all future rate setting, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than ninety percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred ten percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred ten percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between ninety and one hundred ten percent of

the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(i) ~~((From July 1, 2002, through June 30, 2004, determine each facility's quarterly direct care component rate as follows:~~

~~—— (i) Any facility whose allowable cost per case mix unit is less than ninety five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety five percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);~~

~~—— (ii) Any facility whose allowable cost per case mix unit is greater than one hundred five percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred five percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);~~

~~—— (iii) Any facility whose allowable cost per case mix unit is between ninety five and one hundred five percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);~~

~~—— (j) Beginning July 1, 2004, determine each facility's quarterly direct care component rate by multiplying the facility's peer group median allowable direct care cost per case mix unit by that facility's medicaid average case mix index from the applicable quarter as specified in RCW 74.46.501(7)(c).~~

~~—— (k)) (i) Between October 1, 1998, and June 30, 2000, the department shall compare each facility's direct care component rate allocation calculated under (g) of this subsection with the facility's nursing services component rate in effect on September 30, 1998, less therapy costs, plus any exceptional care offsets as reported on the cost report, adjusted for economic trends and conditions as provided in RCW 74.46.431. A facility shall receive the higher of the two rates;~~

(ii) Between July 1, 2000, and June 30, 2002, the department shall compare each facility's direct care component rate allocation calculated under (h) of this subsection with the facility's direct care component rate in effect on June 30, 2000. A facility shall receive the higher of the two rates. Between July 1, 2001, and June 30, 2002, if during any quarter a facility whose rate paid under (h) of this subsection is greater than either the direct care rate in effect on June 30, 2000, or than that facility's allowable direct care cost per case mix unit calculated in (d) of this subsection multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c), the facility shall be paid in that and each subsequent quarter pursuant to (h) of this subsection and shall not be entitled to the greater of the two rates.

(iii) Effective July 1, 2002, all direct care component rate allocations shall be as determined under (h) of this subsection.

(6) The direct care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

(7) Payments resulting from increases in direct care component rates, granted under authority of RCW 74.46.508(1) for a facility's exceptional care residents, shall be offset against the facility's examined, allowable direct care costs, for each report year or partial period such increases are paid. Such reductions in allowable direct care costs shall be for rate setting, settlement, and other purposes deemed appropriate by the department.

**Sec. 11.** RCW 74.46.511 and 1999 c 353 s 6 and 1999 c 181 s 3 are each reenacted and amended to read as follows:

(1) The therapy care component rate allocation corresponds to the provision of medicaid one-on-one therapy provided by a qualified therapist as defined in this chapter, including therapy supplies and therapy consultation, for one day for one medicaid resident of a nursing facility. The therapy care component rate allocation for October 1, 1998, through June 30, 2001, shall be based on adjusted therapy costs and days from calendar year 1996. The therapy component rate allocation for July 1, 2001, through June 30, 2004, shall be

based on adjusted therapy costs and days from calendar year 1999. The therapy care component rate shall be adjusted for economic trends and conditions as specified in RCW 74.46.431(5)(b), and shall be determined in accordance with this section.

(2) In rebasing, as provided in RCW 74.46.431(5)(a), the department shall take from the cost reports of facilities the following reported information:

(a) Direct one-on-one therapy charges for all residents by payer including charges for supplies;

(b) The total units or modules of therapy care for all residents by type of therapy provided, for example, speech or physical. A unit or module of therapy care is considered to be fifteen minutes of one-on-one therapy provided by a qualified therapist or support personnel; and

(c) Therapy consulting expenses for all residents.

(3) The department shall determine for all residents the total cost per unit of therapy for each type of therapy by dividing the total adjusted one-on-one therapy expense for each type by the total units provided for that therapy type.

(4) The department shall divide medicaid nursing facilities in this state into two peer groups:

(a) Those facilities located within ~~((a metropolitan statistical area))~~ urban counties; and

(b) Those ~~((not))~~ located ~~((in a metropolitan statistical area))~~ within nonurban counties.

~~((Metropolitan statistical areas and nonmetropolitan statistical areas shall be as determined by the United States office of management and budget or other applicable federal office.))~~ The department shall array the facilities in each peer group from highest to lowest based on their total cost per unit of therapy for each therapy type. The department shall determine the median total cost per unit of therapy for each therapy type and add ten percent of median total cost per unit of therapy. The cost per unit of therapy for each therapy type at a nursing facility shall be the lesser of its cost per unit of therapy for each therapy type or the median total cost per unit plus ten percent for each therapy type for its peer group.

(5) The department shall calculate each nursing facility's therapy care component rate allocation as follows:

(a) To determine the allowable total therapy cost for each therapy type, the allowable cost per unit of therapy for each type of therapy shall be multiplied by the total therapy units for each type of therapy;

(b) The medicaid allowable one-on-one therapy expense shall be calculated taking the allowable total therapy cost for each therapy type times the medicaid percent of total therapy charges for each therapy type;

(c) The medicaid allowable one-on-one therapy expense for each therapy type shall be divided by total adjusted medicaid days to arrive at the medicaid one-on-one therapy cost per patient day for each therapy type;

(d) The medicaid one-on-one therapy cost per patient day for each therapy type shall be multiplied by total adjusted patient days for all residents to calculate the total allowable one-on-one therapy expense. The lesser of the total allowable therapy consultant expense for the therapy type or a reasonable percentage of allowable therapy consultant expense for each therapy type, as established in rule by the department, shall be added to the total allowable one-on-one therapy expense to determine the allowable therapy cost for each therapy type;

(e) The allowable therapy cost for each therapy type shall be added together, the sum of which shall be the total allowable therapy expense for the nursing facility;

(f) The total allowable therapy expense will be divided by the greater of adjusted total patient days from the cost report on which the therapy expenses were reported, or patient days at eighty-five percent occupancy of licensed beds. The outcome shall be the nursing facility's therapy care component rate allocation.

(6) The therapy care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

(7) The therapy care component rate shall be suspended for medicaid residents in qualified nursing facilities designated by the department who are receiving therapy paid by the department outside the facility daily rate under RCW 74.46.508(2).

**Sec. 12.** RCW 74.46.515 and 1999 c 353 s 7 are each amended to read as follows:

(1) The support services component rate allocation corresponds to the provision of food, food preparation, dietary, housekeeping, and laundry services for one resident for one day.

(2) Beginning October 1, 1998, the department shall determine each medicaid nursing facility's support



services component rate allocation using cost report data specified by RCW 74.46.431(6).

(3) To determine each facility's support services component rate allocation, the department shall:

(a) Array facilities' adjusted support services costs per adjusted resident day for each facility from facilities' cost reports from the applicable report year, for facilities located within ~~((a metropolitan statistical area))~~ urban counties, and for those ~~((not))~~ located ~~((in a metropolitan statistical area))~~ within nonurban counties and determine the median adjusted cost for each peer group;

(b) Set each facility's support services component rate at the lower of the facility's per resident day adjusted support services costs from the applicable cost report period or the adjusted median per resident day support services cost for that facility's peer group, either ~~((metropolitan statistical area))~~ urban counties or ~~((nonmetropolitan statistical area))~~ nonurban counties, plus ten percent; and

(c) Adjust each facility's support services component rate for economic trends and conditions as provided in RCW 74.46.431(6).

(4) The support services component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**Sec. 13.** RCW 74.46.521 and 1999 c 353 s 8 are each amended to read as follows:

(1) The operations component rate allocation corresponds to the general operation of a nursing facility for one resident for one day, including but not limited to management, administration, utilities, office supplies, accounting and bookkeeping, minor building maintenance, minor equipment repairs and replacements, and other supplies and services, exclusive of direct care, therapy care, support services, property, financing allowance, and variable return.

(2) Beginning October 1, 1998, the department shall determine each medicaid nursing facility's operations component rate allocation using cost report data specified by RCW 74.46.431(7)(a). Effective July 1, 2002, operations component rates for all facilities except essential community providers shall be based upon a minimum occupancy of ninety percent of licensed beds, and no operations component rate shall be revised in response to beds banked on or after April 1, 2001, under chapter 70.38 RCW.

(3) To determine each facility's operations component rate the department shall:

(a) Array facilities' adjusted general operations costs per adjusted resident day for each facility from facilities' cost reports from the applicable report year, for facilities located within ~~((a metropolitan statistical area))~~ urban counties and for those ~~((not))~~ located ~~((in a metropolitan statistical area))~~ within nonurban counties and determine the median adjusted cost for each peer group;

(b) Set each facility's operations component rate at the lower of:

(i) The facility's per resident day adjusted operations costs from the applicable cost report period adjusted if necessary to a minimum occupancy of eighty-five percent of licensed beds before July 1, 2002, and ninety percent effective July 1, 2002; or

(ii) The adjusted median per resident day general operations cost for that facility's peer group, ~~((metropolitan statistical area))~~ urban counties or ~~((nonmetropolitan statistical area))~~ nonurban counties; and

(c) Adjust each facility's operations component rate for economic trends and conditions as provided in RCW 74.46.431(7)(b).

(4) The operations component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**Sec. 14.** RCW 74.46.711 and 1995 1st sp.s. c 18 s 69 are each amended to read as follows:

Upon the death of a resident with a personal fund deposited with the facility, the facility must convey within ~~((forty five))~~ thirty days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate; but in the case of a resident who received long-term care services paid in whole or in part by the department, the funds and accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery. The department shall establish a release procedure for use for burial expenses.

NEW SECTION. **Sec. 15.** A new section is added to chapter 74.46 RCW to read as follows:

The total capital authorization available for any biennial period shall be specified in the biennial appropriations act and shall be calculated on an annual basis. When setting the capital authorization level, the legislature shall consider both the need for, and the cost of, new and replacement beds.

**NEW SECTION. Sec. 16.** A new section is added to chapter 74.46 RCW to read as follows:

The department shall establish rules for issuing a certificate of capital authorization. Applications for a certificate of capital authorization shall be submitted and approved on a biennial basis. The rules for a certificate of capital authorization shall be consistent with the following principles:

- (1) The certificate of capital authorization shall be approved on a first-come, first-served basis.
- (2) Those projects that do not receive approval in one authorization period shall have priority the following biennium should the project be resubmitted.
- (3) The department shall have the authority to give priority for a project that is necessitated by an emergency situation even if the project is not submitted in a timely fashion. The department shall establish rules for determining what constitutes an emergency.
- (4) The department shall establish deadlines for progress and the department shall have the authority to withdraw the certificate of capital authorization where the holder of the certificate has not complied with those deadlines in a good faith manner.

**NEW SECTION. Sec. 17.** The joint legislative task force on nursing homes is hereby created.

(1) Membership of the task force shall consist of eight legislators. The president of the senate shall appoint four members of the senate, including two members of the majority party and two members of the minority party. The co-speakers of the house of representatives shall appoint four members of the house of representatives, including two members from each party. Each body shall select representatives from committees with jurisdiction over health and long-term care and fiscal matters.

(2) The task force shall:

- (a) Consider reports from nursing home organizations, consumers of long-term care services, and the department of social and health services on key issues in the delivery of nursing home care in various areas of the state;
  - (b) Assess the alternative approaches for linking case-mix scores with service hours and costs developed in accordance with section 18 of this act;
  - (c) Approve the proposed study plans, and review the reports on nursing home access, quality of care, quality of resident life, and employee wage and benefit levels, which are to be submitted in accordance with section 18 of this act;
  - (d) Review the report which is to be prepared in accordance with section 18 of this act on the need for additional case mix groupings and weights; and
  - (e) Consider the evaluation of rebasing alternatives conducted in accordance with section 18 of this act.
- (3) The task force shall complete its review and submit its recommendations to the appropriate policy and fiscal committees of the legislature by December 1, 2003.
- (4) This section expires December 31, 2003.

**Sec. 18.** 1998 c 322 s 47 (uncodified) is amended to read as follows:

(1) By December 1, 1998, the department of social and health services shall study and provide recommendations to the chairs of the house of representatives appropriations and health care committees, and the senate ways and means and health and long-term care committees, concerning options for changing the method for paying facilities for capital and property related expenses.

(2) The department of social and health services shall contract with an independent and recognized organization to study and evaluate the impacts of chapter 74.46 RCW implementation on access, quality of care, quality of life for nursing facility residents, and the wage and benefit levels of all nursing facility employees. The contractor shall submit a preliminary report of findings, and recommendations for further study, to the joint legislative task force on nursing homes by December 1, 2001. The department and contractor shall incorporate the task force's recommendations into the final evaluation plan, and submit interim reports on findings and

recommendations to the task force by October 1, 2002, and July 1, 2003. The department (~~(shall require,)~~) and the contractor shall submit(~~(s)~~) a final report with the results of this study and evaluation, including their findings and recommendations, to the governor and legislature by (~~(December)~~) October 1, ((2001)) 2003.

(3) The department of social and health services shall study and, as needed, specify additional case mix groups and appropriate case mix weights to reflect the resource utilization of residents whose care needs are not adequately identified or reflected in the resource utilization group III grouper version 5.10. At a minimum, the department shall study the adequacy of the resource utilization group III grouper version 5.10, including the minimum data set, for capturing the care and resource utilization needs of residents with AIDS, residents with traumatic brain injury, and residents who are behaviorally challenged. The department shall report its findings to the (~~(chairs of the house of representatives health care committee and the senate health and long term care committee)~~) joint legislative task force on nursing homes by December 12, 2002.

(4) By (~~(December 12))~~ July 1, 2002, the department of social and health services shall report to the (~~(legislature)~~) joint legislative task force on nursing homes and provide an evaluation of the fiscal impact of rebasing future payments at different intervals, including the impact of averaging two years' cost data as the basis for rebasing. This report shall include the fiscal impact to the state and the fiscal impact to nursing facility providers.

(5) By December 1, 2001, the department of social and health services shall report to the joint legislative task force on nursing homes on alternative approaches for using client acuity to establish direct care rates. The alternatives shall link acuity, as measured by case mix, to the number of hours of service estimated to be provided for each client, and shall multiply those estimated service hours by standard wage and benefit rates which account for differences in direct care labor costs in various areas of the state. The alternatives reviewed shall provide cost controls and incentives at least equal to the current rate-setting system, and shall not contain automatic cost increases, automatic indexing, hold harmless provisions, or mandatory future rebasing of costs.

**Sec. 19.** RCW 70.38.115 and 1996 c 178 s 22 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

- (a) The need that the population served or to be served by such services has for such services;
- (b) The availability of less costly or more effective alternative methods of providing such services;
- (c) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served;

(d) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic physicians and surgeons and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathic medicine and surgery and medicine at the student, internship, and residency training levels;

(e) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

(f) The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;

(g) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

(h) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(i) In the case of existing services or facilities, the quality of care provided by such services or facilities in

the past;

(j) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the secretary; and

(k) In the case of nursing home applications:

(i) The availability of other nursing home beds in the planning area to be served; and

(ii) The availability of other services in the community to be served. Data used to determine the availability of other services will include but not be limited to data provided by the department of social and health services.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility, or any part thereof, with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) Until the final expiration of the state health plan as provided under RCW 70.38.919, the decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances.

The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or its designee, shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10)(a) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked has the right to an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.

(b) Any health care facility or health maintenance organization that: (i) Provides services similar to the services provided by the applicant and under review pursuant to this subsection; (ii) is located within the applicant's health service area; and (iii) testified or submitted evidence at a public hearing held pursuant to subsection (9) of this section, shall be provided an opportunity to present oral or written testimony and argument in a proceeding under this subsection: PROVIDED, That the health care facility or health maintenance organization had, in writing, requested to be informed of the department's decisions.

(c) If the department desires to settle with the applicant prior to the conclusion of the adjudicative proceeding, the department shall so inform the health care facility or health maintenance organization and afford them an opportunity to comment, in advance, on the proposed settlement.

(11) An amended certificate of need shall be required for the following modifications of an approved project:

(a) A new service requiring review under this chapter;

(b) An expansion of a service subject to review beyond that originally approved;

(c) An increase in bed capacity;

(d) A significant reduction in the scope of a nursing home project without a commensurate reduction in the cost of the nursing home project, or a cost increase (as represented in bids on a nursing home construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the nursing home project with the review criteria pertaining to financial feasibility and cost containment.

(12) An application for a certificate of need for a nursing home capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

(13)(a) Replacement of existing nursing home beds in the same planning area by an existing licensee who has operated the beds for at least one year shall not require a certificate of need under this chapter. The licensee shall give written notice of its intent to replace the existing nursing home beds to the department and shall provide the department with information as may be required pursuant to rule. Replacement of the beds by a party other than the licensee is subject to certificate of need review under this chapter, except as otherwise permitted by subsection (14) of this section.

(b) When an entire nursing home ceases operation, the licensee or any other party who has secured an interest in the beds may reserve his or her interest in the beds for eight years or until a certificate of need to replace them is issued, whichever occurs first. However, the nursing home, licensee, or any other party who has secured an interest in the beds must give notice of its intent to retain the beds to the department of health no later than thirty days after the effective date of the facility's closure. Certificate of need review shall be required for any party who has reserved the nursing home beds except that the need criteria shall be deemed met when the applicant is the licensee who had operated the beds for at least one year, who has operated the beds for at least one year immediately preceding the reservation of the beds, and who is replacing the beds in the same planning area.

(14) In the event that a licensee, who has provided the department with notice of his or her intent to replace nursing home beds under subsection (13)(a) of this section, engages in unprofessional conduct or becomes unable to practice with reasonable skill and safety by reason of mental or physical condition, pursuant to chapter 18.130 RCW, ((~~or~~)) dies, or under state or federal law files for bankruptcy, the building owner shall be permitted to complete the nursing home bed replacement project, provided the building owner has secured an interest in the beds.

**NEW SECTION.** **Sec. 20.** RCW 74.46.908 (Repealer) and 1999 c 353 s 17 are each repealed.

**NEW SECTION.** **Sec. 21.** If any provision of this act or its application to any person or circumstance is

held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 22.** (1) Sections 1 through 19 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2001.

(2) Section 20 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 29, 2001."

On page 1, line 1 of the title, after "rates;" strike the remainder of the title and insert "amending RCW 74.46.020, 74.46.165, 74.46.410, 74.46.421, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.501, 74.46.515, 74.46.521, 74.46.711, and 70.38.115; amending 1998 c 322 s 47 (uncodified); reenacting and amending RCW 74.46.506 and 74.46.511; adding new sections to chapter 74.46 RCW; creating a new section; repealing RCW 74.46.908; providing effective dates; providing an expiration date; and declaring an emergency."

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2242.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

Representatives Cody, Alexander, Ruderman, and Lisk spoke in favor of the passage of the bill as amended by the Senate.

Representatives Campbell and Conway spoke against passage of the bill as amended by the Senate.

Representative Dickerson demanded the previous question and the demand was sustained.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 2242 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2242 as amended by the Senate and the bill passed the House by the following vote: Yeas - 77, Nays - 19, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Buck, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cody, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pflug, Poulsen, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 77.

Voting nay: Representatives Ahern, Benson, Boldt, Bush, Campbell, Casada, Conway, Cox, Crouse, Dunn, Ericksen, Marine, Mielke, Morell, Pearson, Pennington, Schindler, Schmidt, and Schoesler - 19.

Excused: Representatives Edwards and Rockefeller - 2.

Substitute House Bill No. 2242 as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### **SECOND READING**

**HOUSE CONCURRENT RESOLUTION NO. 4416, By Representatives Mastin and Kessler**

**Adjourning SINE DIE.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final adoption.

Speaker Ballard stated the question before the House to be the final adoption of House Concurrent Resolution No. 4416.

House Concurrent Resolution No. 4416 was adopted.

**MESSAGES FROM THE SENATE**

May 24, 2001

Mr. Speakers:

The President has signed:

HOUSE BILL NO. 2098,  
HOUSE CONCURRENT RESOLUTION NO. 4414,

and the same is herewith transmitted.

Tony M. Cook, Secretary

May 24, 2001

Mr. Speakers:

The President has signed:

ENGROSSED HOUSE BILL NO. 1845,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2025,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 2242,

**MESSAGES FROM THE SENATE**

May 24, 2001

Mr. Speakers:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4415,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 24, 2001

Mr. Speakers:

The Senate has passed:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5625,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 24, 2001

Mr. Speakers:

The President has signed:

and the same is herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 2242,

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE CONCURRENT RESOLUTION NO. 4415,

**MESSAGE FROM THE SENATE**

May 24, 2001

Mr. Speakers:

The Senate has adopted:

and the same is herewith transmitted.

HOUSE CONCURRENT RESOLUTION NO. 4416,

Brad Hendrickson, Deputy Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE CONCURRENT RESOLUTION NO. 4416,

**MESSAGES FROM THE SENATE**

May 24, 2001

Mr. Speakers:

The President has signed:

and the same is herewith transmitted.

HOUSE CONCURRENT RESOLUTION NO. 4416,

Tony M. Cook, Secretary

May 24, 2001

Mr. Speakers:

Under the provisions of House Concurrent Resolution No. 4415, the following House bills were returned to the House of Representatives:

HOUSE BILL NO. 1162,  
SUBSTITUTE HOUSE BILL NO. 1315,  
SUBSTITUTE HOUSE BILL NO. 1359,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1517,  
SUBSTITUTE HOUSE BILL NO. 1624,  
SUBSTITUTE HOUSE BILL NO. 1717,



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ENGROSSED HOUSE BILL NO. 1886,  
SUBSTITUTE HOUSE BILL NO. 1906,  
HOUSE BILL NO. 1984,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,  
SECOND ENGROSSED HOUSE BILL NO. 2168,  
SUBSTITUTE HOUSE BILL NO. 2227,  
HOUSE BILL NO. 2233,  
HOUSE BILL NO. 2258,  
HOUSE BILL NO. 2262,  
HOUSE BILL NO. 2264,  
ENGROSSED HOUSE BILL NO. 2266,

and the same are herewith transmitted.

Tony M. Cook, Secretary

Under the provisions of the House Concurrent Resolution No. 4415, the following Senate bills were returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5078,  
SENATE BILL NO. 5082,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094,  
SENATE BILL NO. 5109,  
SENATE BILL NO. 5130,  
SENATE BILL NO. 5144,  
SUBSTITUTE SENATE BILL NO. 5236,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5327,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5465,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5528,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5625,  
SECOND ENGROSSED SENATE BILL NO. 5686,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,  
SUBSTITUTE SENATE BILL NO. 5748,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5765,  
ENGROSSED SENATE BILL NO. 5882,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5937,  
ENGROSSED SENATE BILL NO. 5959,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6140,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6166,  
ENGROSSED SENATE BILL NO. 6183,  
SENATE JOINT MEMORIAL NO. 8023,

#### MOTIONS

On motion of Representative DeBolt, the reading of the day's Journal was dispensed with and it was ordered to stand approved.

On motion of Representative DeBolt, the House adjourned SINE DIE.

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CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

JOURNAL OF THE HOUSE

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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FIRST DAY

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House Chamber, Olympia, Monday, June 4, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Janice Miller and Sue Frans. Speaker Chopp led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Jeff Gombosky.

**PROCLAMATION BY THE GOVERNOR**

**WHEREAS**, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2001 regular session on April 22, 2001, the 105th day of the session, and adjourned the first special session of 2001 on May 24, 2001, the 30th day of the special session; and

**WHEREAS**, state operating, transportation and capital budgets, including bonds and measures necessary to implement them were not passed; and

**WHEREAS**, substantial work remains to be done with respect to transportation, including reforms and efficiencies, regional governance, projects and investments, the Tacoma Narrows Bridge, revenue, and bonds; and

**WHEREAS**, work also remains to be done to pass legislation affection the primary election system, accountability for student achievement, school safety -- including anti-bullying policy, splitting the Department of Community, Trade and Economic Development, shorelines rule implementation, the siting of certain sexual predators at McNeil Island, post-retirement employment, medical coverage for the disabled who work, and welfare simplification;

**NOW, THEREFORE**, I, Gary Locke, Governor of the State of Washington by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in a second special session in the Capitol at Olympia at twelve o'clock noon on June 4, 2001 for a period of not more than two weeks for the purpose of enacting legislation as described above.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 24th day of May, A.D., two thousand one.

Gary Locke, Governor of Washington

**MESSAGE FROM THE SENATE**

June 4, 2001

Mr. Speakers:

The Senate has adopted:

and the same is herewith transmitted.

SENATE CONCURRENT RESOLUTION NO. 8419,

**INTRODUCTIONS AND FIRST READING**

HB 2267 by Representatives Reardon, Pearson, Berkey, Schmidt, Lovick, Barlean, Cooper, Morris, Dunshee, Ericksen and Edwards

Providing a tax deduction for certain aircraft component parts

Held on First Reading.

SCR 8419 by Senators Snyder and Johnson

Concerning the status of bills, memorials, and resolutions for the 2001 second special session of the fifty-seventh legislature.

There being no objection, Senate Concurrent Resolution No. 8419 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

**SECOND READING****SENATE CONCURRENT RESOLUTION NO. 8419, By Senators Snyder and Johnson**

**Concerning the status of bills, memorials, and resolutions for the 2001 second special session of the fifty-seventh legislature.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Speaker Chopp stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8419.

Senate Concurrent Resolution No. 8419 was adopted.

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Third Reading calendar:

HOUSE BILL NO. 1162,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1517,  
 SUBSTITUTE HOUSE BILL NO. 1624,  
 SUBSTITUTE HOUSE BILL NO. 1717,  
 ENGROSSED HOUSE BILL NO. 1886,  
 SUBSTITUTE HOUSE BILL NO. 1906,  
 HOUSE BILL NO. 1984,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,  
 SUBSTITUTE HOUSE BILL NO. 2227,  
 HOUSE BILL NO. 2233,  
 ENGROSSED HOUSE BILL NO. 2262,  
 ENGROSSED HOUSE BILL NO. 2266,

**THIRD READING**

**HOUSE BILL NO. 1162, By Representatives McMorris, Cody, Alexander, Schual-Berke, Mastin, Cox, Mulliken, Sump, G. Chandler, Lisk, B. Chandler, Hatfield, Schoesler, Grant, Armstrong, Kessler, Doumit, DeBolt, Delvin, Dickerson, Kenney, Bush, Conway, Edmonds, Pflug and Haigh**

**Providing medical assistance reimbursements for small, rural hospitals.**

Representatives McMorris and Cody spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1162.

**MOTIONS**

On motion of Representative Schoesler, Representatives Benson, Campbell, Delvin, and Pennington were excused. On motion of Representative Santos, Representatives Dickerson, Haigh, Kenney, McIntire, Murray, Poulsen, Quall and Sommers were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1162 and the bill passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 86.

Excused: Representatives Benson, Campbell, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, Poulsen, Quall, and Sommers - 12.

House Bill No. 1162, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1517, By House Committee on State Government (originally sponsored by Representatives Miloscia, Anderson, Dunshee, Jarrett, Hunt, Keiser, Lambert, Ruderman, Rockefeller, Fromhold, Schindler, Boldt, Kenney, Simpson, Barlean, Tokuda and Dickerson)**

**Establishing quality management programs.**

Representative Miloscia spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1517.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1517 and the bill passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 86.

Excused: Representatives Benson, Campbell, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, Poulsen, Quall, and Sommers - 12.

Engrossed Substitute House Bill No. 1517, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1624, By House Committee on Finance (originally sponsored by Representatives Morris, Cairnes, Reardon, Conway, Dunshee, Ogden, Pennington, Van Luven, Doumit, Veloria, Dickerson, Fromhold, Anderson and Edwards)**

**Clarifying the taxation of amounts received by public entities for health or welfare services.**

Representative Morris spoke in favor of the passage of the bill.

Speaker Chopp stated the question the House to be the final passage of Substitute House Bill No. 1624.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1624 and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 87.

Excused: Representatives Benson, Campbell, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, Poulsen, and Quall - 11.

Substitute House Bill No. 1624, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1717, By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Morell, O'Brien, Ballasiotes, McMorris, Cairnes and Ahern)**

**Exempting from public inspection specified information on correctional facilities.**

Representative O'Brien spoke in favor of the passage of the bill.

Speaker Chopp stated the question the House to be the final passage of Substitute House Bill No. 1717.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1717 and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 87.

Excused: Representatives Benson, Campbell, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, Poulsen, and Quall - 11.

Substitute House Bill No. 1717, having received the necessary constitutional majority, was declared passed.

**THIRD READING**

**ENGROSSED HOUSE BILL NO. 1886, By Representatives Linville, G. Chandler, Grant, Doumit, B. Chandler and Hatfield**

**Reducing the tax on health products for animals.**

There being no objection, the rules were suspended and Engrossed House Bill No. 1886 was returned to Second Reading for purpose of amendments.

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**ENGROSSED HOUSE BILL NO. 1886, By Representatives Linville, G. Chandler, Grant, Doumit, B. Chandler and Hatfield**

**Reducing the tax on health products for animals.**

Representative G. Chandler moved the adoption of the following amendment (225):

On page 1, beginning on line 4, strike all material through "RCW 82.04.2635(2)." on page 6, line 3, and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to farmers or to veterinarians of animal pharmaceuticals approved by the United States department of agriculture or by the United States food and drug administration, if the pharmaceutical is to be administered to an animal that is raised by a farmer for the purpose of producing for sale an agricultural product.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) For the purposes of this section and section 2 of this act, the following definitions apply:

(a) "Farmer" and "agricultural product" mean the same as in RCW 82.04.213.

(b) "Veterinarian" means a person who is licensed to practice veterinary medicine, surgery, or dentistry under chapter 18.92 RCW.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use by farmers or by veterinarians of animal pharmaceuticals approved by the United States department of agriculture or by the United States food and drug administration, if the pharmaceutical is administered to an animal that is raised by a farmer for the purpose of producing for sale an agricultural product.

(2) The definitions in section 1 of this act apply to this section."

Correct the title accordingly

Renumber the remaining sections consecutively

Representative G. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Linville moved the adoption of the following amendment (254):

On page 6, line 4, after "this act" insert "is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and"

Representative Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and G. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Second Engrossed House Bill No. 1886.

### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 1886 and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 88.

Excused: Representatives Benson, Campbell, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, and Poulsen - 10.



Second Engrossed House Bill No. 1886, having received the necessary constitutional majority, was declared passed.

### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1906, By House Committee on Finance (originally sponsored by Representatives Linville, G. Chandler, Schoesler, Haigh, B. Chandler, Hunt, Morris, Kirby, Grant, Jackley, Cox, Hatfield, Mielke, Armstrong, Delvin, Mulliken, Sump, McMorris, Barlean, Pflug, Kessler, Pearson and Conway)**

**Exempting farming machinery and equipment from the state property tax.**

Representative Linville spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 1906.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1906 and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 88.

Excused: Representatives Benson, Campbell, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, and Poulsen - 10.

Substitute House Bill No. 1906, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1984, By Representatives Quall, Morris, Barlean, Cooper, Ericksen, Dunshee, Linville, Hatfield, Ruderman, Poulsen, Conway, Lovick and Kagi**

**Creating the small farm direct marketing assistance program.**

Representative Morris spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1984.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1984 and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse,

Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 88.

Excused: Representatives Benson, Campbell, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, and Poulsen - 10.

House Bill No. 1984, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138, By House Committee on Finance (originally sponsored by Representatives G. Chandler, Linville, Mulliken, Clements, Ericksen, Hatfield, Sump, Doumit, Morell, Grant, Pearson, Schoesler, Barlean, Buck, B. Chandler, Edwards and Jackley)**

**Promoting rural economic development.**

Representatives G. Chandler, Linville, Clements and Morris spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2138.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2138 and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 88.

Excused: Representatives Benson, Campbell, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, and Poulsen - 10.

Engrossed Substitute House Bill No. 2138, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 2227, By House Committee on Appropriations (originally sponsored by Representatives Ahern, Gombosky, Schoesler, Wood, Benson, Haigh, Schindler, Conway, Cox, Reardon, Schmidt, Talcott, Campbell and Bush; by request of Department of Veterans Affairs)**

**Establishing the eastern Washington veterans' home.**

Representatives Ahern and Gombosky spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Substitute House Bill No. 2227.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2227 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Excused: Representatives Benson, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, and Poulsen - 9.

Substitute House Bill No. 2227, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2233, By Representatives Sommers and Sehlin**

**Authorizing contractual agreements with federal government for administration of state supplementation of supplemental security income.**

Representative Sommers spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2233.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2233 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Excused: Representatives Benson, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, and Poulsen - 9.

House Bill No. 2233, having received the necessary constitutional majority, was declared passed.

**ENGROSSED HOUSE BILL NO. 2262, By Representatives Lambert, Sommers, Talcott and Kessler**

**Changing sexual misconduct laws with regard to school employees.**

There being no objection, the rules were suspended and Engrossed House Bill No. 2262 was returned to Second Reading for purpose of amendments.

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

**ENGROSSED HOUSE BILL NO. 2262, By Representatives Lambert, Sommers, Talcott and Kessler**

**Changing sexual misconduct laws with regard to school employees.**

Representative Lambert moved the adoption of the following amendment (253):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9A.44.093 and 1994 c 271 s 306 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim; or (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with a registered student of the school who is at least sixteen years old and not married to the employee, if the employee is at least sixty months older than the student.

(2) Sexual misconduct with a minor in the first degree is a class C felony.

(3) For the purposes of this section, "school employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

**Sec. 2.** RCW 9A.44.096 and 1994 c 271 s 307 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim; or (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with a registered student of the school who is at least sixteen years old and not married to the employee, if the employee is at least sixty months older than the student.

(2) Sexual misconduct with a minor in the second degree is a gross misdemeanor.

(3) For the purposes of this section, "school employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school."

Representatives Lambert and Ruderman spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Ruderman spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Second Engrossed House Bill No. 2262.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 2262 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Excused: Representatives Benson, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, and Poulsen - 9.

Second Engrossed House Bill No. 2262, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED HOUSE BILL NO. 2266, By Representatives Linville and G. Chandler**

**Modifying reimbursement for travel expenses incurred by certain agricultural boards and commissions.**

Representative Linville spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Engrossed House Bill No. 2266.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2266 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Excused: Representatives Benson, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, and Poulsen - 9.

Engrossed House Bill No. 2266, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266, By House Committee on Transportation**

(originally sponsored by Representatives Fisher and Mitchell; by request of Governor Locke)

**Making supplemental transportation appropriations.**

There being no objection, the rules were suspended and Engrossed Substitute House Bill No. 1266 was returned to Second Reading for purpose of amendments.

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266, By House Committee on Transportation (originally sponsored by Representatives Fisher and Mitchell; by request of Governor Locke)**

**Making supplemental transportation appropriations.**

Representative Fisher moved the adoption of the following amendment (257):

On page 3, after line 2, insert the following:

"Sec. 202. 2000 2nd sp.s. c 3 s 203 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation.....	\$	60,568,000	
Motor Vehicle Account--State Appropriation .....	\$	1,661,000	
Motor Vehicle Account--Private/Local Appropriation.....	\$	376,000	
County Arterial Preservation Account--State Appropriation .....	\$	28,542,000	
.....TOTAL APPROPRIATION	\$		91,147,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$240,000 of the motor vehicle account--state appropriation is provided solely for the completion of a study updating the legislature on the freight and goods road systems on county roads.

(2) The appropriations contained in this section include funding to assist counties in providing match for federal emergency funding for earthquake damage as determined by the county road administration board. The county road administration board shall report to the transportation committees of the senate and house of representatives and the office of financial management by September 30, 2001, on the projects selected to receive match funding.

Sec. 203. 2000 2nd sp.s. c 3 s 204 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation.....	\$	104,433,000	
Transportation Improvement Account--State Appropriation.....	\$	148,814,000	
Public Transportation Systems Account--State Appropriation .....	\$	4,532,000	
Multimodal Transportation Account--State Appropriation .....	\$	11,977,000	
.....TOTAL APPROPRIATION	\$		269,756,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation improvement account--state appropriation includes \$60,000,000 in proceeds from the sale of bonds, \$30,000,000 authorized by RCW 47.26.500, and \$30,000,000 authorized by House Bill No. 2788. If House Bill No. 2788 is not enacted in the form passed by the legislature \$30,000,000 of the amount provided in this subsection shall lapse.

(2) The appropriations contained in this section include funding to assist cities and counties in providing

match for federal emergency funding for earthquake damage as determined by the transportation improvement board. The transportation improvement board shall report to the transportation committees of the senate and house of representatives and the office of financial management by September 30, 2001, on the projects selected to receive match funding."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Fisher and Mitchell spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Fisher moved the adoption of the following amendment (256):

On page 6, after line 4, insert the following:

"Sec. 206. 2000 2nd sp.s. c 3 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Account--State Appropriation .....	\$ ((459,765,000))	
		460,931,000
Motor Vehicle Account--Federal Appropriation .....	\$ ((240,241,000))	
		242,091,000
Motor Vehicle Account--Private/Local Appropriation.....	\$	50,363,000
Special Category C Account--State Appropriation.....	\$	55,220,000
Puyallup Tribal Settlement Account--State Appropriation .....	\$	8,662,000
Multimodal Transportation Account--State Appropriation .....	\$	4,880,000
Multimodal Transportation Account--Federal Appropriation .....	\$	1,275,000
Multimodal Transportation Account--Private/Local Appropriation.....	\$	1,106,000
.....TOTAL APPROPRIATION	\$	824,528,000

((824

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account or multimodal transportation account to ensure efficient funds management and program delivery.

(5) \$2,270,000 of the motor vehicle account--state appropriation is provided solely for the north Sumner interchange project. The project shall no longer receive a portion of its funding from the economic development

account.

(6) \$4,880,000 of the multimodal transportation account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account--state appropriation includes \$147,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8)(a) \$50,000,000 of the motor vehicle account--state appropriation is provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(b) The \$50,000,000 provided in (a) of this subsection includes \$5,527,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW.

(9) \$5,800,000 of the motor vehicle account--state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites and weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

(10) \$485,000 of the motor vehicle account--state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

(11) \$800,000 of the motor vehicle account--state appropriation and \$3,000,000 of the motor vehicle account--federal appropriation are provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

(12) \$1,166,000 of the motor vehicle fund--state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. This amount shall be placed into a reserve status until such time as a one-third contribution is made by the city of Renton and a one-third contribution is made by the project developer. If the city and developer contributions are not obtained by October 31, 2000, this amount shall lapse.

(13) The department's work force levels for highway construction for the 1999-2001 biennium shall be 2200 FTEs. Additional work force increases for highway construction are authorized and shall not exceed five percent of the authorized work force. The department shall report quarterly on program delivery and related work force adjustments.

(14) \$1,250,000 of the motor vehicle account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the



Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 12, after line 5, insert the following:

"Sec. 211. 2000 2nd sp.s. c 3 s 232 (uncodified) is amended to read as follows:

<b>FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z</b>	
Motor Vehicle Account--State Appropriation .....	\$ ((83,435,000))
	<u>82,269,000</u>
Motor Vehicle Account--Federal Appropriation .....	\$ ((8,040,000))
	<u>6,190,000</u>
Transportation Account--State Appropriation .....	\$ 321,000
High Capacity Transportation Account--State Appropriation .....	\$ 150,000
Highway Infrastructure Account--Federal Appropriation .....	\$ 1,500,000
Highway Infrastructure Account--State Appropriation .....	\$ 234,000
Multimodal Transportation Account--State Appropriation .....	\$ 10,381,000
Urban Arterial Trust Account--State Appropriation.....	\$ 5,000,000
.....TOTAL APPROPRIATION	\$
	<u>106,045,000</u>

((109

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$40,692,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(2) \$187,000 of the transportation account--state appropriation and \$213,000 of the multimodal transportation account--state appropriation are provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(3) The motor vehicle account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) \$10,000,000 of the multimodal transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(6) \$5,000,000 of the urban arterial trust account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's highways and local programs division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.

(7) \$15,000,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's highways and local programs division. Urban corridors must connect to urban or significant activity centers; begin or end at the intersection of another arterial, state highway, or limited access freeway system; and provide an alternate route to the limited access freeway system. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties and regional transportation planning organizations. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systematic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(8) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The highways and local programs division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(9) The highways and local programs division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(10) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.

(11) \$10,000,000 of the motor vehicle fund--state appropriation is provided solely for a city corridor congestion relief program, to be administered by the department's highways and local programs division. Urban corridors must connect to urban or significant activity centers, begin or end at the intersection of another arterial, state highway or limited access freeway system, and provide an alternate route to the limited access freeway system. The purpose of the program is to provide funding for congested urban corridors as defined and selected by the department of transportation in consultation with counties and regional transportation planning organizations. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systematic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction."

Correct the title.

Representatives Fisher and Mitchell spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell and Fisher spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1266.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1266 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 89.

Excused: Representatives Benson, Delvin, Dickerson, Haigh, Kenney, McIntire, Murray, Pennington, and Poulsen - 9.

Second Engrossed Substitute House Bill No. 1266, having received the necessary constitutional majority, was declared passed.

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

### **MOTION**

On motion of Representative Kessler, the House adjourned until 10:00 a.m., June 5, 2001, 2<sup>nd</sup> Legislative Day of the Second Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SECOND SPECIAL LEGISLATIVE SESSION

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SECOND DAY

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House Chamber, Olympia, Tuesday, June 5, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Delvin presiding).

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

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

There being no objection, the House adjourned until 9:55 a.m., June 6, 2001, the 3<sup>rd</sup> Legislative Day of the Second Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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THIRD DAY

---

House Chamber, Olympia, Wednesday, June 6, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**MESSAGES FROM THE SENATE**

June 5, 2001

Mr. Speakers:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266,

and the same is herewith transmitted.

Tony M. Cook, Secretary

June 5, 2001

Mr. Speakers:

The Senate has passed:

SENATE BILL NO. 5130,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,  
SUBSTITUTE SENATE BILL NO. 5748,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**MESSAGE FROM THE SENATE**

June 4, 2001

Mr. Speakers:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8419,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266,  
SENATE CONCURRENT RESOLUTION NO. 8419,

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

There being no objection, the House adjourned until 9:55 a.m., June 7, 2001, the 4<sup>th</sup> day of the Second Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

FOURTH DAY, JUNE 7, 2001  
SECOND SPECIAL LEGISLATIVE SESSION

2181

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FOURTH DAY

---

House Chamber, Olympia, Thursday, June 7, 2001

The House was called to order at 9:55 a.m. by Speaker Ballard.

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

**MESSAGE FROM THE SENATE**

June 6, 2001

Mr. Speakers:

The Senate has passed:

SENATE BILL NO. 5144,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,  
SECOND SUBSTITUTE SENATE BILL NO. 5576,  
SECOND ENGROSSED SENATE BILL NO. 5686,  
SUBSTITUTE SENATE BILL NO. 5919,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

There being no objection, the House adjourned until 9:55 a.m., June 8, 2001, the 5<sup>th</sup> Legislative Day of the Second Special Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SECOND SPECIAL LEGISLATIVE SESSION

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FIFTH DAY

---

House Chamber, Olympia, Friday, June 8, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**MESSAGES FROM THE SENATE**

June 7, 2001

Mr. Speakers:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5937,

and the same is herewith transmitted.

Tony M. Cook, Secretary

June 7, 2001

Mr. Speakers:

The Senate has passed:

HOUSE BILL NO. 1984,  
ENGROSSED HOUSE BILL NO. 2266,

and the same are herewith transmitted.

Tony M. Cook, Secretary

June 7, 2001

Mr. Speakers:

The President has signed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**RESOLUTION**

HOUSE RESOLUTION NO. 2001-4663, By Representatives Poulsen and McDermott

WHEREAS, The Kenney Presbyterian Retirement Community was the dream of Samuel and Jessie Kenney; and

WHEREAS, The first Kenney "Home for the Aged" was established at the Kenneys' private home and cottages on their land; and

WHEREAS, The Last Will and Testament of the Kenneys instructed that a home be found and maintained to be called The Samuel and Jessie Kenney Presbyterian Home, now known as "The Kenney Presbyterian Retirement Community" and "The Kenney"; and

WHEREAS, The residents, staff, and trustees have done a commendable job and have consistently strived to maintain the spirit and intent of the Kenneys to provide a comfortable home for the care of the elderly; and



WHEREAS, The Kenney has expanded and grown throughout the years as the results of gifts and commitments by friends and residents; and

WHEREAS, The Kenney, providing quality and innovative living facilities for the care of the elderly, has been nationally accredited by the Continuing Care Accreditation Commission since 1989; and

WHEREAS, The Kenney has served the elderly of West Seattle and the Puget Sound region for 100 years;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and commend the residents, staff, and Board of Trustees of The Kenney Presbyterian Retirement Community for 100 years of continuous care to the elderly and for their devotion to the dream created by Samuel and Jessie Kenney.

House Resolution No. 4663 was adopted.

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1984,  
ENGROSSED HOUSE BILL NO. 2266,

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

There being no objection, the House adjourned until 10:00 a.m., June 11, 2001, the 8<sup>th</sup> Legislative Day of the Second Special Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SECOND SPECIAL LEGISLATIVE SESSION

---

EIGHTH DAY

---

House Chamber, Olympia, Monday, June 11, 2001

The House was called to order at 10:00 a.m. by Speaker Ballard.

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

**MESSAGES FROM THE SENATE**

June 8, 2001

Mr. Speakers:

The Senate has passed:

HOUSE BILL NO. 1162,  
SUBSTITUTE HOUSE BILL NO. 2227,  
HOUSE BILL NO. 2233,

and the same are herewith transmitted.

Tony M. Cook, Secretary

June 8, 2001

Mr. Speakers:

The Senate has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5078,  
THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327,  
ENGROSSED SENATE BILL NO. 5990,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,  
SUBSTITUTE SENATE BILL NO. 6155,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6166,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6167,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1162,  
SUBSTITUTE HOUSE BILL NO. 2227,  
HOUSE BILL NO. 2233,

**INTRODUCTIONS AND FIRST READING**

HB 2268 by Representatives Rockefeller, Woods and Dunshee

AN ACT Relating to contracts concerning the sale of cigarettes; and amending RCW 43.06.---

Referred to Rules Committee.

HB 2269 by Representatives Mitchell, Fisher, Hatfield, Woods, Jarrett and Rockefeller

AN ACT Relating to creating the transportation accountability board.

Referred to Rules Committee.

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

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

There being no objection, the House adjourned until 9:55 a.m., June 12, 2001, the 9<sup>th</sup> Legislative Day of the Second Special Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SECOND SPECIAL LEGISLATIVE SESSION

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NINTH DAY

---

House Chamber, Olympia, Tuesday, June 12, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

**MESSAGES FROM THE SENATE**

June 11, 2001

Mr. Speakers:

The President has signed:

HOUSE BILL NO. 1984,  
ENGROSSED HOUSE BILL NO. 2266,

and the same are herewith transmitted.

Tony M. Cook, Secretary

June 11, 2001

Mr. Speakers:

The President has signed:

HOUSE BILL NO. 1162,  
SUBSTITUTE HOUSE BILL NO. 2227,  
HOUSE BILL NO. 2233,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., June 13, 2001, the 10<sup>th</sup> Legislative Day of the Second Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

TENTH DAY, JUNE 13, 2001  
SECOND SPECIAL LEGISLATIVE SESSION

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2187

TENTH DAY

---

House Chamber, Olympia, Wednesday, June 13, 2001

The House was called to order at 10:00 a.m. by Speaker Ballard.

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

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

There being no objection, the House adjourned until 10:00 a.m., June 14, 2001, the 11<sup>th</sup> Legislative Day of the Second Special Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SECOND SPECIAL LEGISLATIVE SESSION

---

ELEVENTH DAY

---

House Chamber, Olympia, Thursday, June 14, 2001

The House was called to order at 10:00 a.m. by Speaker Ballard.

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

**MESSAGE FROM THE SENATE**

June 13, 2001

Mr. Speakers:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094,  
ENGROSSED SENATE BILL NO. 5959,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., June 15, 2001, the 12<sup>th</sup> Legislative Day of the Second Special Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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TWELFTH DAY

---

House Chamber, Olympia, Friday, June 15, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sandra Pederson and Terry Hoye. The Speaker (Representative Ogden presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Steve Van Luven.

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

**MESSAGES FROM THE SENATE**

June 14, 2001

Mr. Speakers:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1624,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,

and the same are herewith transmitted.

Tony M. Cook, Secretary

June 14, 2001

Mr. Speakers:

The Senate has passed:

SENATE BILL NO. 5362,  
SUBSTITUTE SENATE BILL NO. 5496,

and the same are herewith transmitted.

Tony M. Cook, Secretary

Speaker Chopp assumed the Chair.

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 1624,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,

There being no objection, Rule 13C of the permanent rules of the House of Representatives was suspended.

**POINT OF PERSONAL PRIVILEGE**

Representative Schmidt announced that the Washington Veterans' Association donated the flags on the members desks.

**INTRODUCTION & FIRST READING**

HB 2272 by Representatives Morris, Clements, Santos, Reardon, Cooper, Tokuda, Berkey, Cairnes, Roach and Skinner

AN ACT Relating to exempting property used for chemical dependency treatment from taxation.

Held on 1<sup>st</sup> Reading.

HB 2273 by Representatives Ericksen, Barlean, Linville, McMorris, Sump, Ahern and DeBolt

AN ACT Relating to providing tax relief for certain smelters.

Held on 1<sup>st</sup> Reading.

HB 2274 by Representatives Linville, Morris and Ericksen

AN ACT Relating to providing tax incentives for certain industrial facilities.

Held on 1<sup>st</sup> Reading.

2ESSB 6153 by Senate Committee on Ways & Means (originally sponsored by Senator Brown)

Making 2001-03 operating appropriations.

There being no objection, Second Engrossed Substitute Senate Bill No. 6153 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

**SECOND READING****MOTIONS**

On motion of Representative Santos, Representatives Hatfield, Kessler and Quall were excused. On motion of Representative Schoesler, Representatives Mulliken and Pennington were excused.

**SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, By Senate Committee on Ways & Means (originally sponsored by Senator Brown)**

**Making 2001-03 operating appropriations.**

The bill was read the second time.

Representative Sommers moved the adoption of the following striking amendment (262):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through VIII of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the



fiscal biennium beginning July 1, 2001, and ending June 30, 2003, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2002" or "FY 2002" means the fiscal year ending June 30, 2002.

(b) "Fiscal year 2003" or "FY 2003" means the fiscal year ending June 30, 2003.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

**PART I  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund--State Appropriation (FY 2002).....	\$	28,313,000	
General Fund--State Appropriation (FY 2003).....	\$	28,497,000	
Department of Retirement Systems Expense Account--State Appropriation.....	\$	45,000	
.....		<b>TOTAL APPROPRIATION</b>	<b>\$</b>

56,85

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$15,000 of the general fund--state appropriation for fiscal year 2002 is provided for the legislature to continue the services of expert counsel on legal and policy issues relating to services for persons with developmental disabilities.

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund--State Appropriation (FY 2002).....	\$	22,863,000	
General Fund--State Appropriation (FY 2003).....	\$	23,999,000	
Department of Retirement Systems Expense Account--State Appropriation.....	\$	45,000	
.....		<b>TOTAL APPROPRIATION</b>	<b>\$</b>

46,90

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$15,000 of the general fund--state appropriation for fiscal year 2002 is provided for the legislature to continue the services of expert counsel on legal and policy issues relating to services for persons with developmental disabilities.

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund--State Appropriation (FY 2002).....	\$	2,736,000	
General Fund--State Appropriation (FY 2003).....	\$	2,238,000	
Accident Account--State Appropriation .....	\$	125,000	
.....		<b>TOTAL APPROPRIATION</b>	<b>\$</b>

5,099

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the joint legislative audit and review committee to conduct an evaluation of the client outcomes of the high school transition program operated by the department of social and health services division of developmental disabilities. The study shall identify the different approaches that have been used in providing transition services and whether some approaches are more or less successful in helping young adults with developmental disabilities achieve greater levels of independence.

The study shall evaluate how transition programs reduce the level of support provided to clients as they achieve greater levels of independence, and shall be submitted to the appropriate committees of the legislature by December 1, 2002.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the joint legislative audit and review committee to conduct a capacity planning study of the capital facilities of the state school for the deaf. The committee's study shall be carried out in conjunction with the study of educational service delivery models conducted by the state institute for public policy. The study shall be submitted to the fiscal committees of the legislature by September 30, 2002.

(3) \$35,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the joint legislative audit and review committee to conduct a review of water conservancy boards. The review shall include an assessment of the operating costs of existing boards; the sources of funding for board operations; sources of in-kind support for board operations; assessment of the value of water rights subject to change or transfer decisions; the range of costs of processing water right transfer applications by the boards as well as by the department of ecology for applications filed directly with the department; the costs to the department of training, assistance, and review of board recommendations on applications; board membership and board recordkeeping; and public participation procedures for both the water conservancy boards and the department of ecology. The committee shall submit its review by January 1, 2003, to the appropriate policy and fiscal committees of the legislature.

(4) \$40,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for a follow-up review to report number 98-3, the performance audit of the department of corrections. The follow-up study shall include but not be limited to a review of:

- (a) Community supervision activities performed by the department;
- (b) The implementation of risk-based classification and community placement models;
- (c) The early implementation of the offender accountability act; and
- (d) The cost impacts of the risk-based models and the offender accountability act.

The committee shall consult with the Washington state institute for public policy regarding data and findings from the institute's current studies on these issues. A report of the follow-up study shall be submitted to the relevant policy and fiscal committees of the legislature by December 21, 2001. Upon the completion of the follow-up review, the committee shall make a determination whether an additional phase of study is needed. If further study is indicated, the committee shall submit to the relevant policy and fiscal committees of the legislature its plan and cost estimate for such study by March 29, 2002.

(5) \$140,000 of the general fund--state appropriation for fiscal year 2002 is provided for a study of children's mental health in Washington. The study shall include but not be limited to:

- (a) A review of plans and services for children, including those for early periodic screening, diagnosis, and treatment;
- (b) A review of the implementation of the plans;
- (c) A review of the availability and reliability of fiscal, program, and outcome data relating to mental health services provided to children; and
- (d) A survey of mental health services for children among the state's regional support networks.

The committee shall make recommendations, as appropriate, for the improvement of services and system performance, including the need for performance and client outcome measures. The committee may contract for consulting services in conducting the study. The committee shall submit a report to the appropriate policy and fiscal committees of the legislature by July 1, 2002.

(6) Within the amounts provided in this section, the joint legislative audit and review committee shall conduct a study of the Washington management service. The study shall include findings regarding (a) growth in the number of positions in the Washington management service, (b) growth in salary levels and structure since the Washington management service's inception, and (c) other compensation practices used within the Washington management service. The department of personnel shall cooperate with the committee in conducting the study and provide information as requested by the committee. The committee shall provide a report to the fiscal committees of the legislature by December 31, 2001.

(7) Within the amounts provided in this section, the joint legislative audit and review committee shall

review all aspects of the mental health prevalence study completed in accordance with section 204 of this act, including but not limited to the contractor selection process, if any; the study design and workplan; the implementation of the study; and the draft and final reports.

(8) The committee shall study and report on pipeline safety as provided in section 149 of this act.

(9) \$125,000 of the accident account--state appropriation is provided solely to complete a review of the department of labor and industries implementation of Recommendation 23(a) of the joint legislative audit and review committee's 1998 Workers' Compensation System Performance Audit ("Expand emphasis on the prevention and control of musculoskeletal disorders"). Any sum that remains unexpended as of June 30, 2003, will remain in the accident account--state appropriation.

(a) If the joint legislative audit and review committee chooses to contract with an entity for the review, the committee is directed to contract with an entity that is not affiliated with an insurance company, brokerage, or agency, consistent with the provisions of chapter 39.29 RCW. The committee will consult with the workers' compensation and WISHA advisory committees in the design of the request for proposals from potential contractors and in the choice of a contractor.

(b) In cooperation with the house of representatives commerce and labor committee, the senate labor, commerce, and financial institutions committee, and the WISHA advisory committee established under RCW 49.17.055, the joint legislative audit and review committee will review the following aspects of the department's implementation of Recommendation 23(a) by its promulgation of an ergonomics rule (codified as WAC 296-62-05101 through 296-62-05176):

(i) Review and report on the findings of the blue ribbon panel on implementation of the ergonomics rule;

(ii) Review and report on the status and progress of the centers for disease control's funded study of the implementation of the ergonomics rule.

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund--State Appropriation (FY 2002).....	\$	1,329,000	
General Fund--State Appropriation (FY 2003).....	\$	1,462,000	
Public Works Assistance Account--State Appropriation.....	\$	203,000	
.....			
		<b>TOTAL APPROPRIATION</b>	<b>\$ 2,994,000</b>

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account--State Appropriation.....	\$	1,923,000	
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The appropriation in this section is subject to the following conditions and limitations: The joint committee on pension policy, in collaboration with various interested parties, shall study issues of pension governance and recommend legislation for consideration in the 2002 legislative session.

**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2002).....	\$	6,421,000	
General Fund--State Appropriation (FY 2003).....	\$	7,043,000	
.....			
		<b>TOTAL APPROPRIATION</b>	<b>\$ 13,464,000</b>

**NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE**

General Fund--State Appropriation (FY 2002).....	\$	3,909,000	
General Fund--State Appropriation (FY 2003).....	\$	4,038,000	
.....			
		<b>TOTAL APPROPRIATION</b>	<b>\$ 7,947,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$41,000 of the general fund fiscal year 2002 appropriation and \$43,000 of the general fund fiscal year 2003 appropriation are provided solely for the uniform legislation commission.

**NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.** In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of

representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

**NEW SECTION. Sec. 109. FOR THE SUPREME COURT**

General Fund--State Appropriation (FY 2002).....	\$	5,423,000	
General Fund--State Appropriation (FY 2003).....	\$	5,510,000	
..... TOTAL APPROPRIATION	\$		10,93

**NEW SECTION. Sec. 110. FOR THE LAW LIBRARY**

General Fund--State Appropriation (FY 2002).....	\$	1,982,000	
General Fund--State Appropriation (FY 2003).....	\$	1,983,000	
..... TOTAL APPROPRIATION	\$		3,965

**NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2002).....	\$	12,746,000	
General Fund--State Appropriation (FY 2003).....	\$	12,878,000	
..... TOTAL APPROPRIATION	\$		25,62

The appropriations in this section are subject to the following conditions and limitations:

(1) \$505,000 of the general fund--state appropriation for fiscal year 2002 and \$606,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for lease increases associated with the division I facility. Within the funds provided in this subsection, the court of appeals shall conduct a space planning study exploring options dealing with remodeling existing space to accommodate needs and evaluating the cost and benefits of moving to another location.

(2) \$168,000 of the general fund--state appropriation for fiscal year 2002 and \$159,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for providing compensation adjustments to nonjudicial staff of the court of appeals. Within the funds provided in this subsection, the court of appeals shall determine the specific positions to receive compensation adjustments based on recruitment and retention difficulties, new duties or responsibilities assigned, and salary inversion or compression within the court of appeals.

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund--State Appropriation (FY 2002).....	\$	955,000	
General Fund--State Appropriation (FY 2003).....	\$	969,000	
..... TOTAL APPROPRIATION	\$		1,924

**NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2002).....	\$	14,247,000	
General Fund--State Appropriation (FY 2003).....	\$	14,386,000	
Public Safety and Education Account--State Appropriation .....	\$	29,634,000	
Judicial Information Systems Account--State Appropriation.....	\$	27,758,000	
..... TOTAL APPROPRIATION	\$		86,02

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. As required by Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the

legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions. During each fiscal year in the 2001-03 biennium, the office of the administrator for the courts shall send written notice to the office of community development in the department of community, trade, and economic development when each county pays its fifty percent share for the year.

(3) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(4) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(5) \$278,000 of the general fund--state appropriation for fiscal year 2002, \$285,000 of the general fund--state appropriation for fiscal year 2003, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2002 and \$750,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(7) \$750,000 of the public safety and education account--state appropriation is provided solely for judicial program enhancements. Within the funding provided in this subsection, the administrator for the courts, in consultation with the supreme court, shall determine the program or programs to receive an enhancement. Among the programs that may be funded from the amount provided in this subsection are unified family courts.

(8) \$1,618,000 of the public safety and education account--state appropriation is provided solely for increases for juror pay. The office of the administrator for the courts may contract with local governments to provide additional juror pay. The contract shall provide that the local government is responsible for the first ten dollars of juror compensation for each day or partial day of jury service, and the state shall reimburse the local government for any additional compensation, excluding the first day, up to a maximum of fifteen dollars per day.

**NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2002).....	\$	600,000	
Public Safety and Education Account--State Appropriation .....	\$	12,626,000	
.....		<b>TOTAL APPROPRIATION</b>	<b>\$</b>

13,226,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of chapter 303, Laws of 1999 (court funding).

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) The entire general fund--state appropriation is provided solely for the continuation of a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

- (i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;
- (ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;
- (iii) Use of investigative and expert services in appropriate cases; and
- (iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(b) The pilot program shall be established in one eastern and one western Washington juvenile court.

(c) The director shall contract for an independent evaluation of the pilot program benefits and costs. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than February 1, 2002.

(d) The chair of the office of public defense advisory committee shall appoint an implementation committee to:

- (i) Develop criteria for a statewide program to improve dependency and termination defense;
- (ii) Examine caseload impacts to the courts resulting from improved defense practices; and
- (iii) Identify methods for the efficient use of expert services and means by which parents may effectively access services.

If sufficient funds are available, the office of public defense shall contract with the Washington state institute for public policy to research how reducing dependency and termination case delays affects foster care and to identify factors that are reducing the number of family reunifications that occur in dependency and termination cases.

(5) \$50,000 of the public safety and education account--state appropriation is provided solely for the evaluation required in chapter 92, Laws of 2000 (DNA testing).

(6) \$235,000 of the public safety and education account--state appropriation is provided solely for the office of public defense to contract with an existing public defender association to establish a capital defense assistance center.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2002).....	\$	4,537,000	
General Fund--State Appropriation (FY 2003).....	\$	4,524,000	
General Fund--Federal Appropriation .....	\$	219,000	
Water Quality Account--State Appropriation.....	\$	3,908,000	
..... TOTAL APPROPRIATION	\$		13,18

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,908,000 of the water quality account appropriation and \$219,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the salmon recovery office to support the efforts of the independent science panel.

**NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR**

General Fund--State Appropriation (FY 2002).....	\$	449,000	
General Fund--State Appropriation (FY 2003).....	\$	451,000	
..... TOTAL APPROPRIATION	\$		900,0

**NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2002).....	\$	1,910,000	
General Fund--State Appropriation (FY 2003).....	\$	1,903,000	
..... TOTAL APPROPRIATION	\$		3,813

**NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2002).....	\$ 10,513,000
General Fund--State Appropriation (FY 2003).....	\$ 8,707,000
Archives and Records Management Account--State Appropriation.....	\$ 7,295,000
Archives and Records Management Account--Private/Local Appropriation .....	\$ 3,860,000
Department of Personnel Service Account Appropriation .....	\$ 719,000
.....TOTAL APPROPRIATION	\$ 31,099,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,193,000 of the general fund--state appropriation for fiscal year 2002 and \$2,712,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$1,944,004 of the general fund--state appropriation for fiscal year 2002 and \$1,986,772 of the general fund--state appropriation for fiscal year 2003 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2001-2003 biennium. An eligible nonprofit organization must be formed solely for the purpose of, and be experienced in, providing gavel-to-gavel television coverage of state government deliberations and other events of statewide significance and must have received a determination of tax-exempt status under section 501(c)(3) of the federal internal revenue code. The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5)(a) \$149,316 of the archives and records management--state appropriation and \$597,266 of the archives and records management--private/local appropriation are provided solely for the construction of an eastern regional archives. The amounts provided in this subsection shall lapse if:

(i) The financing contract for the construction of an eastern regional archives building is not authorized in the capital budget for the 2001-03 fiscal biennium; or

(ii) Substitute House Bill No. 1926 (increasing the surcharge on county auditor recording fees) is not enacted by July 31, 2001.

(b) \$613,879 of the archives and records management--state appropriation and \$463,102 of the archives and records management--private/local appropriation are provided solely for the design and establishment of an electronic data archive, including the acquisition of hardware and software. The amounts provided in this subsection shall lapse if:

(i) The financing contract for acquisition of technology hardware and software for the electronic data archive is not authorized in the capital budget for the 2001-03 fiscal biennium; or

(ii) Substitute House Bill No. 1926 (increasing the surcharge on county auditor recording fees) is not enacted by June 30, 2001.

(6) If the financing contract for expansion of the state records center is not authorized in the capital budget for fiscal biennium 2001-03, then \$641,000 of the archives and records management account--state appropriation shall lapse.

(7) \$867,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

**NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund--State Appropriation (FY 2002).....	\$	269,000	
General Fund--State Appropriation (FY 2003).....	\$	282,000	
..... TOTAL APPROPRIATION	\$		551,000

**NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2002).....	\$	233,000	
General Fund--State Appropriation (FY 2003).....	\$	233,000	
..... TOTAL APPROPRIATION	\$		466,000

**NEW SECTION. Sec. 121. FOR THE STATE TREASURER**

State Treasurer's Service Account--State Appropriation .....	\$	12,870,000	
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**NEW SECTION. Sec. 122. FOR THE REDISTRICTING COMMISSION**

General Fund--State Appropriation (FY 2002).....	\$	856,000	
General Fund--State Appropriation (FY 2003).....	\$	20,000	
..... TOTAL APPROPRIATION	\$		876,000

The appropriations in this section are subject to the following conditions and limitations: On January 1, 2003, any unspent portions of this appropriation shall be deposited in the common school construction fund.

**NEW SECTION. Sec. 123. FOR THE STATE AUDITOR**

General Fund--State Appropriation (FY 2002).....	\$	1,068,000	
General Fund--State Appropriation (FY 2003).....	\$	1,144,000	
State Auditing Services Revolving Account--State Appropriation .....	\$	13,540,000	
..... TOTAL APPROPRIATION	\$		15,752,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$910,000 of the general fund--state appropriation for fiscal year 2002 and \$910,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.



(3) \$290,000 of the general fund-state appropriation for fiscal year 2002 and \$120,000 of the general fund-state appropriation for fiscal year 2003 are for the state auditor to conduct a performance and financial audit of the port of Seattle third runway project. The audit shall: (a) Review and document the financial history of the project; (b) evaluate the performance measures used by the port of Seattle for the project; (c) evaluate the current project schedule and cost estimates; (d) review the sources of funding and evaluate the adequacy of funding necessary to complete the project; (e) evaluate the effect of project costs on the competitive operation of Seattle-Tacoma international airport and development of future regional airport facilities; and (f) identify and evaluate emerging regional and state issues that may affect the project's scope, budget or schedule.

(4) The audit shall be performed in accordance with generally accepted government auditing standards as promulgated by the United States general accounting office. The auditor may contract for consulting services in carrying out this audit. Upon completion of the audit, the auditor shall report the findings to the appropriate legislative committees by November 20, 2002.

**NEW SECTION. Sec. 124. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund--State Appropriation (FY 2002).....	\$	80,000	
General Fund--State Appropriation (FY 2003).....	\$	152,000	
..... TOTAL APPROPRIATION	\$		232,000

**NEW SECTION. Sec. 125. FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2002).....	\$	4,811,000	
General Fund--State Appropriation (FY 2003).....	\$	4,806,000	
General Fund--Federal Appropriation .....	\$	2,868,000	
Public Safety and Education Account--State Appropriation .....	\$	1,789,000	
Tobacco Prevention and Control Account Appropriation .....	\$	277,000	
New Motor Vehicle Arbitration Account--State Appropriation.....	\$	1,163,000	
Legal Services Revolving Account--State Appropriation .....	\$	147,306,000	
..... TOTAL APPROPRIATION	\$		163,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) Prior to entering into any negotiated settlement of a claim against the state, that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

**NEW SECTION. Sec. 126. FOR THE CASELOAD FORECAST COUNCIL**

General Fund--State Appropriation (FY 2002).....	\$	631,000	
General Fund--State Appropriation (FY 2003).....	\$	619,000	
..... TOTAL APPROPRIATION	\$		1,250,000

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2002).....	\$	70,412,000	
General Fund--State Appropriation (FY 2003).....	\$	70,352,000	
General Fund--Federal Appropriation .....	\$	173,342,000	
General Fund--Private/Local Appropriation .....	\$	7,980,000	
Public Safety and Education Account--State Appropriation .....	\$	10,300,000	
Public Works Assistance Account--State Appropriation.....	\$	1,911,000	
Film and Video Promotion Account--State Appropriation.....	\$	25,000	
Building Code Council Account--State Appropriation.....	\$	1,061,000	
Administrative Contingency Account--State Appropriation .....	\$	1,777,000	
Low-Income Weatherization Assistance Account--State Appropriation.....	\$	3,292,000	
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	6,081,000	
Manufactured Home Installation Training Account--State Appropriation.....	\$	256,000	
Community Economic Development Account--State Appropriation .....	\$	113,000	
Washington Housing Trust Account--State Appropriation .....	\$	5,597,000	
Public Facility Construction Loan Revolving Account--State Appropriation.....	\$	550,000	
.....TOTAL APPROPRIATION	\$		353,0

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that the department of community, trade, and economic development receive separate programmatic allotments for the office of community development and the office of trade and economic development. Any appropriation made to the department of community, trade, and economic development for carrying out the powers, functions, and duties of either office shall be credited to the appropriate office.

(2) \$3,085,000 of the general fund--state appropriation for fiscal year 2002 and \$3,085,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(3) \$61,000 of the general fund--state appropriation for fiscal year 2002 and \$62,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(4) \$10,403,445 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2002 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,363,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$200,000 to the department for grants to support tribal law enforcement needs;

(e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$302,551 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$88,000 to the department to continue a substance abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) \$697,075 to the department to continue domestic violence legal advocacy;

(i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(j) \$60,000 to the Washington association of sheriffs and police chiefs to complete the state and local components of the national incident-based reporting system;

(k) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

- (l) \$91,000 to the department to continue the governor's council on substance abuse;
- (m) \$99,000 to the department to continue evaluation of Byrne formula grant programs;
- (n) \$500,469 to the office of financial management for criminal history records improvement; and
- (o) \$825,100 to the department for required grant administration, monitoring, and reporting on Byrne

formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(5) \$470,000 of the general fund--state appropriation for fiscal year 2002 and \$470,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for rural economic development activities including \$200,000 for the Washington manufacturing service, and \$100,000 for business retention and expansion.

(6) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate, repair, and staff shelters for homeless families with children.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate transitional housing for homeless families with children. The grants may also be used to make partial payments for rental assistance.

(8) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for consolidated emergency assistance to homeless families with children.

(9) \$205,000 of the general fund--state appropriation for fiscal year 2002 and \$205,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to Washington Columbia river gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(10) \$698,000 of the general fund--state appropriation for fiscal year 2002, \$698,000 of the general fund--state appropriation for fiscal year 2003, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(11) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(12) \$680,000 of the Washington housing trust account appropriation is provided solely to conduct a pilot project designed to lower infrastructure costs for residential development.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided to the department solely for providing technical assistance to developers of housing for farmworkers.

(14) \$370,000 of the general fund--state appropriation for fiscal year 2002, \$371,000 of the general fund--state appropriation for fiscal year 2003, and \$25,000 of the film and video promotion account appropriation are provided solely for the film office to bring film and video production to Washington state.

(15) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$23,000 of the general fund--state appropriation for fiscal year 2003 are provided solely as a matching grant to support the Washington state senior games. State funding shall be matched with at least an equal amount of private or local governmental funds.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to food banks and food distribution centers to increase their ability to accept, store, and deliver perishable food.

(17) \$230,000 of the general fund--state appropriation for fiscal year 2002, \$230,000 of the general

fund--state appropriation for fiscal year 2003, and the entire community economic development account appropriation are provided solely for support of the developmental disabilities endowment governing board and startup costs of the endowment program. Startup costs are a loan from the state general fund and will be repaid from funds within the program as determined by the governing board. The governing board may use state appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income. The director of the department, or the director of the subsequent department of community development, may implement fees to support the program as provided under RCW 43.330.152.

(18) \$880,000 of the public safety and education account appropriation is provided solely for community-based legal advocates to assist sexual assault victims with both civil and criminal justice issues. If Senate Bill No. 5309 is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) \$120,000 of the general fund--state appropriation for fiscal year 2002 and \$120,000 of the general fund--state appropriation for fiscal year 2003 are provided solely as one-time pass-through funding to currently licensed overnight youth shelters.

(21) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(22) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the community connections program in Walla Walla.

**NEW SECTION. Sec. 128. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2002).....	\$	512,000	
General Fund--State Appropriation (FY 2003).....	\$	514,000	
..... TOTAL APPROPRIATION		\$	1,026,000

**NEW SECTION. Sec. 129. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2002).....	\$	12,456,000	
General Fund--State Appropriation (FY 2003).....	\$	12,024,000	
General Fund--Federal Appropriation .....	\$	23,657,000	
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	229,000	
State Auditing Services Revolving Account--State Appropriation .....	\$	25,000	
..... TOTAL APPROPRIATION		\$	48,391,000

The appropriations in this section are subject to the following conditions and limitations: The office of financial management shall review policies and procedures regarding purchasing of information technology upgrades by state agencies. Information technology upgrades include replacement workstations, network equipment, operating systems and application software. The review shall document existing policies and procedures, and shall compare alternative upgrade policies that reduce the overall cost to state government for maintaining adequate information technology to meet the existing business needs of state agencies. Findings and recommendations from this review shall be reported to appropriate committees of the legislature by December 1, 2001.

**NEW SECTION. Sec. 130. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State Appropriation..... \$ 21,938,000

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF PERSONNEL**

Department of Personnel Service Account--State Appropriation..... \$ 17,297,000

Higher Education Personnel Services Account--State Appropriation ..... \$ 1,636,000

..... TOTAL APPROPRIATION \$ 18,933,000

The appropriations in this section are subject to the following conditions and limitations: The department of personnel may charge agencies through the data processing revolving account up to \$561,000 in fiscal year 2002 to study the development of a new personnel and payroll system. Funding to cover these expenses shall be realized from agency FICA savings associated with the pretax benefits contributions plans. Funding is subject to section 902 of this act.

**NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account--State Appropriation..... \$ 22,130,000

**NEW SECTION. Sec. 133. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund--State Appropriation (FY 2002)..... \$ 226,000

General Fund--State Appropriation (FY 2003)..... \$ 234,000

..... TOTAL APPROPRIATION \$ 460,000

**NEW SECTION. Sec. 134. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2002)..... \$ 211,000

General Fund--State Appropriation (FY 2003)..... \$ 209,000

..... TOTAL APPROPRIATION \$ 420,000

**NEW SECTION. Sec. 135. FOR THE PERSONNEL APPEALS BOARD**

Department of Personnel Service Account--State Appropriation..... \$ 1,679,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT**

**SYSTEMS--OPERATIONS**

Dependent Care Administrative Account--State Appropriation..... \$ 378,000

Department of Retirement Systems Expense Account--State Appropriation ..... \$ 49,562,000

..... TOTAL APPROPRIATION \$ 49,940,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,000,000 of the department of retirement systems expense account appropriation is provided solely for support of the information systems project known as the electronic document image management system.
- (2) \$120,000 of the department of retirement systems expense account appropriation is provided solely for locating inactive members entitled to retirement benefits.
- (3) \$117,000 of the department of retirement systems expense account appropriation is provided solely for modifications to the retirement information systems to accommodate tracking of postretirement employment on an hourly basis.
- (4) \$440,000 of the department of retirement systems expense account is provided solely for the implementation of Engrossed Senate Bill No. 5143 (Washington state patrol retirement systems plan 2).
- (5) \$6,420,000 of the department of retirement systems expense account is provided solely for the implementation of public employees' retirement system plan 3 (chapter 247, Laws of 2000).
- (6) \$101,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5144 (LEOFF survivor benefit). If the bill is not enacted by July 31, 2001, the amount provided in this subsection shall lapse.
- (7) \$744,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6166 (LEOFF restructuring). If the bill is not enacted

by July 31, 2001, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 137. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account--State Appropriation.....	\$	12,876,000
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**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2002).....	\$	72,820,000
General Fund--State Appropriation (FY 2003).....	\$	72,387,000
Timber Tax Distribution Account--State Appropriation .....	\$	5,131,000
Waste Education/Recycling/Litter Control--State Appropriation .....	\$	101,000
State Toxics Control Account--State Appropriation .....	\$	67,000
Oil Spill Administration Account--State Appropriation.....	\$	14,000
..... TOTAL APPROPRIATION		\$

150,5

The appropriations in this section are subject to the following conditions and limitations:

\$269,000 of the general fund--state appropriation for fiscal year 2002 and \$49,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to establish and provide staff support to a committee on taxation to study the elasticity, equity, and adequacy of the state's tax system.

(1) The committee shall consist of eleven members. The department shall appoint six academic scholars from the fields of economics, taxation, business administration, public administration, public policy, and other relevant disciplines as determined by the department, after consulting with the majority and minority leaders in the senate, the co-speakers in the house of representatives, the chair of the ways and means committee in the senate, and the co-chairs of the finance committee in the house of representatives. The governor and the chairs of the majority and minority caucuses in each house of the legislature shall each appoint one member to the committee. These appointments may be legislative members. The members of the committee shall either elect a voting chair from among their membership or a nonvoting chair who is not a member of the committee. Members of the committee shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(2) The purpose of the study is to determine how well the current tax system functions and how it might be changed to better serve the citizens of the state in the twenty-first century. In reviewing options for changes to the tax system, the committee shall develop multiple alternatives to the existing tax system. To the extent possible, the alternatives shall be designed to increase the harmony between the tax system of this state and the surrounding states, encourage commerce and business creation, and encourage home ownership. In developing alternatives, the committee shall examine and consider the effects of tax incentives, including exemptions, deferrals, and credits. The alternatives shall range from incremental improvements in the current tax structure to complete replacement of the tax structure. In conducting the study, the committee shall examine the tax structures of other states and review previous studies regarding tax reform in this state. In developing alternatives, the committee shall be guided by administrative simplicity, economic neutrality, fairness, stability, and transparency. Most of the alternatives presented by the committee to the legislature shall be revenue neutral and contain no income tax.

(3) The department shall create an advisory group to include, but not be limited to, representatives of business, state agencies, local governments, labor, taxpayers, and other advocacy groups. The group shall provide advice and assistance to the committee.

(4) The committee shall present a final report of its findings and alternatives to the ways and means committee in the senate and the finance committee in the house of representatives by November 30, 2002.

**NEW SECTION. Sec. 139. FOR THE BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2002).....	\$	1,193,000
General Fund--State Appropriation (FY 2003).....	\$	1,038,000
..... TOTAL APPROPRIATION		\$

2,231

**NEW SECTION. Sec. 140. FOR THE MUNICIPAL RESEARCH COUNCIL**

TWELFTH DAY, JUNE 15, 2001

2205

City and Town Research Services Account--State Appropriation .....	\$	3,814,000	
County Research Services Account--State Appropriation.....	\$	761,000	
.....			TOTAL APPROPRIATION
	\$		\$ 4,575

**NEW SECTION. Sec. 141. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS**

**ENTERPRISES**

OMWBE Enterprises Account--State Appropriation .....	\$	2,616,000
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**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2002).....	\$	549,000	
General Fund--State Appropriation (FY 2003).....	\$	630,000	
General Fund--Federal Appropriation .....	\$	1,930,000	
General Fund--Private/Local Appropriation.....	\$	444,000	
State Capitol Vehicle Parking Account--State Appropriation.....	\$	154,000	
General Administration Services Account--State Appropriation .....	\$	41,419,000	
.....			TOTAL APPROPRIATION
	\$		\$ 45,12

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall conduct a review of the ultimate purchasing system to evaluate the following:

(a) The degree to which program objectives and assumptions were achieved; (b) the degree to which planned schedule of phases, tasks, and activities were accomplished; (c) an assessment of estimated and actual costs of each phase; (d) an assessment of project cost recovery/cost avoidance, return on investment, and measurable outcomes as each relate to the agency's business functions and other agencies' business functions; and (e) the degree to which integration with the agency and state information technology infrastructure was achieved. The department will receive written input from participating pilot agencies that describes measurable organizational benefits and cost avoidance opportunities derived from use of the ultimate purchasing system. The performance review shall be submitted to the office of financial management and the appropriate legislative fiscal committees by July 1, 2002.

(2) \$60,000 of the general administration services account appropriation is provided solely for costs associated with the development of the information technology architecture to link the risk management information system and the tort division's case management system, and the reconciliation of defense cost reimbursement information.

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account--State Appropriation .....	\$	3,706,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Fifteen independent private, nonprofit colleges, located in Washington state, have requested connection to the K-20 educational telecommunications network. These K-20 connections shall be provided to the private schools on a full cost reimbursement basis, net of the value of services and information provided by the private institutions, based on criteria approved by the K-20 board.

(2) Some private K-12 schools have requested limited "pilot connections" to the K-20 network to test the technical and economic feasibility of one or more connection models. These K-20 connections shall be provided to the private K-12 schools on a full cost reimbursement basis, net of the value of services and information provided by the private K-12 schools based on criteria approved by the K-20 board.

(3) In the 2001-03 biennium, the department shall incorporate statewide elements for a common technology infrastructure into the state strategic information technology plan that state agencies shall then use in establishing individual agency business applications.

(4) The department shall implement the \$10,800,000 service rate reduction it proposed on August 14, 2000.

**NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation .....	\$	622,000
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Insurance Commissioners Regulatory Account--State Appropriation.....	\$	29,053,000	
.....		TOTAL APPROPRIATION	\$

29,67

The appropriations in this section are subject to the following conditions and limitations: \$693,000 of the insurance commissioner's regulatory account appropriation is provided solely for moving and renovation costs associated with the colocation of the agency's Olympia-area facilities. Expenditures from this amount shall be subject to the approval of the department of general administration.

**NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account--State Appropriation .....	\$	1,716,000	
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The appropriation in this section is subject to the following conditions and limitations: \$355,000 of the certified public accountants' account appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5593 (public accountancy act). If the bill is not enacted by June 30, 2001, this amount shall lapse. During fiscal years 2002 and 2003, the board is authorized to increase fees in excess of the fiscal growth factor pursuant to RCW 43.135.055.

**NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account--State Appropriation.....	\$	276,000	
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The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

**NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Account--State Appropriation.....	\$	4,504,000	
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**NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2002).....	\$	1,483,000	
General Fund--State Appropriation (FY 2003).....	\$	1,484,000	
Liquor Control Board Construction and Maintenance Account--State Appropriation .....	\$	8,114,000	
Liquor Revolving Account--State Appropriation .....	\$	142,148,000	
.....		TOTAL APPROPRIATION	\$

153,2

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,573,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$4,803,000 of the liquor revolving account appropriation is provided solely for the costs associated with the development and implementation of a merchandising business system. Expenditures of any funds for this system are conditioned upon the approval of the merchandising business system's feasibility study by the information services board. The amount provided in this subsection is also conditioned upon satisfying the requirements of section 902 of this act.

**NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Account--State Appropriation.....	\$	27,108,000	
Pipeline Safety Account--State Appropriation .....	\$	3,305,000	
Pipeline Safety Account--Federal Appropriation .....	\$	822,000	
.....		TOTAL APPROPRIATION	\$

31,23

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,011,000 of the pipeline safety account--state appropriation and \$822,000 of the pipeline safety account--federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5182 (pipeline safety). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.



(2) \$294,000 of the pipeline safety account--state appropriation is provided solely for an interagency agreement with the joint legislative audit and review committee for a report on hazardous liquid and gas pipeline safety programs. The committee shall review staff use, inspection activity, fee methodology, and costs of the hazardous liquid and gas pipeline safety programs and report to the appropriate legislative committees by July 1, 2003. The report shall include a comparison of interstate and intrastate programs, including but not limited to the number and complexity of regular and specialized inspections, mapping requirements for each program, and allocation of administrative costs to each program. If Substitute Senate Bill No. 5182 (pipeline safety) is not enacted by June 30, 2001, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 150. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' Relief and Pension Administrative Account--State Appropriation..... \$ 569,000

**NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2002).....	\$ 9,165,000
General Fund--State Appropriation (FY 2003).....	\$ 8,979,000
General Fund--Federal Appropriation .....	\$ 22,509,000
General Fund--Private/Local Appropriation.....	\$ 234,000
Enhanced 911 Account--State Appropriation .....	\$ 16,544,000
Disaster Response Account--State Appropriation .....	\$ 582,000
Disaster Response Account--Federal Appropriation .....	\$ 3,392,000
Worker and Community Right to Know Fund--State Appropriation .....	\$ 283,000
Nisqually Earthquake Account--State Appropriation .....	\$ 37,884,000
Nisqually Earthquake Account--Federal Appropriation.....	\$ 157,795,000
..... TOTAL APPROPRIATION	\$ 257,3

The appropriations in this section are subject to the following conditions and limitations:

(1) \$582,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disasters approved in the 1999-01 biennium budget. The military department may, upon approval of the director of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2003. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information shall be displayed by individual disaster by fund, and by type of assistance. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2001-03 biennium based on current revenue and expenditure patterns.

(2) \$100,000 of the general fund--state fiscal year 2002 appropriation and \$100,000 of the general fund--state fiscal year 2003 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(3) \$60,000 of the general fund--state appropriation for fiscal year 2002 and \$60,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5256 (emergency management compact). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) \$35,000 of the general fund--state fiscal year 2002 appropriation and \$35,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the north county emergency medical service.

(5) \$1,374,000 of the Nisqually earthquake account--state appropriation and \$3,861,000 of the Nisqually earthquake account--federal appropriation are provided solely for the military department's costs associated with coordinating the state's response to the February 28, 2001, earthquake.

(6) \$1,347,000 of the Nisqually earthquake account--state appropriation and \$5,359,000 of the Nisqually

earthquake account--federal appropriation are provided solely for mitigation costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, \$898,000 is provided for the state matching share for state agencies and \$449,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

(7) \$35,163,000 of the Nisqually earthquake account--state appropriation and \$148,575,000 of the Nisqually earthquake account--federal appropriation are provided solely for public assistance costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, \$20,801,000 is provided for the state matching share for state agencies and \$14,362,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1). Upon approval of the director of financial management, the military department may use portions of the Nisqually earthquake account--state appropriations to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

**NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund--State Appropriation (FY 2002).....	\$	2,154,000	
General Fund--State Appropriation (FY 2003).....	\$	2,164,000	
..... TOTAL APPROPRIATION	\$		4,318

**NEW SECTION. Sec. 153. FOR THE GROWTH PLANNING HEARINGS BOARD**

General Fund--State Appropriation (FY 2002).....	\$	1,497,000	
General Fund--State Appropriation (FY 2003).....	\$	1,506,000	
..... TOTAL APPROPRIATION	\$		3,003

**NEW SECTION. Sec. 154. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Operating Account--State Appropriation .....	\$	37,848,000	
State Convention and Trade Center Account--State Appropriation .....	\$	29,886,000	
TOTAL APPROPRIATION.....	\$	67,734,000	

**PART II  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.**

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) In the event the department receives additional unrestricted federal funds or achieves savings in excess of that anticipated in this act, the department shall use up to \$5,000,000 of such funds to initiate a pilot project providing integrated support services to homeless individuals needing mental health services, alcohol or substance abuse treatment, medical care, or who demonstrate community safety concerns. Before such a pilot project is initiated, the department shall notify the fiscal committees of the legislature of the plans for such a pilot project including the source of funds to be used.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002).....	\$ 225,789,000
General Fund--State Appropriation (FY 2003).....	\$ 239,013,000
General Fund--Federal Appropriation .....	\$ 372,408,000
General Fund--Private/Local Appropriation.....	\$ 400,000
Public Safety and Education Account--State Appropriation .....	\$ 987,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$ 5,702,000
..... TOTAL APPROPRIATION	\$ 844,209,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,237,000 of the fiscal year 2002 general fund--state appropriation, \$2,288,000 of the fiscal year 2003 general fund--state appropriation, and \$1,590,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$685,000 of the general fund--state fiscal year 2002 appropriation and \$701,000 of the general fund--state fiscal year 2003 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$524,000 of the general fund--state fiscal year 2002 appropriation and \$536,000 of the general fund--state fiscal year 2003 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$1,260,000 of the fiscal year 2002 general fund--state appropriation, \$1,248,000 of the fiscal year 2003 general fund--state appropriation, and \$4,196,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 25 percent reduction below the funding level for the 1999-2001 biennium. Funding levels shall be reduced 25 percent for both the family policy council and network grants. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes and for networks with substantial compliance with contracts for network grants.

(5) \$2,215,000 of the fiscal year 2002 general fund--state appropriation, \$4,394,000 of the fiscal year 2003 general fund--state appropriation, and \$5,604,000 of the general fund--federal appropriation are provided solely for reducing the average caseload level per case-carrying social worker. Average caseload reductions are intended to increase the amount of time social workers spend in direct contact with the children, families, and foster parents involved with their open cases. The department shall use some of the funds provided in several local offices to increase staff that support case-carrying social workers in ways that will allow social workers to

increase direct contact time with children, families, and foster parents. To achieve the goal of reaching an average caseload ratio of 1:24 by the end of fiscal year 2003, the department shall develop a plan for redeploying 30 FTEs to case-carrying social worker and support positions from other areas in the children and family services budget. The FTE redeployment plan shall be submitted to the fiscal committees of the legislature by December 1, 2001.

(6) \$1,000,000 of the fiscal year 2002 general fund--state appropriation and \$1,000,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing foster parent respite care services that improve the retention of foster parents and increase the stability of foster placements. The department shall report quarterly to the appropriate committees of the legislature progress against appropriate baseline measures for foster parent retention and stability of foster placements.

(7) \$1,050,000 of the general fund--federal appropriation is provided solely for increasing kinship care placements for children who otherwise would likely be placed in foster care. These funds shall be used for extraordinary costs incurred by relatives at the time of placement, or for extraordinary costs incurred by relatives after placement if such costs would likely cause a disruption in the kinship care placement. \$50,000 of the funds provided shall be contracted to the Washington institute for public policy to conduct a study of kinship care placements. The study shall examine the prevalence and needs of families who are raising related children and shall compare services and policies of Washington state with other states that have a higher rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements.

(8) \$3,386,000 of the fiscal year 2002 general fund--state appropriation, \$7,671,000 of the fiscal year 2003 general fund--state appropriation, and \$20,819,000 of the general fund--federal appropriation are provided solely for increases in the cost per case for foster care and adoption support. \$16,000,000 of the general fund--federal amount shall remain unallotted until the office of financial management approves a plan submitted by the department to achieve a higher rate of federal earnings in the foster care program. That plan shall also be submitted to the fiscal committees of the legislature and shall indicate projected federal revenue compared to actual fiscal year 2001 levels. Within the amounts provided for foster care, the department shall increase the basic rate for foster care to an average of \$420 per month on July 1, 2001, and to an average of \$440 per month on July 1, 2002. The department shall use the remaining funds provided in this subsection to pay for increases in the cost per case for foster care and adoption support. The department shall seek to control rate increases and reimbursement decisions for foster care and adoption support cases such that the cost per case for family foster care, group care, receiving homes, and adoption support does not exceed the amount assumed in the projected caseload expenditures plus the amounts provided in this subsection.

(9) \$1,767,000 of the general fund--state appropriation for fiscal year 2002, \$2,461,000 of the general fund--state appropriation for fiscal year 2003, and \$1,485,000 of the general fund--federal appropriation are provided solely for rate and capacity increases for child placing agencies. Child placing agencies shall increase their capacity by 15 percent in fiscal year 2002 and 30 percent in fiscal year 2003.

(10) The department shall provide secure crisis residential facilities across the state in a manner that: (a) Retains geographic provision of these services; and (b) retains beds in high use areas.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually, as described in House Bill No. 1525 (foster parent retention program).

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 2002).....	\$	35,248,000
General Fund--State Appropriation (FY 2003).....	\$	36,456,000
General Fund--Federal Appropriation .....	\$	14,609,000
General Fund--Private/Local Appropriation.....	\$	380,000
Juvenile Accountability Incentive Account--Federal Appropriation.....	\$	9,361,000

Public Safety and Education Account--State Appropriation .....	\$	6,196,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	21,972,000
.....TOTAL APPROPRIATION	\$	

124,2

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$686,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$5,980,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(c) \$1,161,000 of the general fund--state appropriation for fiscal year 2002, \$1,162,000 of the general fund--state appropriation for fiscal year 2003, and \$5,190,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(d) \$2,515,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(e) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(f) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract for expanded services of the teamchild project.

(g) \$423,000 of the general fund--state appropriation for fiscal year 2002, \$924,000 of the general fund--state appropriation for fiscal year 2003, \$174,000 of the general fund--federal appropriation, \$196,000 of the public safety and education assistance account appropriation, and \$690,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers.

(h) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$16,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(i) \$3,441,000 of the general fund--state appropriation for fiscal year 2002 and \$3,441,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(j) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of

services, and at-risk youth petitions. To the extent that distributions made under (i) and (j) of this subsection and pursuant to section 801 of this act exceed actual costs of processing truancy, children in need of services, and at-risk youth petitions, the department, in consultation with the respective juvenile court administrator and the county, may approve expenditure of funds provided in this subsection on other costs of the civil or criminal justice system. When this occurs, the department shall notify the office of financial management and the legislative fiscal committees. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(k) The distributions made under (i) and (j) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(l) Each quarter during the 2001-03 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(m) \$1,692,000 of the juvenile accountability incentive account--federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

(n) \$22,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to (m) of this subsection.

(o) \$900,000 of the general fund--state appropriation for fiscal year 2002 and \$900,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

(p) \$33,000 of the general fund--state appropriation for fiscal year 2002 and \$29,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of House Bill No. 1070 (juvenile offender basic training). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(q) \$21,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5468 (chemical dependency). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(r) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002).....	\$	47,565,000
General Fund--State Appropriation (FY 2003).....	\$	49,695,000
General Fund--Federal Appropriation .....	\$	14,000
General Fund--Private/Local Appropriation.....	\$	740,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	15,280,000
.....TOTAL APPROPRIATION	\$	

113,2

The appropriations in this subsection are subject to the following conditions and limitations: \$40,000 of the general fund--state appropriation for fiscal year 2002 and \$84,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted service providers.

(3) PROGRAM SUPPORT

TWELFTH DAY, JUNE 15, 2001

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General Fund--State Appropriation (FY 2002).....	\$	1,738,000	
General Fund--State Appropriation (FY 2003).....	\$	1,765,000	
General Fund--Federal Appropriation .....	\$	307,000	
Juvenile Accountability Incentive Account--Federal Appropriation.....	\$	1,100,000	
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	421,000	
..... TOTAL APPROPRIATION	\$		5,331,000

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2002).....	\$	191,089,000	
General Fund--State Appropriation (FY 2003).....	\$	194,884,000	
General Fund--Federal Appropriation .....	\$	339,077,000	
General Fund--Local Appropriation .....	\$	4,363,000	
Health Services Account--State Appropriation .....	\$	2,450,000	
..... TOTAL APPROPRIATION	\$		731,863,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$388,000 of the general fund--state appropriation for fiscal year 2002, \$1,927,000 of the general fund--state appropriation for fiscal year 2003, and \$2,349,000 of the general fund--federal appropriation are provided solely for development and operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. In the event that enough patients are not transitioned or diverted from the state hospitals to close at least two hospital wards by July 2002, and two additional wards by April 2003, a proportional share of these funds shall be transferred to the appropriations in subsection (2) of this section to support continued care of the patients in the state hospitals. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse and from the aging and adult services programs. The department shall negotiate performance-based incentive contracts with those regional support networks which have the most viable plans for providing appropriate community support services for significant numbers of persons from their area who would otherwise be served in the state hospitals. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$1,000,000 of the federal block grant funding appropriated in this subsection shall be used for (i) initial development, training, and operation of the community support teams which will work with long-term state hospital residents prior and subsequent to their return to the community; and (ii) development of support strategies which will reduce the unnecessary and excessive use of state and local hospitals for short-term crisis stabilization services. Such strategies may include training and technical assistance to community long-term care and substance abuse providers; the development of diversion beds and stabilization support teams; examination of state hospital policies regarding admissions; and the development of new contractual standards to assure that the statutory requirement that 85 percent of short-term detentions be managed locally is being fulfilled. The department shall report to the fiscal and policy committees of the legislature on the results of these efforts by November 1, 2001, and again by November 1, 2002.

(e) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to assure that total funding allocated to the regional support network in fiscal year 2002 increases by up to 2.1 percent over the amount actually paid to that regional support network in fiscal year 2001, and by up to an additional 2.3 percent in fiscal year 2003, if total funding to the regional support network would otherwise increase by less than those percentages under the new formula, and provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated uncompensated care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity, rather than being distributed on a formula basis; (ii) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; and (iii) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed that, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against, or any settlement that may be agreed to by the state, regarding the rate of state reimbursement for inpatient psychiatric care. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002).....	\$	85,836,000
General Fund--State Appropriation (FY 2003).....	\$	83,001,000
General Fund--Federal Appropriation .....	\$	139,098,000
General Fund--Private/Local Appropriation.....	\$	29,289,000
.....		TOTAL APPROPRIATION
		\$ 337,2

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.
- (b) The mental health program at Western state hospital shall continue to use labor provided by the



Tacoma prerelease program of the department of corrections.

(c) The department shall seek to reduce the census of the two state psychiatric hospitals by 120 beds by April 2003 by arranging and providing community residential, mental health, and other support services for long-term state hospital patients whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. No such patient is to move from the hospital until a team of community professionals has become familiar with the person and their treatment plan; assessed their strengths, preferences, and needs; arranged a safe, clinically-appropriate, and stable place for them to live; assured that other needed medical, behavioral, and social services are in place; and is contracted to monitor the person's progress on an ongoing basis. The department and the regional support networks shall endeavor to assure that hospital patients are able to return to their area of origin, and that placements are not concentrated in proximity to the hospitals.

(d) For each month subsequent to the month in which a state hospital bed has been closed in accordance with (c) of this subsection, the mental health program shall transfer to the medical assistance program state funds equal to the state share of the monthly per capita expenditure amount estimated for categorically needy-disabled persons in the most recent forecast of medical assistance expenditures.

(e) The department shall report to the appropriate committees of the legislature by November 1, 2001, and by November 1, 2002, on its plans for and progress toward achieving the objectives set forth in (c) of this subsection.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2002).....	\$	19,137,000	
General Fund--State Appropriation (FY 2003).....	\$	21,541,000	
.....		TOTAL APPROPRIATION	\$

40,67

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$2,162,000 of the general fund--state appropriation for fiscal year 2002 and \$3,798,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island. Funding provided in this subsection is sufficient to implement Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems) and provide one-time mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center at McNeil Island.

(b) By October 1, 2001, the department shall report to the office of financial management and the fiscal committees of the house of representatives and senate detailing information on plans for increasing the efficiency of staffing patterns at the new civil commitment center facility being constructed on McNeil Island.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2002).....	\$	444,000	
General Fund--State Appropriation (FY 2003).....	\$	443,000	
General Fund--Federal Appropriation .....	\$	2,082,000	
.....		TOTAL APPROPRIATION	\$

2,969

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002).....	\$	3,104,000	
General Fund--State Appropriation (FY 2003).....	\$	3,231,000	
General Fund--Federal Appropriation .....	\$	5,796,000	
.....		TOTAL APPROPRIATION	\$

12,13

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 217, Laws of 2000 (atypical anti-psychotic medications), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$168,000 of the general fund--state appropriation for fiscal year 2002, \$243,000 of the general

fund--state appropriation for fiscal year 2003, and \$411,000 of the general fund--federal appropriation are provided solely for the development and implementation of a uniform outcome-oriented performance measurement system to be used in evaluating and managing the community mental health service delivery system consistent with the recommendations contained in the joint legislative audit and review committee's audit of the public mental health system. Once implemented, the use of performance measures will allow comparison of measurement results to established standards and benchmarks among regional support networks, service providers, and against other states. The department shall provide a report to the appropriate committees of the legislature on the development and implementation of the use of performance measures by October 2002.

(c) \$125,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 2002).....	\$	231,693,000
General Fund--State Appropriation (FY 2003).....	\$	242,347,000
General Fund--Federal Appropriation .....	\$	396,151,000
Health Services Account--State Appropriation .....	\$	741,000
.....		
.....	<b>TOTAL APPROPRIATION</b>	<b>\$</b>

870,9

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$753,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$902,000 of the general fund--state appropriation for fiscal year 2002, \$3,372,000 of the general fund--state appropriation for fiscal year 2003, and \$4,056,000 of the general fund--federal appropriation are provided solely for community services for residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$280. If the number and timing of residents choosing to move into community settings is not sufficient to achieve the RHC cottage consolidation plan assumed in the appropriations in subsection (2) of this section, the department shall transfer sufficient appropriations from this subsection to subsection (2) of this section to cover the added costs incurred in the RHCs. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(c) \$1,440,000 of the general fund--state appropriation for fiscal year 2002, \$3,041,000 of the general fund--state appropriation for fiscal year 2003, and \$4,311,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$275. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what

kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$1,005,000 of the general fund--state appropriation for fiscal year 2002, \$2,262,000 of the general fund--state appropriation for fiscal year 2003, and \$2,588,000 of the general fund--federal appropriation are provided solely for increasing case/resource management resources to improve oversight and quality of care for persons enrolled in the medicaid home and community services waiver for persons with developmental disabilities. The department shall not increase total enrollment in home and community based waivers for persons with developmental disabilities except for increases assumed in additional funding provided in subsections (b) and (c) of this section. Prior to submitting to the health care financing authority any additional home and community based waiver request for persons with developmental disabilities, the department shall submit a summary of the waiver request to the appropriate committees of the legislature. The summary shall include eligibility criteria, program description, enrollment projections and limits, and budget and cost effectiveness projections that distinguish the requested waiver from other existing or proposed waivers.

(e) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for employment, or other day activities and training programs, for young adults with developmental disabilities who complete their high school curriculum in 2001 or 2002. These services are intended to assist with the transition to work and more independent living. Funding shall be used to the greatest extent possible for vocational rehabilitation services matched with federal funding. In recent years, the state general fund appropriation for employment and day programs has been underspent. These surpluses, built into the carry forward level budget, shall be redeployed for high school transition services.

(f) \$369,000 of the fiscal year 2002 general fund--state appropriation and \$369,000 of the fiscal year 2003 general fund--state appropriation are provided solely for continuation of the autism pilot project started in 1999.

(g) \$4,049,000 of the general fund--state appropriation for fiscal year 2002, \$1,734,000 of the general fund--state appropriation for fiscal year 2003, and \$5,369,000 of the general fund--federal appropriation are provided solely to increase compensation by an average of fifty cents per hour for low-wage workers providing state-funded services to persons with developmental disabilities. These funds, along with funding provided for vendor rate increases, are sufficient to raise wages an average of fifty cents and cover the employer share of unemployment and social security taxes on the amount of the wage increase. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002)	\$	71,977,000
General Fund--State Appropriation (FY 2003)	\$	69,303,000
General Fund--Federal Appropriation	\$	145,641,000
General Fund--Private/Local Appropriation	\$	10,230,000
TOTAL APPROPRIATION		\$

297,1

The appropriations in this subsection are subject to the following conditions and limitations: Pursuant to RCW 71A.12.160, if residential habilitation center capacity is not being used for permanent residents, the department may make residential habilitation center vacancies available for respite care and any other services needed to care for clients who are not currently being served in a residential habilitation center and whose needs require staffing levels similar to current residential habilitation center residents. Providing respite care shall not impede the department's ability to consolidate cottages as assumed in the appropriations in this subsection.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002)	\$	2,601,000
General Fund--State Appropriation (FY 2003)	\$	2,623,000
General Fund--Federal Appropriation	\$	2,413,000
TOTAL APPROPRIATION		\$

7,637

The appropriations in this subsection are subject to the following conditions and limitations: \$50,000 of the fiscal year 2002 general fund--state appropriation and \$50,000 of the fiscal year 2003 general fund--state

appropriation are provided solely for increasing the contract amount for the southeast Washington deaf and hard of hearing services center due to increased workload.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation ..... \$ 11,995,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002)..... \$ 518,911,000  
 General Fund--State Appropriation (FY 2003)..... \$ 537,907,000  
 General Fund--Federal Appropriation ..... \$ 1,078,417,000  
 General Fund--Private/Local Appropriation..... \$ 4,324,000  
 Health Services Account--State Appropriation ..... \$ 4,523,000  
 ..... TOTAL APPROPRIATION \$ 2,144,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,210,000 of the general fund--state appropriation for fiscal year 2002, \$1,423,000 of the general fund--state appropriation for fiscal year 2003, and \$6,794,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,706,000 of the general fund--state appropriation for fiscal year 2002 and \$1,706,000 of the general fund--state appropriation for fiscal year 2003, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$128.79 for fiscal year 2002, and no more than \$134.45 for fiscal year 2003. For all facilities, the therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 2.3 percent effective July 1, 2002. For case-mix facilities, direct care component rates established in accordance with chapter 74.46 RCW shall also be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 2.3 percent effective July 1, 2002. Additionally, to facilitate the transition to a fully case-mix based direct care payment system, the median price per case-mix unit for each of the applicable direct care peer groups shall be increased on a one-time basis by 2.64 percent effective July 1, 2002.

(4) In accordance with Substitute House Bill No. 2242 (nursing home rates), the department shall issue certificates of capital authorization which result in up to \$10 million of increased asset value completed and ready for occupancy in fiscal year 2003; in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2004; and in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2005.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall coordinate with and actively support the efforts of the mental health program and of the regional support networks to provide stable community living arrangements for persons with dementia and traumatic brain injuries who have been long-term residents of the state psychiatric hospitals. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(7) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall devise and implement strategies in partnership with the mental health program and the regional support networks to reduce the use of state and local psychiatric hospitals for the short-term stabilization of persons with dementia and traumatic brain injuries. Such strategies may include training and technical assistance

to help long-term care providers avoid and manage behaviors which might otherwise result in psychiatric hospitalizations; monitoring long-term care facilities to assure residents are receiving appropriate mental health care and are not being inappropriately medicated or hospitalized; the development of diversion beds and stabilization support teams; and the establishment of systems to track the use of psychiatric hospitals by long-term care providers. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(8) In accordance with Substitute House Bill No. 1341, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of home-based services, and the second shall include coverage of care in community residential facilities. Enrollment in the waiver covering home-based services shall not exceed 150 persons by the end of fiscal year 2002, nor 200 persons by the end of fiscal year 2003. Enrollment in the waiver covering community residential services shall not exceed 500 persons by the end of fiscal year 2002, nor 900 persons by the end of fiscal year 2003.

(b) For each month of waiver service delivered to a person who was not covered by medicaid prior to their enrollment in the waiver, the aging and adult services program shall transfer to the medical assistance program state and federal funds equal to the monthly per capita expenditure amount, net of drug rebates, estimated for medically needy-aged persons in the most recent forecast of medical assistance expenditures.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) The department shall track and report to health care and fiscal committees of the legislature by November 15, 2002, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver, how those services were being paid for, and an assessment of their adequacy.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(10) \$364,000 of the general fund--state appropriation for fiscal year 2002, \$364,000 of the general fund--state appropriation for fiscal year 2003, and \$740,000 of the general fund--federal appropriation are provided solely for payment of exceptional care rates so that persons with Alzheimer's disease and related dementias who might otherwise require nursing home or state hospital care can instead be served in boarding home-licensed facilities which specialize in the care of such conditions.

(11) From funds appropriated in this section, the department shall increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$7.18 per hour to \$7.68 per hour on July 1, 2001. Payments to agency providers are to be increased to \$13.30 per hour on July 1, 2001, and to \$13.44 per hour on July 1, 2002. All but 18 cents per hour of the July 1, 2001, increase to agency providers is to be used to increase wages for direct care workers. The appropriations in this section also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase required by this subsection.

(12) \$2,507,000 of the general fund--state appropriation for fiscal year 2002, \$2,595,000 of the general fund--state appropriation for fiscal year 2003, and \$5,100,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation by an average of fifty cents per hour for low-wage workers in agencies which contract with the state to provide community residential services for persons with functional disabilities. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase.

(13) \$1,082,000 of the general fund--state appropriation for fiscal year 2002, \$1,082,000 of the general fund--state appropriation for fiscal year 2003, and \$2,204,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation for low-wage workers in nursing homes which contract with the state. For fiscal year 2002, the department shall add forty-five cents per patient day to the direct care rate which would otherwise be paid to each nursing facility in accordance with chapter 74.46 RCW. For fiscal year 2003, the department shall increase the median price per case-mix unit for each of the applicable peer groups by six-tenths of one percent in order to distribute the available funds. In consultation with the statewide associations representing nursing facilities, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002).....	\$ 436,440,000
General Fund--State Appropriation (FY 2003).....	\$ 424,870,000
General Fund--Federal Appropriation .....	\$ 1,356,351,000
General Fund--Private/Local Appropriation.....	\$ 31,788,000
..... TOTAL APPROPRIATION	\$ 2,249,449,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$282,081,000 of the general fund--state appropriation for fiscal year 2002, \$278,277,000 of the general fund--state appropriation for fiscal year 2003, \$1,254,197,000 of the general fund--federal appropriation, and \$29,352,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipt of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offer them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and been sent mail.

The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) From the amounts provided in this subsection, provide \$50,000 from the general fund--state appropriation for fiscal year 2002 and \$50,000 from the general fund--state appropriation for fiscal year 2003 to the Washington institute for public policy for continuation of the WorkFirst evaluation database.

(d) Submit a report by December 1, 2001, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2001-2003 biennium will be adjusted by June 30, 2003, to be sustainable within available federal grant levels and the carryforward level of state funds.

(2) \$48,341,000 of the general fund--state appropriation for fiscal year 2002 and \$48,341,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$5,632,000 of the general fund--state appropriation for fiscal year 2002 and \$5,632,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) \$48,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to implement chapter 111, Laws of 2001 (veterans/Philippines).

(5) The department shall apply the provisions of RCW 74.04.005(10) to simplify resource eligibility policy, make such policy consistent with other federal public assistance programs, and achieve the budgetary savings assumed in this section.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2002).....	\$	38,047,000
General Fund--State Appropriation (FY 2003).....	\$	38,938,000
General Fund--Federal Appropriation .....	\$	91,695,000
General Fund--Private/Local Appropriation.....	\$	723,000
Public Safety and Education Account--State Appropriation .....	\$	13,733,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	52,510,000
.....TOTAL APPROPRIATION	\$	235,646,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,610,000 of the general fund--state appropriation for fiscal year 2002 and \$1,622,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for expansion of 35 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services. These additional treatment beds shall be located in the eastern part of the state.

(2) \$2,800,000 of the public safety and education account--state appropriation is provided solely for expansion of treatment for persons gravely disabled by abuse and addiction to alcohol and other drugs including methamphetamine.

(3) \$1,083,000 of the public safety and education account--state appropriation is provided solely for adult and juvenile drug courts that have a net loss of federal grant funding in state fiscal year 2002 and state fiscal year 2003. This appropriation is intended to cover approximately one-half of lost federal funding. It is the intent of the legislature to provide state assistance to counties to cover a part of lost federal funding for drug courts for a maximum of three years.

(4) \$1,993,000 of the public safety and education account--state appropriation and \$951,000 of the general fund--federal appropriation are provided solely for drug and alcohol treatment for SSI clients. The department shall continue research and post-program evaluation of these clients to further determine the post-treatment utilization of medical services and the service effectiveness of consolidation.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2002).....	\$ 1,028,885,000
General Fund--State Appropriation (FY 2003).....	\$ 1,130,904,000
General Fund--Federal Appropriation .....	\$ 3,637,511,000
General Fund--Private/Local Appropriation.....	\$ 276,147,000
Emergency Medical Services and Trauma Care Systems Trust Account-- State Appropriation\$	9,200,000
Health Services Account--State Appropriation .....	\$ 1,043,310,000
.....TOTAL APPROPRIATION	\$

7,125

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall increase its efforts to restrain the growth of health care costs. The appropriations in this section anticipate that the department implements a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs by approximately 3 percent below the level projected for the 2001-03 biennium in the March 2001 forecast. The department shall report to the fiscal committees of the legislature by October 1, 2001, on its specific plans and semiannual targets for accomplishing these savings. The department shall report again to the fiscal committees by March 1, 2002, and by September 1, 2002, on actual performance relative to the semiannual targets. If satisfactory progress is not being made to achieve the targeted savings, the reports shall include recommendations for additional or alternative measures to control costs. Such measures may include the imposition of ratable reductions directly related to those services in which other efforts to control costs have been least effective.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$502,000 of the health services account appropriation, \$400,000 of the general fund--private/local appropriation, and \$1,676,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1058 (breast and cervical cancer treatment). If the bill is not enacted by June 30, 2001, or if private funding is not contributed equivalent to the general fund--private/local appropriation, the funds appropriated in this subsection shall lapse.

(5) \$620,000 of the health services account appropriation for fiscal year 2002, \$1,380,000 of the health services account appropriation for fiscal year 2003, and \$2,000,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds;

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions; and

(e) The department shall establish systems for tracking and reporting enrollment and expenditures in this



program, and the prior medical assistance eligibility status of new program enrollees. The department shall additionally survey the prior and current employment status and approximate hours worked of program enrollees, and report the results to the fiscal and health care committees of the legislature by January 15, 2003.

(6) From funds appropriated in this section, the department shall design, implement, and evaluate pilot projects to assist individuals with at least three different diseases to improve their health, while reducing total medical expenditures. The projects shall involve (a) identifying persons who are seriously or chronically ill due to a combination of medical, social, and functional problems; and (b) working with the individuals and their care providers to improve adherence to state-of-the-art treatment regimens. The department shall report to the health care and the fiscal committees of the legislature by January 1, 2002, on the particular disease states, intervention protocols, and delivery mechanisms it proposes to test.

(7) Sufficient funds are appropriated in this section for the department to continue full-scope dental coverage, vision coverage, and podiatry services for medicaid-eligible adults.

(8) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(9) \$80,000 of the general fund--state appropriation for fiscal year 2002, \$80,000 of the general fund--state appropriation for fiscal year 2003, and \$160,000 of the general fund--federal appropriation are provided solely for the newborn referral program to provide access and outreach to reduce infant mortality.

(10) \$30,000 of the general fund--state appropriation for fiscal year 2002, \$31,000 of the general fund--state appropriation for fiscal year 2003, and \$62,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6020 (dental sealants). If Substitute Senate Bill No. 6020 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(11) In accordance with RCW 74.46.625, \$376,318,000 of the health services account appropriation for fiscal year 2002, \$144,896,000 of the health services account appropriation for fiscal year 2003, and \$542,089,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 98 percent of the supplemental payments; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$20,000,000 for the 2001-03 biennium.

(12) \$38,690,000 of the health services account appropriation for fiscal year 2002, \$40,189,000 of the health services account appropriation for fiscal year 2003, and \$80,241,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts.

(a) The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state's teaching hospitals.

(b) An additional 4.5 percent of the additional payments may be retained by the participating public hospital districts contingent upon the receipt of \$446,500,000 in newly identified proshare reimbursement from the federal government over the 2001-03 biennium. If the actual amount received is less than \$446,500,000, the amount retained pursuant to this subsection (12)(b) shall be prorated accordingly. The state teaching hospitals shall receive a distribution of the amount retained by the participating hospital districts in this subsection (12)(b) as allocated in (a) of this subsection.

(13) \$412,000 of the general fund--state appropriation for fiscal year 2002, \$862,000 of the general fund--state appropriation for fiscal year 2003, and \$730,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1162 (small rural hospitals). If Substitute House Bill No. 1162 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(14) The department may continue to use any federal money available to continue to provide medicaid matching funds for funds contributed by local governments for purposes of conducting eligibility outreach to children and underserved groups. The department shall ensure cooperation with the anticipated audit of the

school districts' matchable expenditures for this program and advise the appropriate legislative fiscal committees of the findings.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2002).....	\$	11,309,000	
General Fund--State Appropriation (FY 2003).....	\$	9,780,000	
General Fund--Federal Appropriation .....	\$	83,738,000	
General Fund--Private/Local Appropriation.....	\$	360,000	
		<b>TOTAL APPROPRIATION</b>	\$ 105,1

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002).....	\$	30,444,000	
General Fund--State Appropriation (FY 2003).....	\$	29,369,000	
General Fund--Federal Appropriation .....	\$	50,562,000	
General Fund--Private/Local Appropriation.....	\$	810,000	
		<b>TOTAL APPROPRIATION</b>	\$ 111,1

The appropriations in this section are subject to the following conditions and limitations:

(1) By November 1, 2001, the secretary shall report to the fiscal committees of the legislature on the actions the secretary has taken, or proposes to take, within current funding levels to resolve the organizational problems identified in the department's February 2001 report to the legislature on current systems for billing third-party payers for services delivered by the state psychiatric hospitals. The secretary is authorized to transfer funds from this section to the mental health program to the extent necessary to achieve the organizational improvements recommended in that report.

(2) By November 1, 2001, the department shall report to the fiscal committees of the legislature with the least costly plan for assuring that billing and accounting technologies in the state psychiatric hospitals adequately and efficiently comply with standards set by third-party payers. The plan shall be developed with participation by and oversight from the office of financial management, the department's information systems services division, and the department of information services.

(3) The department shall reconstitute the payment integrity program to place greater emphasis upon the prevention of future billing errors, and shall rename the program so as to not suggest a lack of integrity on the part of providers who have made inadvertent billing errors. In keeping with this revised focus, the department shall also increase to one thousand dollars the cumulative total of apparent billing errors allowed before a provider is contacted for repayment.

(4) By September 1, 2001, the department shall report to the fiscal committees of the legislature results from the payment review program. The report shall include actual costs recovered and estimated costs avoided for fiscal year 2001. The report shall document criteria and methodology used for determining avoided costs. The department shall provide annual updates to the report to the fiscal committees of the legislature by September 1st of each year for the preceding fiscal year.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2002).....	\$	43,053,000	
General Fund--State Appropriation (FY 2003).....	\$	43,053,000	
General Fund--Federal Appropriation .....	\$	26,665,000	
		<b>TOTAL APPROPRIATION</b>	\$ 112,7

**NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 2002).....	\$	6,655,000	
General Fund--State Appropriation (FY 2003).....	\$	6,654,000	
State Health Care Authority Administrative Account--State Appropriation.....	\$	20,091,000	
Health Services Account--State Appropriation .....	\$	499,148,000	
General Fund--Federal Appropriation .....	\$	3,611,000	
		<b>TOTAL APPROPRIATION</b>	<b>\$ 536,119,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,551,000 of the general fund--state appropriation for fiscal year 2002 and \$6,550,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections 205 and 206 of this 2001 act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(4) The health care authority shall solicit information from the United States office of personnel management, health plans, and other relevant sources, regarding the cost of implementation of mental health parity by the federal employees health benefits program in 2001. A progress report shall be provided to the senate and house of representatives fiscal committees by July 1, 2002, and a final report shall be provided to the legislature by November 15, 2002, on the study findings.

**NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2002).....	\$	2,688,000	
General Fund--State Appropriation (FY 2003).....	\$	2,700,000	
General Fund--Federal Appropriation .....	\$	1,544,000	
General Fund--Private/Local Appropriation.....	\$	100,000	
		<b>TOTAL APPROPRIATION</b>	<b>\$ 7,032,000</b>

**NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account--State Appropriation .....	\$	20,000	
Accident Account--State Appropriation .....	\$	14,692,000	
Medical Aid Account--State Appropriation.....	\$	14,694,000	
		<b>TOTAL APPROPRIATION</b>	<b>\$ 29,406,000</b>

**NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Municipal Criminal Justice Assistance Account--Local Appropriation .....	\$	460,000	
Death Investigations Account--State Appropriation.....	\$	148,000	
Public Safety and Education Account--State Appropriation .....	\$	18,439,000	
		<b>TOTAL APPROPRIATION</b>	<b>\$ 19,047,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the public safety and education account appropriation is provided solely to allow the Washington association of sheriffs and police chiefs to increase the technical and training support provided to the local criminal justice agencies on the new incident-based reporting system and the national incident-based reporting system.

(2) \$136,000 of the public safety and education account appropriation is provided solely to allow the

Washington association of prosecuting attorneys to enhance the training provided to criminal justice personnel.

(3) \$22,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contracted food service provider.

(4) \$31,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contract with the Washington association of sheriffs and police chiefs.

(5) \$65,000 of the public safety and education account appropriation is provided solely for regionalized training programs for school district and local law enforcement officials on school safety issues.

(6) \$233,000 of the public safety and education account appropriation is provided solely for training and equipping local law enforcement officers to respond to methamphetamine crime.

(7) \$374,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1062 (certification of peace officers). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(8) \$450,000 of the public safety and education account appropriation is provided solely for grants to be distributed by the Washington association of sheriffs and police chiefs for electronic mapping of school facilities.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2002).....	\$	7,738,000
General Fund--State Appropriation (FY 2003).....	\$	7,682,000
General Fund--Federal Appropriation .....	\$	1,250,000
Public Safety and Education Account--State Appropriation .....	\$	19,862,000
Public Safety and Education Account--Federal Appropriation .....	\$	6,950,000
Public Safety and Education Account--Private/Local Appropriation.....	\$	4,200,000
Asbestos Account--State Appropriation .....	\$	688,000
Electrical License Account--State Appropriation.....	\$	28,412,000
Farm Labor Revolving Account--Private/Local Appropriation.....	\$	28,000
Worker and Community Right-to-Know Account--State Appropriation .....	\$	2,281,000
Public Works Administration Account--State Appropriation.....	\$	2,856,000
Accident Account--State Appropriation .....	\$	179,186,000
Accident Account--Federal Appropriation .....	\$	11,568,000
Medical Aid Account--State Appropriation.....	\$	176,715,000
Medical Aid Account--Federal Appropriation.....	\$	2,438,000
Plumbing Certificate Account--State Appropriation .....	\$	1,015,000
Pressure Systems Safety Account--State Appropriation.....	\$	2,274,000
..... TOTAL APPROPRIATION	\$	455,1

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider contracts; or (c) other cost containment measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,248,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims compensation program.

(2) \$1,438,000 of the accident account--state appropriation and \$1,438,000 of the medical aid account--state appropriation are provided for the one-time cost of implementing a recent state supreme court ruling regarding the calculation of workers' compensation benefits. This decision significantly increases the complexity of calculating benefits and therefore increases the administrative and legal costs of the workers' compensation program. The department shall develop and report to appropriate committees of the legislature proposed statutory language that provides greater certainty and simplicity in the calculation of benefits. The report shall be submitted by October 1, 2001.

(3) It is the intent of the legislature that elevator inspection fees shall fully cover the cost of the elevator

inspection program. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium the department may increase fees in excess of the fiscal growth factor, if the increases are necessary to fully fund the cost of the elevator inspection program.

(4) The department shall not expend any funds from amounts provided in this section for the occupational safety and health impact grants program unless separate legislation is passed that specifically authorizes such expenditures, appropriates funds, and provides accountability for the program.

**NEW SECTION. Sec. 218. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund--State Appropriation (FY 2002).....	\$	999,000	
General Fund--State Appropriation (FY 2003).....	\$	999,000	
..... TOTAL APPROPRIATION	\$		1,998

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**(1) HEADQUARTERS**

General Fund--State Appropriation (FY 2002).....	\$	1,529,000	
General Fund--State Appropriation (FY 2003).....	\$	1,533,000	
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$		7,000
..... TOTAL APPROPRIATION	\$		3,069

**(2) FIELD SERVICES**

General Fund--State Appropriation (FY 2002).....	\$	2,619,000	
General Fund--State Appropriation (FY 2003).....	\$	2,643,000	
General Fund--Federal Appropriation .....	\$	155,000	
General Fund--Private/Local Appropriation.....	\$	1,663,000	
..... TOTAL APPROPRIATION	\$		7,080

**(3) INSTITUTIONAL SERVICES**

General Fund--State Appropriation (FY 2002).....	\$	6,832,000	
General Fund--State Appropriation (FY 2003).....	\$	4,600,000	
General Fund--Federal Appropriation .....	\$	28,699,000	
General Fund--Private/Local Appropriation.....	\$	25,614,000	
..... TOTAL APPROPRIATION	\$		65,745

The appropriations in this subsection are subject to the following terms and conditions: \$3,664,000 of the general fund--federal appropriation and \$7,377,000 of the general fund--local appropriation are provided solely for the department to acquire, establish, and operate a nursing facility dedicated to serving men and women from Washington who have served in the nation's armed forces.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2002).....	\$	65,308,000	
General Fund--State Appropriation (FY 2003).....	\$	66,941,000	
Health Services Account--State Appropriation .....	\$	24,186,000	
General Fund--Federal Appropriation .....	\$	276,840,000	
General Fund--Private/Local Appropriation.....	\$	81,526,000	
Hospital Commission Account--State Appropriation .....	\$	1,718,000	
Health Professions Account--State Appropriation .....	\$	38,456,000	
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$		14,850
Safe Drinking Water Account--State Appropriation .....	\$	2,701,000	
Drinking Water Assistance Account--Federal Appropriation .....	\$	13,400,000	
Waterworks Operator Certification--State Appropriation .....	\$	622,000	
Water Quality Account--State Appropriation.....	\$	3,328,000	
Accident Account--State Appropriation .....	\$	257,000	

Medical Aid Account--State Appropriation.....	\$	45,000
State Toxics Control Account--State Appropriation .....	\$	2,817,000
Medical Test Site Licensure Account--State Appropriation .....	\$	1,369,000
Youth Tobacco Prevention Account--State Appropriation.....	\$	1,797,000
Tobacco Prevention and Control Account--State Appropriation .....	\$	34,992,000
..... TOTAL APPROPRIATION		\$

631,

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged to the drinking water operator certification, newborn screening, radioactive materials, x-ray compliance, drinking water plan review, midwifery, hearing and speech, veterinarians, psychologists, pharmacists, hospitals, podiatrists, and home health and home care programs, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2002 and \$339,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for technical assistance to local governments and special districts on water conservation and reuse.

(3) \$1,675,000 of the general fund--state fiscal year 2002 appropriation and \$1,676,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(4) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(5) \$5,779,000 of the health services account--state appropriation for fiscal year 2002 and \$4,665,000 of the health services account--state appropriation for fiscal year 2003 are provided solely for purchase and distribution of the pneumococcal conjugate vaccine as part of the state's program of universal access to essential childhood vaccines.

(6) \$85,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute House Bill No. 1365 (infant and child products). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(7) \$58,000 of the general fund--state appropriation for fiscal year 2002 and \$25,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute House Bill No. 1590 (breastfeeding). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(8) From funds appropriated in this section, the state board of health shall convene a broadly-based task force to review the available information on the potential risks and benefits to public and personal health and safety, and to individual privacy, of emerging technologies involving human deoxyribonucleic acid (DNA). The board may reimburse task force members for travel expenses according to RCW 43.03.220. The task force shall consider information provided to it by interested persons on: (a) The incidence of discriminatory actions based upon genetic information; (b) strategies to safeguard civil rights and privacy related to genetic information; (c) remedies to compensate individuals for inappropriate use of their genetic information; and (d) incentives for further research and development on the use of DNA to promote public health, safety, and welfare. The task force shall report on its findings and any recommendations to appropriate committees of the legislature by October 1, 2002.

(9) \$533,000 of the general fund--state appropriation for fiscal year 2002 and \$1,067,000 of the general

fund--state appropriation for fiscal year 2003 are provided solely for performance-based contracts with local jurisdictions to assure the safety of drinking water provided by small "group B" water systems.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund--State Appropriation (FY 2002).....	\$	36,156,000	
General Fund--State Appropriation (FY 2003).....	\$	36,365,000	
Public Safety and Education Account--State Appropriation .....	\$	1,576,000	
Violence Reduction and Drug Enforcement Account Appropriation.....	\$	3,254,000	
.....		<b>TOTAL APPROPRIATION</b>	<b>\$</b>

77,35

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, \$4,623,000 of the general fund--state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender-based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

- (a) Include a description of any changes to the replacement project;
- (b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;
- (c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and

(d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.

**(2) CORRECTIONAL OPERATIONS**

General Fund--State Appropriation (FY 2002).....	\$	397,231,000	
General Fund--State Appropriation (FY 2003).....	\$	407,078,000	
General Fund--Federal Appropriation .....	\$	12,096,000	
Violence Reduction and Drug Enforcement Account--State Appropriation.....	\$	1,614,000	
Public Health Services Account Appropriation.....	\$	1,453,000	
.....		<b>TOTAL APPROPRIATION</b>	<b>\$</b>

819,4

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and \$1,171,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account as of January 1, 2000.

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into

financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2002)	\$	61,427,000	
General Fund--State Appropriation (FY 2003)	\$	62,934,000	
General Fund--Federal Appropriation	\$	1,125,000	
Public Safety and Education Account--State Appropriation	\$	15,841,000	
		TOTAL APPROPRIATION	\$

141,3

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$34,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No. 5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2002)	\$	631,000	
General Fund--State Appropriation (FY 2003)	\$	629,000	
		TOTAL APPROPRIATION	\$

1,260

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2002)	\$	18,568,000	
General Fund--State Appropriation (FY 2003)	\$	18,569,000	
		TOTAL APPROPRIATION	\$

37,13

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2002)	\$	1,693,000	
General Fund--State Appropriation (FY 2003)	\$	1,628,000	
General Fund--Federal Appropriation	\$	11,140,000	
General Fund--Private/Local Appropriation	\$	80,000	



..... TOTAL APPROPRIATION \$ 14,54

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase state assistance for a comprehensive program of training and support services for persons who are both deaf and blind.

**NEW SECTION. Sec. 223. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund--State Appropriation (FY 2002)..... \$ 936,000  
General Fund--State Appropriation (FY 2003)..... \$ 857,000  
..... TOTAL APPROPRIATION \$ 1,793

The appropriations in this section are subject to the following conditions and limitations:

\$78,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the sentencing guidelines commission to conduct a comprehensive review and evaluation of state sentencing policy. The review and evaluation shall include an analysis of whether current sentencing ranges and standards, as well as existing mandatory minimum sentences, existing sentence enhancements, and special sentencing alternatives, are consistent with the purposes of the sentencing reform act as set out in RCW 9.94A.010, including the intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender. The review and evaluation shall also examine whether current sentencing ranges and standards are consistent with existing corrections capacity.

The review and evaluation shall consider studies on the cost-effectiveness of sentencing alternatives, as well as the fiscal impact of sentencing policies on state and local government. In conducting the review and evaluation, the commission shall consult with the superior court judges' association, the Washington association of prosecuting attorneys, the Washington defenders' association, the Washington association of criminal defense lawyers, the Washington association of sheriffs and police chiefs, organizations representing crime victims, and other organizations and individuals with expertise and interest in sentencing policy.

Not later than December 1, 2001, the commission shall present to the appropriate standing committees of the legislature the report of its comprehensive review and evaluation, together with any recommendations for revisions and modifications to state sentencing policy, including sentencing ranges and standards, mandatory minimum sentences, and sentence enhancements. If implementation of the recommendations of the commission would result in exceeding the capacity of correctional facilities, the commission shall at the same time present to the legislature a list of revised standard sentence ranges which are consistent with currently authorized rated and operational corrections capacity, and consistent with the purposes of the sentencing reform act.

**NEW SECTION. Sec. 224. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--Federal Appropriation ..... \$ 180,628,000  
General Fund--Private/Local Appropriation..... \$ 30,119,000  
Unemployment Compensation Administration Account--Federal Appropriation..... \$ 181,677,000  
Administrative Contingency Account--State Appropriation ..... \$ 13,914,000  
Employment Service Administrative Account--State Appropriation ..... \$ 20,001,000  
..... TOTAL APPROPRIATION \$ 426,3

**PART III  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 2002)..... \$ 398,000  
General Fund--State Appropriation (FY 2003)..... \$ 391,000  
General Fund--Private/Local Appropriation..... \$ 749,000  
..... TOTAL APPROPRIATION \$ 1,538

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund--state appropriation for fiscal year 2002 and \$40,000 of the general fund--state appropriation for

fiscal year 2003 are provided solely to implement the scenic area management plan for Klickitat county. If Klickitat county adopts an ordinance to implement the scenic area management plan in accordance with the national scenic area act, P.L. 99-663, then the amounts provided in this subsection shall be provided as a grant to Klickitat county to implement its responsibilities under the act.

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2002).....	\$	46,633,000	
General Fund--State Appropriation (FY 2003).....	\$	44,481,000	
General Fund--Federal Appropriation .....	\$	56,805,000	
General Fund--Private/Local Appropriation.....	\$	4,351,000	
Special Grass Seed Burning Research Account--State Appropriation .....	\$	14,000	
Reclamation Revolving Account--State Appropriation .....	\$	1,810,000	
Flood Control Assistance Account--State Appropriation .....	\$	4,098,000	
State Emergency Water Projects Revolving Account--State Appropriation .....	\$	878,000	
Waste Reduction/Recycling/Litter Control Account--State Appropriation.....	\$	13,537,000	
State Drought Preparedness Account--State Appropriation .....	\$	5,325,000	
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation			\$ 587,000
Water Quality Account--State Appropriation.....	\$	12,481,000	
Wood Stove Education and Enforcement Account--State Appropriation .....	\$	353,000	
Worker and Community Right-to-Know Account--State Appropriation .....	\$	3,288,000	
State Toxics Control Account--State Appropriation .....	\$	68,931,000	
State Toxics Control Account--Private/Local Appropriation .....	\$	350,000	
Local Toxics Control Account--State Appropriation .....	\$	4,751,000	
Water Quality Permit Account--State Appropriation .....	\$	23,827,000	
Underground Storage Tank Account--State Appropriation.....	\$	2,682,000	
Environmental Excellence Account--State Appropriation .....	\$	504,000	
Biosolids Permit Account--State Appropriation.....	\$	589,000	
Hazardous Waste Assistance Account--State Appropriation .....	\$	4,308,000	
Air Pollution Control Account--State Appropriation .....	\$	1,066,000	
Oil Spill Prevention Account--State Appropriation.....	\$	7,921,000	
Air Operating Permit Account--State Appropriation.....	\$	3,608,000	
Freshwater Aquatic Weeds Account--State Appropriation .....	\$	1,898,000	
Oil Spill Response Account--State Appropriation.....	\$	7,078,000	
Metals Mining Account--State Appropriation.....	\$	5,000	
Water Pollution Control Revolving Account--State Appropriation.....	\$	467,000	
Water Pollution Control Revolving Account--Federal Appropriation .....	\$	2,316,000	
.....		<b>TOTAL APPROPRIATION</b>	\$ 324,900,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,874,000 of the general fund--state appropriation for fiscal year 2002, \$3,874,000 of the general fund--state appropriation for fiscal year 2003, \$394,000 of the general fund--federal appropriation, \$2,070,000 of the oil spill prevention account--state appropriation, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.
- (2) \$500,000 of the state toxics control account appropriation is provided for an assessment of the financial assurance requirements of hazardous waste management facilities. By September 30, 2002, the department shall provide to the governor and appropriate committees of the legislature a report that: (a) Evaluates current statutes and regulations governing hazardous waste management facilities; (b) analyzes and makes recommendations for improving financial assurance regulatory control; and (c) makes recommendations for funding financial assurance regulatory control of hazardous waste management facilities.
- (3) \$250,000 of the general fund--state appropriation for fiscal year 2002, \$250,000 of the general

fund--state appropriation for fiscal year 2003, \$564,000 of the state drought preparedness account--state appropriation, and \$549,000 of the water quality account--state appropriation are provided solely for enhanced streamflow monitoring in critical salmon recovery basins. \$640,000 of this amount is provided solely to implement the Puget Sound work plan and agency action item DOE-01.

(4) \$1,000,000 of the state toxics control account appropriation in this section is provided solely for the department to work in cooperation with local jurisdictions to address emerging storm water management requirements. This work shall include developing a storm water manual for eastern Washington, technical assistance to local jurisdictions, and increased implementation of the department's existing storm water program. \$200,000 of this amount is provided solely for implementation of the Puget Sound work plan and agency action item DOE-06.

(5) \$383,000 of the general fund--state appropriation for fiscal year 2002 and \$383,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for water conservation plan review, technical assistance, and project review for water conservation and reuse projects. By December 1, 2003, the department in cooperation with the department of health shall report to the governor and appropriate committees of the legislature on the activities and achievements related to water conservation and reuse during the past two biennia. The report shall include an overview of technical assistance provided, reuse project development activities, and water conservation achievements.

(6) \$3,424,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean up activities.

(7) \$800,000 of the state toxics control account appropriation is provided solely to implement the department's persistent, bioaccumulative toxic chemical strategy. \$54,000 of this amount shall be allocated to the department of health to assist with this effort.

(8) Up to \$11,365,000 of the state toxics control account appropriation is provided for the remediation of contaminated sites. Of this amount, up to \$2,000,000 may be used to pay existing site remediation liabilities owed to the federal environmental protection agency for clean-up work that has been completed. The department shall carefully monitor actual revenue collections into the state toxics control account, and is authorized to limit actual expenditures of the appropriation provided in this section consistent with available revenue.

(9) \$200,000 of the state toxics control account appropriation is provided to assess the effectiveness of the state's current toxic pollution prevention and dangerous waste programs and policies. The department shall work with affected stakeholder groups and the public to evaluate the performance of existing programs, and identify feasible methods of reducing the generation of these wastes. The department shall report its findings to the governor and the appropriate committees of the legislature by September 30, 2002.

(10) \$1,200,000 of the state toxics control account appropriation is provided solely for the department, in conjunction with affected local governments, to address emergent areawide soil contamination problems. The department's efforts will include public involvement processes and completing assessments of the geographical extent of toxic contamination including highly contaminated areas.

(11) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(12) \$1,500,000 of the general fund--state appropriation for fiscal year 2002, \$1,500,000 of the general fund--state appropriation for fiscal year 2003, and \$3,000,000 of the water quality account appropriation are provided solely to implement chapter 237, Laws of 2001 (Engrossed Substitute House Bill No. 1832, water resources management) and to support the processing of applications for changes and transfers of existing water rights.

(13) \$4,500,000 of the general fund--state appropriation for fiscal year 2002 and \$4,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to local governments to conduct watershed planning.

(14) \$3,114,000 of the water quality account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1832 (water resources management). Of this amount: (a) \$2,100,000 is provided for grants to local governments for targeted watershed assessments consistent with Engrossed Substitute House Bill

No. 1832; and (b) the remainder of the funding is provided solely for development of a state environmental policy act template to streamline environmental review, creation of a blue ribbon panel to develop long-term watershed planning implementation funding options, and technical assistance.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2002 is for a conservation district in the Moses Lake region for a culvert removal project on Rocky Ford creek for the purpose of reducing flooding and improving water quality.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are for the conservation commission for the Washington grazing lands conservation initiative's establishment of the Washington watershed, science, and technology program to provide technical assistance to private landowners in conducting water quality monitoring, riparian vegetation management, and noxious weed control.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2002 is for a conservation district in the Palouse region for a pilot project to evaluate the ability of existing voluntary and regulatory programs to improve water quality in water quality limited segments listed pursuant to section 303(d) of the federal clean water act.

(18) \$200,000 of the water quality account appropriation is provided solely to provide coordination and assistance to groups established for the purpose of protecting, enhancing, and restoring the biological, chemical, and physical processes of watersheds. These groups may include those involved in coordinated resource management, regional fisheries enhancement groups, conservation districts, watershed councils, and private nonprofit organizations incorporated under Title 24 RCW.

(19) \$325,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(20) \$1,700,000 of the general fund--state appropriation for fiscal year 2002 and \$280,000 of the oil spill prevention account appropriation are provided solely for oil spill prevention measures in Puget Sound. Of these amounts:

(a) The general fund appropriation is provided solely for the department of ecology to provide for charter safety tug services. Safety tug services shall include: (i) The placement of a dedicated tug at Neah Bay for not less than 200 days in fiscal year 2002; and (ii) other safety tug services that may be released by the department at the request of the United States coast guard captain of the port for Puget Sound to the areas or incidents that the department deems to be of highest concern. By January 10, 2002, the department shall report to the appropriate committees of the legislature regarding the number of dispatches, response time and distance, and other factors pertaining to the safety tug services. The general fund--state appropriation in this subsection is provided solely for implementation of the Puget Sound work plan and agency action item DOE-09;

(b) \$100,000 of the oil spill prevention account appropriation is provided solely for the department to conduct a vessel transponder feasibility study for Washington waters and undertake a trial vessel tracking program using transponders. In conducting the feasibility study and trial program, the department of ecology shall consult with state pilotage authorities, the maritime industry and the United States coast guard; and

(c) \$180,000 of the oil spill prevention account appropriation is provided solely to acquire vessel incident reporting information.

The governor shall request the federal government to provide ongoing resources to station a dedicated rescue tug at Neah Bay.

(21) \$600,000 of the water quality account--state appropriation is provided solely for setting instream flows in six basins not currently planning under the watershed planning act.

(22) Within amounts appropriated in this section, the department shall reimburse units of local government for costs incurred between July 1, 2001, and June 30, 2003, in complying with rules adopted in November 2000 by the department under RCW 90.58.060.

**NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2002).....	\$	32,298,000
General Fund--State Appropriation (FY 2003).....	\$	32,866,000

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General Fund--Federal Appropriation .....	\$	2,690,000	
General Fund--Private/Local Appropriation .....	\$	60,000	
Winter Recreation Program Account--State Appropriation .....	\$	787,000	
Off Road Vehicle Account--State Appropriation .....	\$	274,000	
Snowmobile Account--State Appropriation.....	\$	4,682,000	
Aquatic Lands Enhancement Account--State Appropriation .....	\$	337,000	
Public Safety and Education Account--State Appropriation .....	\$	48,000	
Water Trail Program Account--State Appropriation .....	\$	24,000	
Parks Renewal and Stewardship Account--State Appropriation .....	\$	26,420,000	
.....			
TOTAL APPROPRIATION .....	\$		100,4

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in 2001 are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) The state parks and recreation commission, in collaboration with the office of financial management and legislative staff, shall develop a cost-effective and readily accessible approach for reporting revenues and expenditures at each state park. The reporting system shall be complete and operational by December 1, 2001.

(3) The appropriation in this section from the off-road vehicle account--state is provided under RCW 46.09.170(1)(c) and is provided solely to bring off-road vehicle recreation facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(4) \$79,000 of the general fund--state appropriation for fiscal year 2002, \$79,000 of the general fund--state appropriation for fiscal year 2003, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(5) \$432,000 of the parks renewal and stewardship account appropriation is provided for the operation of the Silver Lake visitor center. If a long-term management agreement is not reached with the U.S. forest service by September 30, 2001, the amount provided in this subsection shall lapse.

(6) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+RC-02.

**NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

General Fund--State Appropriation (FY 2002).....	\$	393,000	
General Fund--State Appropriation (FY 2003).....	\$	395,000	
General Fund--Federal Appropriation .....	\$	8,358,000	
Firearms Range Account--State Appropriation .....	\$	13,000	
Recreation Resources Account--State Appropriation .....	\$	2,584,000	
Recreation Resources Account--Federal Appropriation.....	\$	481,000	
NOVA Program Account--State Appropriation .....	\$	611,000	
Water Quality Account--State Appropriation.....	\$	700,000	
State Toxics Control Account--State Appropriation .....	\$	500,000	
Aquatic Lands Enhancement Account--State Appropriation .....	\$	200,000	
.....			
TOTAL APPROPRIATION .....	\$		14,23

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2002, \$250,000 of the general fund--state appropriation for fiscal year 2003, \$500,000 of the water quality account appropriation, and \$500,000 of the state toxics control account appropriation are provided solely to implement chapter 298, Laws of 2001, Substitute Senate Bill No. 5637 (watershed health monitoring and assessment) and for the development of a comprehensive salmon recovery and watershed health monitoring strategy and action plan. The strategy and action plan shall address the monitoring recommendations of the independent science panel in its report, *Recommendations for Monitoring Salmonid Recovery in Washington State* (December 2000), and of the joint legislative audit and review committee in its report *Investing in the Environment: Environmental Quality Grant and Loan Programs Performance Audit* (January 2001). The action plan shall include an assessment of state

agency operations related to monitoring, evaluation, and adaptive management of salmon recovery and watershed health; any operational or statutory changes necessary to implement the strategy and action plan; and funding recommendations.

(2) \$8,000,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(3) By August 1, 2001, the interagency committee for outdoor recreation shall complete the public lands inventory project and submit the project report to the joint legislative audit and review committee for review.

(4) \$200,000 of the aquatic lands enhancement account--state appropriation is provided solely to develop and implement a conservation initiative for Maury Island. The interagency committee for outdoor recreation shall contract with the Cascade Land Conservancy to develop and implement the initiative and to provide the following services: (a) Land and resource appraisal; (b) development of a plan of finance for acquisition of land or interests in land; and (c) conduct negotiations among purchasers and willing sellers.

**NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund--State Appropriation (FY 2002).....	\$	846,000	
General Fund--State Appropriation (FY 2003).....	\$	847,000	
..... TOTAL APPROPRIATION	\$		1,693

**NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION**

General Fund--State Appropriation (FY 2002).....	\$	2,207,000	
General Fund--State Appropriation (FY 2003).....	\$	2,196,000	
Water Quality Account--State Appropriation.....	\$	3,739,000	
..... TOTAL APPROPRIATION	\$		8,142

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the water quality account--state appropriation is provided solely for the agriculture, fish, and water negotiations to develop best management practices that will protect and recover salmon. The commission shall make grants to allow interest groups to participate in the negotiations.

(2) \$1,601,000 of the water quality account--state appropriation is provided solely for the completion of limiting factors analysis for watersheds affected by listings of salmon and bull trout under the federal endangered species act.

(3) \$247,000 of the general fund--state appropriation for fiscal year 2002 and \$247,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item CC-01.

(4) By March 1, 2002, the conservation reserve enhancement program contract with the federal farm service agency shall be proposed for amendment to allow funding of flexible riparian buffer standards consistent with: (a) The recommendations of the state's agriculture/fish/water negotiation process; or (b) ordinances adopted through municipal regulations in compliance with the state growth management act requirement to protect critical areas. These ordinances shall be scientifically defensible and include programs for monitoring and adaptive management.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2002).....	\$	51,600,000	
General Fund--State Appropriation (FY 2003).....	\$	50,762,000	
General Fund--Federal Appropriation.....	\$	37,366,000	
General Fund--Private/Local Appropriation.....	\$	24,365,000	
Off Road Vehicle Account--State Appropriation.....	\$	475,000	
Aquatic Lands Enhancement Account--State Appropriation.....	\$	6,094,000	
Public Safety and Education Account--State Appropriation.....	\$	586,000	
Recreational Fisheries Enhancement Account--State Appropriation.....	\$	3,032,000	
Warm Water Game Fish Account--State Appropriation.....	\$	2,567,000	

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Eastern Washington Pheasant Enhancement Account--State Appropriation .....	\$ 750,000
Wildlife Account--State Appropriation .....	\$ 48,518,000
Wildlife Account--Federal Appropriation .....	\$ 38,182,000
Wildlife Account--Private/Local Appropriation.....	\$ 15,133,000
Game Special Wildlife Account--State Appropriation .....	\$ 1,941,000
Game Special Wildlife Account--Federal Appropriation .....	\$ 9,591,000
Game Special Wildlife Account--Private/Local Appropriation .....	\$ 350,000
Water Quality Account--State Appropriation.....	\$ 1,000,000
Environmental Excellence Account--State Appropriation .....	\$ 15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation .....	\$ 1,750,000
Oil Spill Administration Account--State Appropriation.....	\$ 963,000
Oyster Reserve Land Account--State Appropriation.....	\$ 135,000
..... TOTAL APPROPRIATION	\$

295,1

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,682,000 of the general fund--state appropriation for fiscal year 2002 and \$1,682,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-07.

(2) Any indirect cost reimbursement received by the department from federal grants must be spent on agency administrative activities and cannot be redirected to direct program activities.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2002 and \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to update the salmon and steelhead stock inventory.

(4) \$550,000 of the general fund--state appropriation for fiscal year 2002 and \$550,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for salmonid smolt production monitoring.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2002 and \$250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to implement a hatchery endangered species act response. The response shall include emergency hatchery responses, production, and retrofitting of hatcheries for salmon recovery.

(6) \$600,000 of the general fund--state appropriation for fiscal year 2002 and \$600,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for local salmon recovery technical assistance.

(7) \$1,625,000 of the general fund--state appropriation for fiscal year 2002 and \$1,625,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to fund grants to lead entities established under chapter 77.85 RCW. The department, in consultation with the lead entity advisory group and individual lead entities, shall establish an application process and evaluation criteria to allocate funds to up to 26 lead entities to provide core activities identified in chapter 77.85 RCW. Grants to individual lead entities may range from \$37,500 to \$150,000 per year.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a grant to the lower Skykomish River habitat conservation group for the purpose of developing a salmon recovery plan, in coordination with the lead entity established under chapter 77.85 RCW for that area. The salmon recovery plan must be consistent with the regional recovery plans of the Puget Sound shared strategy and criteria developed by the department for the regional salmon recovery planning program.

(9) \$1,000,000 of the water quality--state appropriation is provided solely to fund grants to lead entities established under chapter 77.85 RCW or watershed planning units established under chapter 90.82 RCW that agree to coordinate the development of comprehensive local and regional salmon recovery plans. The department shall establish a model for local and regional plans as well as eligibility and evaluation criteria for distribution of funds to lead entities and watershed planning units. No annual grant shall exceed \$125,000 per year.

(10) \$91,000 of the warm water game fish account appropriation is provided solely for warm water fish culture at the Rod Meseberg warm water fish production facility.

(11) \$300,000 of the general fund--state appropriation for fiscal year 2002 and \$300,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to fund four cooperative compliance programs,

two in Western Washington and two in Eastern Washington. The cooperative compliance program shall conduct fish screen, fish way, and fish passage barrier assessments and correction plans for landowners seeking cooperative compliance agreements with the department.

(12) \$650,000 of the general fund--state appropriation for fiscal year 2002, \$650,000 of the general fund--state appropriation for fiscal year 2003, and \$5,000,000 of the general fund--federal appropriation are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(13) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(14) \$810,000 of the general fund--state appropriation for fiscal year 2002, \$790,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the wildlife account--state appropriation are provided solely for enforcement and biological staff to respond and take appropriate action to public complaints regarding bear and cougar.

(15) The department shall evaluate the fish program to determine if activities are aligned with agency objectives. The report will include a core function analysis of all fish program activity to determine if specific activities support the agency's strategic plan. The department shall submit a report to the legislature and the office of financial management by September 1, 2002.

(16) The department shall implement a lands program manager consolidation program. The consolidation program shall target the department's south central region. The savings from this consolidation shall be used by the department for additional maintenance on agency lands within the south central region.

(17) The department shall implement a survey of all agency lands to evaluate whether agency lands support the agency's strategic plan and goals. The department shall submit a report to the governor and legislature by September 1, 2002, identifying those lands not conforming with the agency's strategic plan and which should be divested.

(18) \$388,000 of the general fund--state appropriation for fiscal year 2002 and \$388,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the forests and fish agreement and includes funding to continue statewide coordination and implementation of the forests and fish rules, integration of portions of the hydraulic code into the forest practices rules to provide permit streamlining, and sharing the responsibility of developing and implementing the required forests and fish agreement monitoring and adaptive management program.

(19) \$194,000 of the general fund--state appropriation for fiscal year 2002 and \$195,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staff to represent the state's fish and wildlife interests in hydroelectric project relicensing processes by the federal energy regulatory commission.

(20) \$156,000 of the wildlife account--state appropriation is provided solely for a youth fishing coordinator to develop partnerships with local communities, and to identify, develop, fund, and promote youth fishing events and opportunities. Event coordination and promotion services shall be contracted to a private consultant.

(21) \$135,000 of the oyster reserve land account appropriation is provided solely to implement chapter 273, Laws of 2001, Engrossed Second Substitute House Bill No. 1658 (state oyster reserve lands).

(22) \$43,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(23) \$32,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(24) \$25,000 of the wildlife account--state appropriation is provided solely for the WildWatchCam program to provide internet transmission of live views of wildlife.

(25) \$8,000 of the general fund--state appropriation for fiscal year 2002 and \$7,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the payment of the department's share of



approved lake management district assessments. By December 15, 2001, the department shall provide the legislature a summary of its activities related to lake management districts as well as recommendations for establishing equitable lake management district assessments.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2002).....	\$ 36,709,000
General Fund--State Appropriation (FY 2003).....	\$ 36,266,000
General Fund--Federal Appropriation .....	\$ 3,440,000
General Fund--Private/Local Appropriation.....	\$ 1,865,000
Forest Development Account--State Appropriation .....	\$ 52,511,000
Off Road Vehicle Account--State Appropriation .....	\$ 3,684,000
Surveys and Maps Account--State Appropriation .....	\$ 2,689,000
Aquatic Lands Enhancement Account--State Appropriation .....	\$ 4,458,000
Resources Management Cost Account--State Appropriation .....	\$ 85,979,000
Surface Mining Reclamation Account--State Appropriation .....	\$ 2,549,000
Salmon Recovery Account--State Appropriation .....	\$ 625,000
Water Quality Account--State Appropriation .....	\$ 2,900,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation .....	\$ 1,056,000
Natural Resource Conservation Areas Stewardship Account Appropriation.....	\$ 34,000
Air Pollution Control Account--State Appropriation .....	\$ 629,000
Metals Mining Account--State Appropriation.....	\$ 64,000
Agricultural College Trust Management Account Appropriation.....	\$ 1,790,000
..... TOTAL APPROPRIATION	\$ 237,2

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2002, \$18,000 of the general fund--state appropriation for fiscal year 2003, and \$998,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2)(a) \$625,000 of the salmon recovery account appropriation, \$1,250,000 of the general fund--state appropriation for fiscal year 2002, \$1,250,000 of the general fund--state appropriation for fiscal year 2003, and \$2,900,000 of the water quality account--state appropriation are provided solely for implementation of chapter 4, Laws of 1999 sp. sess. (forest practices and salmon recovery).

(b) \$250,000 of the salmon recovery account appropriation is provided solely for and shall be expended to develop a small forest landowner data base in ten counties. \$150,000 of the amount in this subsection shall be used to purchase the data. \$100,000 of the amount in this subsection shall purchase contracted analysis of the data.

(3) \$2,000,000 of the forest development account appropriation is provided solely for road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

(4) \$543,000 of the forest fire protection assessment account appropriation, \$22,000 of the forest development account appropriation, and \$76,000 of the resource management cost account appropriation are provided solely to implement chapter 279, Laws of 2001, Substitute House Bill No. 2104, (modifying forest fire protection assessments).

(5) \$895,000 of the general fund--state appropriation for fiscal year 2002 and \$895,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(6) The entire appropriation from the access road revolving fund is provided solely for and shall be expended to survey, map, and evaluate and construct, improve, or abandon trust land roads to meet the requirements of the forests and fish agreement.

(7) \$4,000 of the general fund--state appropriation for fiscal year 2002 and \$4,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

(8) The appropriation from the off-road vehicle account--state is provided under RCW 46.09.170(1)(a)(ii) and is provided solely for projects that bring off-road vehicle recreation facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources.

(9) \$828,000 of the surface mine reclamation account appropriation is provided to implement Engrossed House Bill No. 1845 (surface mining fees). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(10) \$800,000 of the aquatic lands enhancement account appropriation and \$200,000 of the resources management cost account appropriation are provided solely to improve asset management on state-owned aquatic lands. The department shall streamline the use authorization process for businesses operating on state-owned aquatic lands and issue decisions on 325 pending lease applications by June 30, 2002. The department, in consultation with the attorney general, shall develop a strategic program to resolve claims related to contaminated sediments on state-owned aquatic lands.

(11) \$246,000 of the resource management cost account appropriation is provided to the department for continuing control of spruce budworm.

(12) \$100,000 of the aquatic lands enhancement account is provided solely for the development and initial implementation of a statewide management plan for marine reserves.

(13) \$7,657,859 of the general fund--state appropriation for fiscal year 2002 and \$7,657,859 of the general fund--state appropriation for fiscal year 2003 are provided solely for emergency fire suppression.

(14) \$7,216,000 of the general fund--state appropriation for fiscal year 2002 and \$6,584,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for fire protection activities and to implement provisions of the 1997 tridata fire program review.

(15) \$275,000 of the general fund--state appropriation for fiscal year 2002, \$275,000 of the general fund--state appropriation for fiscal year 2003, and \$550,000 of the aquatic lands enhancement account--state appropriation are provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

(16) \$187,000 of the general fund--state appropriation for fiscal year 2002, \$188,000 of the general fund--state appropriation for fiscal year 2003, and \$375,000 of the aquatic lands enhancement account--state appropriation are provided solely to the department for maintenance and stewardship of public lands.

(17) \$100,000 of the general fund--state appropriation for fiscal year 2002, \$100,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2002).....	\$	8,165,000	
General Fund--State Appropriation (FY 2003).....	\$	8,024,000	
General Fund--Federal Appropriation .....	\$	4,636,000	
General fund--Private/Local Appropriation.....	\$	1,110,000	
Aquatic Lands Enhancement Account--State Appropriation .....	\$	2,304,000	
State Toxics Control Account--State Appropriation .....	\$	2,672,000	
.....			
		<b>TOTAL APPROPRIATION</b>	<b>\$</b>

26,91

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the general fund--state appropriation for fiscal year 2002 and \$37,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for implementation of the Puget Sound work plan and agency action item DOA-01.

(2) \$832,000 of the state toxics control account appropriation and \$298,000 of the agricultural local account are provided solely to establish a program to monitor pesticides in surface water, evaluate pesticide exposure on salmon species listed under the provisions of the endangered species act, and implement actions needed to protect salmonids.

(3) \$1,480,000 of the aquatic lands enhancement account appropriation is provided solely to initiate a four-year plan to eradicate infestations of spartina in Puget Sound, Hood Canal, and Grays Harbor and begin the

reduction in spartina infestations in Willapa Bay.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2002, \$75,000 of the general fund--state appropriation for fiscal year 2003, and \$150,000 of the general fund--federal appropriation are provided solely to the small farm and direct marketing program to support small farms in complying with federal, state, and local regulations, facilitating access to food processing centers, and assisting with grant funding requests.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2002, \$350,000 of the general fund--state appropriation for fiscal year 2003, and \$700,000 of the general fund--private/local appropriation are provided solely to implement chapter 324, Laws of 2001 (Substitute House Bill No. 1891, marketing of agriculture). Of these amounts, \$40,000 of the general fund--state appropriation is provided solely to match funds provided by the red raspberry commission to address unfair trade practices by other countries that result in sales in Washington that are below the cost of production in Washington.

(6) \$450,000 of the state toxics control account--state appropriation is provided solely for deposit in the agricultural local nonappropriated account for the plant pest account to reimburse county horticultural pest and disease boards for the costs of pest control activities, including tree removal, conducted under their existing authorities in chapters 15.08 and 15.09 RCW.

(7) The district manager for district two as defined in WAC 16-458-075 shall transfer four hundred fifty thousand dollars from the fruit and vegetable district fund to the plant pest account within the agricultural local fund. The amount transferred must be derived from fees collected for state inspections of tree fruits and shall be used solely to reimburse county horticultural pest and disease boards in district two for the cost of pest control activities, including tree removal, conducted under their existing authority in chapters 15.08 and 15.09 RCW. The transfer of funds shall occur by July 1, 2001. On June 30, 2003, any unexpended portion of the four hundred fifty thousand dollars shall be returned to the fruit and vegetable district fund.

**NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust Account--State Appropriation .....	\$	1,003,000
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**PART IV  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2002).....	\$	5,389,000
General Fund--State Appropriation (FY 2003).....	\$	5,377,000
Architects' License Account--State Appropriation .....	\$	707,000
Cemetery Account--State Appropriation .....	\$	214,000
Professional Engineers' Account--State Appropriation .....	\$	3,032,000
Real Estate Commission--State Appropriation .....	\$	6,777,000
Master License Account--State Appropriation .....	\$	8,409,000
Uniform Commercial Code Account--State Appropriation.....	\$	3,104,000
Real Estate Education Account--State Appropriation .....	\$	301,000
Funeral Directors and Embalmers Account--State Appropriation.....	\$	490,000
Washington Real Estate Research Account Appropriation .....	\$	316,000
Data Processing Revolving Account--State Appropriation .....	\$	23,000
..... TOTAL APPROPRIATION	\$	34,135,000

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2001-03 fiscal biennium. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium, the department

may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2002).....	\$	21,890,000
General Fund--State Appropriation (FY 2003).....	\$	8,066,000
General Fund--Federal Appropriation .....	\$	4,178,000
General Fund--Private/Local Appropriation.....	\$	369,000
Death Investigations Account--State Appropriation.....	\$	3,899,000
Public Safety and Education Account--State Appropriation .....	\$	16,070,000
County Criminal Justice Assistance Account--State Appropriation.....	\$	2,490,000
Municipal Criminal Justice Assistance Account--State Appropriation.....	\$	987,000
Fire Service Trust Account--State Appropriation.....	\$	125,000
Fire Service Training Account--State Appropriation .....	\$	6,328,000
State Toxics Control Account--State Appropriation .....	\$	461,000
Violence Reduction and Drug Enforcement Account--State Appropriation .....	\$	277,000
Fingerprint Identification Account--State Appropriation .....	\$	3,684,000
..... TOTAL APPROPRIATION		\$

68,82

The appropriations in this section are subject to the following conditions and limitations:

(1) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(2) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(3) \$100,000 of the public safety and education account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5896 (DNA testing of evidence). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(4) \$1,419,000 of the public safety and education account--state appropriation is provided solely for combating the proliferation of methamphetamine labs. The amounts in this subsection are provided solely for the following activities: (a) The establishment of a regional methamphetamine enforcement, training, and education program; (b) additional members for the statewide methamphetamine incident response team; and (c) two forensic scientists with the necessary equipment to perform lab analysis in the crime laboratory division.

(5) A study regarding the mobilization of state fire service resources in response to state declared mobilizations shall be performed by the chief of the Washington state patrol through the director of fire protection. The study shall examine and evaluate the cost effectiveness and efficiency of the fire services mobilization plan, and the fire resources mobilization processes and procedures. One member of each of the following organizations shall be represented and shall provide assistance to the director of fire protection with this task: Emergency management division, department of natural resources, Washington state fire commissioners, Washington state association of fire chiefs, Washington state association of fire fighters, and the Washington state fire fighters council. In addition, one rural fire chief and one urban fire chief shall be designated. The chief of the Washington state patrol shall report the findings through the director of fire protection to the fiscal committees of the legislature by December 1, 2001.

(6) Beginning in fiscal year 2003, the funding provided in this subsection assumes a transfer of \$12,634,000 of state patrol expenditures from the omnibus operating budget to the transportation budget. If new transportation revenue is not enacted before this time, the omnibus budget will restore this funding in the 2002 legislative session.

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**(1) STATE AGENCY OPERATIONS**

General Fund--State Appropriation (FY 2002).....	\$	12,357,000	
General Fund--State Appropriation (FY 2003).....	\$	12,266,000	
General Fund--Federal Appropriation .....	\$	23,668,000	
.....		<b>TOTAL APPROPRIATION</b>	\$ 48,291,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$11,385,000 of the general fund--state appropriation for fiscal year 2002 and \$11,394,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Of this amount, \$350,000 is provided in each fiscal year for upgrading information systems including the general apportionment and student information systems.

(b) \$541,000 of the general fund--state appropriation for fiscal year 2002 and \$441,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of the general fund--state appropriation for fiscal year 2002, \$100,000 is provided solely for certificate of mastery development and validation.

(c) \$431,000 of the general fund--state appropriation for fiscal year 2002 and \$431,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the Washington professional educator standards board.

**(2) STATEWIDE PROGRAMS**

General Fund--State Appropriation (FY 2002).....	\$	17,274,000	
General Fund--State Appropriation (FY 2003).....	\$	19,407,000	
General Fund--Federal Appropriation .....	\$	213,016,000	
.....		<b>TOTAL APPROPRIATION</b>	\$ 249,697,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

**(a) HEALTH AND SAFETY**

(i) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$150,000 of the fiscal year 2003 appropriation are provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(ii) A maximum \$2,621,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$2,621,000 of the general fund--state appropriation for fiscal year 2003 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided to create a school safety center subject to the following conditions and limitations.

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center shall be established in the office of the superintendent of public instruction. The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iv) A maximum of \$113,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$103,000 of the general fund--state appropriation for fiscal year 2003 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(v) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2003 are provided for training in school districts regarding the prevention of bullying and harassment. The superintendent of public instruction shall use the funds to develop a model bullying and harassment prevention policy and training materials for school and educational service districts. The information may be disseminated in a variety of ways, including workshops and other staff development activities such as videotape or broadcasts.

(vi) A maximum of \$6,042,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$6,028,000 of the general fund--state appropriation for fiscal year 2003 are provided for a safety allocation to districts subject to the following conditions and limitations:

(A) The funds shall be allocated at a maximum rate of \$6.36 per year per full-time equivalent K-12 student enrolled in each school district in the prior school year.

(B) Districts shall expend funds allocated under this section to develop and implement strategies identified in a comprehensive safe school plan pursuant to House Bill No. 1818 (student safety) or Senate Bill No. 5543 (student safety). If neither bill is enacted by June 30, 2001, expenditures of the safety allocation shall be subject to (i), (ii), and (iii) of this subsection (a)(vi)(B).

(i) School districts shall use the funds for school safety purposes and are encouraged to prioritize the use of funds allocated under this section for the development by September 1, 2002, of school-based comprehensive safe school plans that include prevention, intervention, all-hazards/crisis response, and post crisis recovery components. When developing comprehensive safe school plans, school districts are encouraged to use model school safety plans as developed by the school safety center. Implementation of comprehensive safe school plans may include, but is not limited to, employing or contracting for building security monitors in schools during school hours and school events; research-based early prevention and intervention programs; training for school staff, including security personnel; equipment; school safety hotlines; before, during, and after-school student and staff safety; minor building renovations related to student and staff safety and security; and other purposes identified in the comprehensive safe school plan.

(ii) Each school may conduct an evaluation of its comprehensive safe school plan and conduct reviews, drills, or simulated practices in coordination with local fire, law enforcement, and medical emergency management agencies.

(iii) By September 1, 2002, school districts shall provide the superintendent of public instruction information regarding the purposes for which the safety allocation funding was used and the status of the comprehensive safe school plans for the schools in the school district.

(vii) A maximum of \$200,000 of the general fund--state appropriation for fiscal year 2002, a maximum of \$200,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(viii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(ix) A maximum of \$1,500,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,500,000 of the general fund--state appropriation for fiscal year 2003 are provided for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(b) TECHNOLOGY

(i) A maximum of \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$2,000,000 of the general fund--state appropriation for fiscal year 2003 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 of this amount may be expended for state-level administration and staff training on the K-20 network.

(ii) A maximum of \$617,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,112,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(c) GRANTS AND ALLOCATIONS

(i) A maximum of \$25,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,975,000 of the general fund--state appropriation for fiscal year 2003 are provided for Senate Bill No. 5695 (alternative certification routes). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse. The stipend allocation per teacher candidate and mentor pair shall not exceed \$28,318. The professional educator standards board shall report to the education committees of the legislature by December 15, 2002, on the districts applying for partnership grants, the districts receiving partnership grants, and the number of interns per route enrolled in each district.

(ii) A maximum of \$31,500 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$31,500 of the general fund--state appropriation for fiscal year 2003 are provided for operation of the Cispus environmental learning center.

(iii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington civil liberties education program.

(iv) A maximum of \$2,150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$2,150,000 of the general fund--state appropriation for fiscal year 2003 are provided for complex need grants. The maximum grants for eligible districts are specified in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(v) A maximum of \$1,377,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,377,000 of the general fund--state appropriation for fiscal year 2003 are provided for educational centers, including state support activities. \$100,000 of this amount is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$100,000 a biennium.

(vi) A maximum of \$50,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided for an organization in

southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(vii) A maximum of \$1,262,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,262,000 of the general fund--state appropriation for fiscal year 2003 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(viii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided to support vocational student leadership organizations.

(ix) \$9,900,000 of the general fund--federal appropriation is provided for the Washington Reads project to enhance high quality reading instruction and school programs.

(x) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided for the World War II oral history project.

(xi) \$30,700,000 of the general fund--federal appropriation is provided for school renovation grants for school districts with urgent school renovation needs, special education-related renovations, and technology related renovations.

(xii) \$1,952,000 of the general fund--federal appropriation is provided for LINKS technology challenge grants to integrate educational reform with state technology systems and development of technology products that enhance professional development and classroom instruction.

(xiii) \$423,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(xiv) \$12,318,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xv) \$4,228,000 of the general fund--federal appropriation is provided for teacher quality enhancement through provision of consortia grants to school districts and higher education institutions to improve teacher preparation and professional development.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2002).....	\$ 3,760,826,000	
General Fund--State Appropriation (FY 2003).....	\$ 3,751,350,000	
.....	TOTAL APPROPRIATION	\$ 7,512,176,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2001-02 and 2002-03 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

- (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
- (ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;
- (iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated



instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 2.2 certificated instructional staff units for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in grades K-4. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 55.4 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24

certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2001-02 and 2002-03 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 11.27 percent in the 2001-02 school year and 11.27 percent in the 2002-03 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.92 percent in the 2001-02 school year and 12.92 percent in the 2002-03 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(3) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,519 per certificated staff unit in the 2001-02 school year and a maximum of \$8,715 per certificated staff unit in the 2002-03 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$20,920 per certificated staff unit in the 2001-02 school year and a maximum of \$21,401 per certificated staff unit in the 2002-03 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,233 per certificated staff unit in the 2001-02 school year and a maximum of \$16,606 per certificated staff unit in the 2002-03 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$494.34 for the 2001-02 and 2002-03 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$6,510,000 outside the basic education formula during fiscal years 2002 and 2003 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$480,000 may be expended in fiscal year 2002 and a maximum of \$491,000 may be expended in fiscal year 2003;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended each fiscal year;

(c) A maximum of \$343,000 may be expended for school district emergencies; and

(d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.5 percent from the 2000-01 school year to the 2001-02 school year, and 3.3 percent from the 2000-01 school year to the 2002-03 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.** (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative,

and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate year by the district's average staff mix factor for basic education and special education certificated instructional staff in that school year, computed using LEAP Document 1S; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E for the appropriate year.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.155 RCW in positions requiring a certificate;

(b) "LEAP Document 1S" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 16:55 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 2001-02 and 2002-03 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 13, 2001, at 16:32 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 10.63 percent for school years 2001-02 and 2002-03 for certificated staff and 9.42 percent for school years 2001-02 and 2002-03 for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Schedule for Certificated Instructional Staff  
2001-02 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	27,467	28,209	28,977	29,746	32,219
1	27,836	28,588	29,366	30,171	32,668
2	28,464	29,231	30,025	30,900	33,414
3	29,401	30,192	31,009	31,931	34,490
4	30,063	30,896	31,727	32,689	35,290
5	30,750	31,595	32,443	33,468	36,085
6	31,147	31,974	32,850	33,928	36,531
7	32,164	33,010	33,909	35,055	37,724
8	33,195	34,088	35,008	36,248	38,954
9		35,205	36,169	37,455	40,223
10			37,344	38,724	41,529
11				40,029	42,895
12				41,293	44,298
13					45,736
14					47,181
15					48,408
16 or more					49,376

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	33,811	32,931	35,403	36,996
1	34,252	33,297	35,793	37,377
2	35,030	33,995	36,509	38,124

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3	36,177	35,027	37,585	39,273
4	37,007	35,755	38,355	40,072
5	37,853	36,503	39,121	40,889
6	38,308	36,904	39,508	41,285
7	39,569	38,031	40,700	42,546
8	40,867	39,225	41,930	43,843
9	42,201	40,430	43,200	45,177
10	43,572	41,700	44,505	46,549
11	44,979	43,005	45,872	47,956
12	46,446	44,362	47,275	49,422
13	47,947	45,766	48,712	50,923
14	49,505	47,212	50,251	52,481
15	50,792	48,439	51,557	53,846
16 or more	51,808	49,407	52,589	54,923

K-12 Allocation Salary Schedule For Certificated Instructional Staff  
2002-03 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	28,318	29,083	29,875	30,668	33,217
1	28,699	29,473	30,276	31,106	33,680
2	29,345	30,137	30,955	31,857	34,449
3	30,312	31,127	31,970	32,920	35,559
4	30,994	31,854	32,710	33,702	36,383
5	31,703	32,574	33,448	34,505	37,203
6	32,112	32,964	33,868	34,979	37,663
7	33,160	34,033	34,959	36,141	38,893
8	34,223	35,145	36,092	37,372	40,161
9		36,295	37,289	38,616	41,470
10			38,501	39,923	42,815
11				41,269	44,225
12				42,572	45,671
13					47,153
14					48,642
15					49,907
16 or more					50,906

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	34,859	33,951	36,500	38,142
1	35,313	34,328	36,902	38,535
2	36,116	35,048	37,640	39,305
3	37,298	36,112	38,750	40,490
4	38,153	36,863	39,544	41,314
5	39,026	37,634	40,333	42,156
6	39,495	38,047	40,732	42,564
7	40,795	39,210	41,961	43,864
8	42,133	40,440	43,229	45,201
9	43,509	41,683	44,538	46,577
10	44,922	42,992	45,884	47,991
11	46,373	44,337	47,293	49,442

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12	47,885	45,736	48,739	50,953
13	49,432	47,184	50,221	52,501
14	51,039	48,675	51,808	54,107
15	52,366	49,940	53,155	55,514
16 or more	53,413	50,938	54,218	56,624

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include three learning improvement days originally added in the 1999-00 school year. A school district is eligible for the learning improvement day funds for school years 2001-02 and 2002-03, only if three days have been added to the base contract in effect for the 1998-99 school year. If fewer than three days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2002).....	\$	124,130,000
General Fund--State Appropriation (FY 2003).....	\$	274,529,000
..... TOTAL APPROPRIATION		\$

398,6

The appropriations in this section are subject to the following conditions and limitations:

(1) \$318,024,000 is provided for a cost of living adjustment for state formula staff units of 3.7 percent effective September 1, 2001, and another salary adjustment effective on September 1, 2002, in a percentage amount to be determined by the 2002 legislature consistent with the provisions of chapter 4, Laws of 2001 (Initiative Measure No. 732). The appropriations include associated incremental fringe benefit allocations at rates of 10.63 percent for school years 2001-02 and 2002-03 for certificated staff and 9.42 percent for school years 2001-02 and 2002-03 for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act, in accordance with chapter 4, Laws of 2001 (Initiative Measure No. 732). Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year 2001-02	2002
Pupil Transportation (per weighted pupil mile)	\$ 0.77	\$ 1.
Highly Capable (per formula student)	\$ 8.75	\$ 16.
Transitional Bilingual Education (per eligible bilingual student)	\$ 22.73	\$ 42.
Learning Assistance (per entitlement unit)	\$ 11.23	\$ 20.
Substitute Teacher (allocation per teacher, section 502(7))	\$ 18.29	\$ 34.

(2) This act appropriates general fund--state funds for the purpose of providing the annual salary cost-of-living increase required by section 2, chapter 4, Laws of 2001 (Initiative Measure No. 732) for teachers and other school district employees in the state-funded salary base. For employees not included in the state-funded salary base, the annual salary cost-of-living increase may be provided by school districts from the federal funds appropriated in this act and local revenues, including the adjusted levy base as provided in RCW 84.52.053 and section 502 of this act, and state discretionary funds provided under this act.

(3) \$80,635,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$427.73 per month for the 2001-02 and 2002-03 school years. The appropriations in this section provide for a rate increase to \$455.27 per month for the 2001-02 school year and \$493.59 per month for the 2002-03 school year at the following rates:

	School Year 2001-02	2002
Pupil Transportation (per weighted pupil mile)	\$ 0.25	\$ 0.
Highly Capable (per formula student)	\$ 1.74	\$ 4.
Transitional Bilingual Education (per eligible bilingual student)	\$ 4.46	\$ 10.
Learning Assistance (per entitlement unit)	\$ 3.51	\$ 8.

(4) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2002).....	\$ 193,198,000	
General Fund--State Appropriation (FY 2003).....	\$ 194,293,000	
.....TOTAL APPROPRIATION	\$	387,4

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$767,000 of this fiscal year 2002 appropriation and a maximum of \$785,000 of the fiscal year 2003 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$15,000 of the fiscal year 2002 appropriation and \$20,000 of the fiscal year 2003 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$37.11 per weighted mile in the 2001-02 school year and \$37.38 per weighted mile in the 2002-03 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2002).....	\$	3,100,000	
General Fund--State Appropriation (FY 2003).....	\$	3,100,000	
General Fund--Federal Appropriation .....	\$	225,630,000	
.....TOTAL APPROPRIATION			\$ 231,8

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,000,000 of the general fund--state appropriation for fiscal year 2002 and \$3,000,000 of the general fund--state appropriation for fiscal year 2003 are provided for state matching money for federal child nutrition programs.
- (2) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the 2003 fiscal year appropriation are provided for summer food programs for children in low-income areas.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2002).....	\$	419,264,000	
General Fund--State Appropriation (FY 2003).....	\$	420,644,000	
General Fund--Federal Appropriation .....	\$	256,092,000	
.....TOTAL APPROPRIATION			\$ 1,096

The appropriations in this section are subject to the following conditions and limitations:

- (1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.
- (2)(a) Effective with the 2001-02 school year, the superintendent of public instruction shall change the S-275 personnel reporting system and all related accounting requirements to ensure that:
  - (i) Special education students are basic education students first;
  - (ii) As a class, special education students are entitled to the full basic education allocation; and
  - (iii) Special education students are basic education students for the entire school day.
- (b) Effective with the 2001-02 school year, the S-275 and accounting changes shall supercede any prior excess cost methodologies and shall be required of all school districts.
- (3) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.
- (5)(a) For the 2001-02 and 2002-03 school years, the superintendent shall distribute state funds to each district based on the sum of:



(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 2001-02 and the 2002-03 school years, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent for the 2001-02 school year or 13.0 percent for the 2002-03 school year.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7 percent for the 2001-02 school year and 13.0 percent for the 2002-03 school year, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) A maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$10,623,000 of the general fund--state appropriation for fiscal year 2003 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. Safety net funding shall be awarded by the state safety net oversight committee.

(a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the lesser of the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(b) The committee shall then consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$120,000 per year of the amounts provided in this subsection to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist

of:

- (a) One staff from the office of superintendent of public instruction;
- (b) Staff of the office of the state auditor;
- (c) Staff of the office of the financial management; and
- (d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) To the extent necessary, \$5,500,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs exceed \$5,500,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

(12) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(16) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2002).....	\$	3,595,000	
General Fund--State Appropriation (FY 2003).....	\$	2,588,000	
.....		<b>TOTAL APPROPRIATION</b>	<b>\$</b>

6,183

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations include such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.
- (2) A maximum of \$253,000 of the fiscal year 2002 general fund appropriation and a maximum of \$254,000 of the fiscal year 2003 general fund appropriation may be expended for regional traffic safety education coordinators.
- (3) Allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$203.97 per eligible student in the 2001-02 and 2002-03 school years.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund--State Appropriation (FY 2002).....	\$	4,768,000	
General Fund--State Appropriation (FY 2003).....	\$	4,768,000	
.....		<b>TOTAL APPROPRIATION</b>	<b>\$</b>

9,536

The appropriations in this section are subject to the following conditions and limitations:

- (1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).
- (2) \$250,000 of the general fund appropriation for fiscal year 2000 and \$250,000 of the general fund appropriation for fiscal year 2001 are provided solely for student teaching centers as provided in RCW 28A.415.100.
- (3) A maximum of \$250,000 of the fiscal year 2002 general fund appropriation and a maximum of \$250,000 of the fiscal year 2003 general fund appropriation are provided for centers for the improvement of teaching pursuant to RCW 28A.415.010.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2002).....	\$	136,315,000	
General Fund--State Appropriation (FY 2003).....	\$	148,329,000	
.....TOTAL APPROPRIATION	\$		284,6

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2002).....	\$	19,133,000	
General Fund--State Appropriation (FY 2003).....	\$	19,115,000	
General Fund--Federal Appropriation .....	\$	8,548,000	
.....TOTAL APPROPRIATION	\$		46,79

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.
- (3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.
- (4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.
- (5) \$141,000 of the general fund--state appropriation for fiscal year 2002 and \$139,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.
- (6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2002).....	\$	6,443,000	
General Fund--State Appropriation (FY 2003).....	\$	6,397,000	
.....TOTAL APPROPRIATION	\$		12,84

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Allocations for school district programs for highly capable students shall be distributed at a maximum

rate of \$328.10 per funded student for the 2001-02 school year and \$328.05 per funded student for the 2002-03 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$175,000 of the fiscal year 2002 appropriation and \$175,000 of the fiscal year 2003 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$93,000 of the fiscal year 2002 appropriation and \$93,000 of the fiscal year 2003 appropriation are provided for the Washington imagination network and future problem-solving programs.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT**

General Fund--Federal Appropriation .....	\$	288,166,000
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**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2002).....	\$	34,682,000
General Fund--State Appropriation (FY 2003).....	\$	38,817,000
General Fund--Federal Appropriation .....	\$	3,000,000
..... TOTAL APPROPRIATION	\$	76,499,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$322,000 of the general fund--state appropriation for fiscal year 2002 and \$322,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the academic achievement and accountability commission.

(2) \$11,209,000 of the general fund--state appropriation for fiscal year 2002, \$10,872,000 of the general fund--state appropriation for fiscal year 2003, and \$3,000,000 of the general fund--federal appropriation are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$1,095,000 of the fiscal year 2002 general fund--state appropriation and \$1,095,000 of the fiscal year 2003 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$4,695,000 of the general fund--state appropriation for fiscal year 2002 and \$4,695,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$2,025,000 of the general fund--state appropriation for fiscal year 2002 and \$2,025,000 of the general fund--state appropriation for fiscal year 2003 are provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,600,000 of the general fund--state appropriation for fiscal year 2002 and \$3,600,000 of the general fund--state appropriation for fiscal year 2003 are provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,409,000 of the general fund--state appropriation for fiscal year 2002 and \$1,409,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) \$1,828,000 of the general fund--state appropriation for fiscal year 2002 and \$1,828,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(10) A maximum of \$500,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling.

(11) \$3,930,000 of the general fund--state appropriation for fiscal year 2002 and \$3,829,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(v) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2001 through August 31, 2003.

(12) \$377,000 of the general fund--state appropriation for fiscal year 2002 and \$701,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards.

(a) In the 2001-02 school year, teachers who have attained certification by the national board in the 1999-00 school year or the 2000-01 school year or the 2001-02 school year shall receive an annual bonus not to exceed \$3,500.

(b) In the 2002-03 school year, teachers who have attained certification by the national board in the 2000-01 school year or the 2001-02 school year or the 2002-03 school year shall receive an annual bonus not to exceed \$3,500.

(c) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(d) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than three annual bonus payments for attaining certification by the national board.

(13) \$625,000 of the general fund--state appropriation for fiscal year 2002 and \$625,000 of the general fund--state appropriation for fiscal year 2003 are provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(14) \$71,000 of the general fund--state appropriation for fiscal year 2002 and \$71,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

(15) \$384,000 of the general fund--state appropriation for fiscal year 2002 and \$384,000 of the general fund--state appropriation for fiscal year 2003 are provided for the superintendent to assist schools in implementing high academic standards, aligning curriculum with these standards, and training teachers to use assessments to improve student learning. Funds may also be used to increase community and parental awareness of education reform.

(16) \$130,000 of the general fund--state appropriation for fiscal year 2002 and \$130,000 of the general fund--state appropriation for fiscal year 2003 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(17) \$4,254,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the implementation of a focused assistance program. If legislation creating a focused assistance program is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2002).....	\$	43,044,000	
General Fund--State Appropriation (FY 2003).....	\$	45,171,000	
.....		<b>TOTAL APPROPRIATION</b>	\$

88,21

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$687.19 per eligible bilingual student in the 2001-02 school year and \$687.19 in the 2002-03 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to \$295,000 in school year 2001-02 and up to \$268,000 in school year 2002-03, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in section 2(1) and (2) of Engrossed Second Substitute House Bill No. 2025.

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) Sufficient funding is provided to implement Engrossed Second Substitute House Bill No. 2025

(schools/bilingual instruction).

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2002).....	\$	70,593,000
General Fund--State Appropriation (FY 2003).....	\$	68,817,000

.....	<b>TOTAL APPROPRIATION</b>	\$	139,4
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The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funding for school district learning assistance programs shall be allocated at maximum rates of \$408.38 per funded unit for the 2001-02 school year and \$409.41 per funded unit for the 2002-03 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(3) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

(4) A school district's funded units for the 2001-02 and 2002-03 school years shall be the sum of the following:

(a) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

(b) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(c) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(d) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(5) School districts may carry over from one year to the next up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS**

General Fund--State Appropriation (FY 2002).....	\$	19,515,000
General Fund--State Appropriation (FY 2003).....	\$	17,516,000

.....	<b>TOTAL APPROPRIATION</b>	\$	37,03
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The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 2001-02 school year shall be at a maximum annual rate of \$18.48 per full-time equivalent student and \$18.48 per full-time equivalent student for the 2002-03 school year. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve:



PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

- (a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;
- (b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and
- (c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.
- (4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.
- (5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:
  - (a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); or
  - (b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BETTER SCHOOLS PROGRAM**

General Fund--State Appropriation (FY 2002).....	\$	8,996,000
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The appropriation in this section is subject to the following conditions and limitations: \$8,996,000 is provided solely to complete the 2000-01 school year allocation for class size reduction and expanded learning opportunities pursuant to section 518, chapter 1, Laws of 2000 2nd sp. sess.

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Fund--State Appropriation (FY 2002).....	\$	184,232,000
Student Achievement Fund--State Appropriation (FY 2003).....	\$	209,068,000
.....		
.....	TOTAL APPROPRIATION	\$

393,3

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation is allocated for the following uses as specified in chapter 28A.505 RCW as amended by chapter 3, Laws of 2001 (Initiative Measure No. 728):
  - (a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;
  - (b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;
  - (c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;
  - (d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extend day teaching contracts;
  - (e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or
  - (f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.
- (2) Funding for school district student achievement programs shall be allocated at a maximum rate of \$193.92 per FTE student for the 2001-02 school year and \$220.59 per FTE student for the 2002-03 school year. For the purposes of this section and in accordance with RCW 84.52.--- (section 5 of Initiative Measure No. 728),

FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(3) The office of the superintendent of public instruction shall distribute ten percent of the annual allocation to districts each month for the months of September through June.

**NEW SECTION. Sec. 520. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR**

**ADJUSTMENTS.** State general fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

**NEW SECTION. Sec. 521. FOR THE STATE BOARD OF EDUCATION**

Education Savings Account--State Appropriation.....	\$	36,720,000	
Education Construction Account--State Appropriation.....	\$	154,500,000	
.....		<b>TOTAL APPROPRIATION</b>	<b>\$</b>

191,2

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$18,000,000 in fiscal year 2002 and \$18,720,000 in fiscal year 2003 of the education savings account appropriation shall be deposited in the common school construction account.
- (2) \$154,500,000 of the education construction account appropriation shall be deposited in the common school construction account.

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

- (1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.
- (2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).
- (b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management, except for classified staff at the technical colleges, a salary increase of 3.7 percent on July 1, 2001. The technical colleges shall provide to classified employees under chapter 41.56 RCW an average salary increase of 3.7 percent on July 1, 2001. Funds are also provided for salary increases for all classified employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature and, in the case of technical college classified staff, consistent with the provisions of Initiative 732.
- (c) Each institution of higher education, except for the community and technical colleges, shall provide to state-funded instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other state-funded nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 3.7 percent on July 1, 2001. Funds are also provided for salary increases for these employee groups on July 1, 2002, in a percentage amount to be determined by the 2002 legislature. Each institution may provide the same average increases to similar positions that are not state-funded.
- (d) The community and technical colleges shall provide to academic employees, exempt professional staff, and academic administrators an average salary increase of 3.7 percent on July 1, 2001. Funds are also provided

for salary increases for these groups on July 1, 2002, in a percentage amount to be determined by the 2002 legislature and, in the case of community college academic employees and technical college employees, consistent with the provisions of Initiative 732.

(e) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(f) Each institution of higher education receiving appropriations under sections 604 through 609 of this act may provide additional salary increases to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any salary increase granted under the authority of this subsection (2)(f) shall not be included in an institution's salary base. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(f).

(g) To collect consistent data for use by the legislature, the office of financial management, and other state agencies for policy and planning purposes, institutions of higher education shall report personnel data to be used in the department of personnel's human resource data warehouse in compliance with uniform reporting procedures established by the department of personnel.

(h) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2001-02 and 2002-03 academic years, other than the summer term, may be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges as provided in this subsection.

(a) For the 2001-02 academic year, the governing boards and the state board may implement an increase no greater than six and seven-tenths percent over tuition fees charged to full-time students for the 2000-01 academic year.

(b) For the 2002-03 academic year, the governing boards and the state board may implement an increase no greater than six and one-tenth percent over the tuition fees charged to full-time students for the 2001-02 academic year.

(c) For the 2001-02 academic year, the governing boards may implement an increase for law and graduate business programs no greater than twelve percent over tuition fees charged to law and graduate business students for the 2000-01 academic year, except as provided in (e) of this subsection.

(d) For the 2002-03 academic year, the governing boards may implement an increase for law and graduate business programs no greater than twelve percent over tuition fees charged to law and graduate business students for the 2001-02 academic year, except as provided in (f) of this subsection.

(e) For the 2001-02 academic year, the governing boards of the University of Washington may implement an increase for graduate business programs no greater than 15 percent over tuition fees charged to graduate business students for the 2000-01 academic year.

(f) For the 2002-03 academic year, the governing boards of the University of Washington may implement an increase for graduate business programs no greater than 20 percent over tuition fees charged to graduate business students for the 2001-02 academic year.

(g) For the 2001-02 and the 2002-03 academic years, the state board for community and technical colleges may increase fees differentially based on student credit hour load, but the percentage increase for students taking fifteen or fewer credits shall not exceed the limits in subsection (3)(a) and (b) of this section.

(h) For the 2001-03 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(i) The tuition increases adopted under (a), (b), (g), and (h) of this subsection need not apply uniformly across student categories as defined in chapter 28B.15 RCW so long as the increase for each student category does

not exceed the percentages specified in this subsection.

(4) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of the operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(5) Pursuant to RCW 43.15.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2001-03 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(6) Community colleges may increase services and activities fee charges in excess of the fiscal growth factor up to the maximum level authorized by the state board for community and technical colleges.

(7) Each institution receiving appropriations under sections 604 through 609 of this act shall submit a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals. The plans, to be prepared at the direction of the higher education coordinating board, shall be submitted by August 15, 2001. The higher education coordinating board shall set biennial performance targets for each institution and shall review actual achievements annually. Institutions shall track their actual performance on the statewide measures as well as faculty productivity, the goals and targets for which may be unique to each institution. A report on progress towards statewide and institution-specific goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2003.

(8) The state board for community and technical colleges shall develop a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress to achieve long-term performance goals. The board shall set biennial performance targets for each college or district, where appropriate, and shall review actual achievements annually. Colleges shall track their actual performance on the statewide measures. A report on progress towards the statewide goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2003.

**NEW SECTION. Sec. 602.** The appropriations in sections 603 through 609 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2001-2002	2002-2003	
	Annual	Annual	Annual
	Average	Average	
University of Washington			
Main campus	32,321		32,427
Bothell branch	1,169		1,235
Tacoma branch	1,330		1,484
Washington State University			
Main campus	17,332		17,332
Spokane branch	551		593
Tri-Cities branch	616		616
Vancouver branch	1,071		1,153
Central Washington University	7,470		7,470
Eastern Washington University	7,933		8,017
The Evergreen State College	3,754		3,837
Western Washington University	10,976		11,126
State Board for Community and Technical Colleges	125,082		126,902

When allocating newly budgeted enrollments, each institution of higher education shall give priority to high demand fields, including but not limited to technology, health professions, and education. At the end of each fiscal year, each institution of higher education and the state board for community and technical colleges shall submit a report to the higher education coordinating board detailing how newly budgeted enrollments have been allocated.

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2002).....	\$	514,234,000	
General Fund--State Appropriation (FY 2003).....	\$	543,396,000	
General Fund--Federal Appropriation .....	\$	11,404,000	
Education Savings Account--State Appropriation (FY 2003) .....	\$	4,500,000	
.....		<b>TOTAL APPROPRIATION</b>	\$

1,073

The appropriations in this section are subject to the following conditions and limitations:

- (1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.
- (2) \$2,475,000 of the general fund--state appropriation for fiscal year 2002 and \$5,025,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase salaries and related benefits for part-time faculty. The board shall report by December 1 of each fiscal year to the office of financial management and legislative fiscal and higher education committees on (a) the distribution of state funds; (b) wage adjustments for part-time faculty; and (c) progress to achieve the long-term performance targets for each district, with respect to use of part-time faculty, pursuant to the faculty mix study conducted under section 603, chapter 309, Laws of 1999.
- (3) \$990,000 of the general fund--state appropriation for fiscal year 2002 and \$2,010,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.
- (4) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided for a program to fund the start-up of new community and technical college programs in rural counties as defined under RCW 43.160.020(12) and in communities impacted by business closures and job reductions. Successful proposals must respond to local economic development strategies and must include a plan to continue programs developed with this funding.
- (5) \$326,000 of the general fund--state appropriation for fiscal year 2002 and \$640,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for allocation to twelve college districts identified in (a) through (l) of this subsection to prepare students for transfer to the state technology institute at the Tacoma branch campus of the University of Washington. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to the districts under (a) through (l) of this subsection:
  - (a) Bates Technical College;
  - (b) Bellevue Community College;
  - (c) Centralia Community College;
  - (d) Clover Park Community College;
  - (e) Grays Harbor Community College;
  - (f) Green River Community College;
  - (g) Highline Community College;
  - (h) Tacoma Community College;
  - (i) Olympic Community College;
  - (j) Pierce District;
  - (k) Seattle District; and
  - (l) South Puget Sound Community College.

(6) \$28,761,000 of the general fund--state appropriation for fiscal year 2002 and \$28,761,000 of the general fund--state appropriation for fiscal year 2003 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) In directing these resources during the 2001-03 biennium, the state board for community and technical colleges shall give considerable attention to the permanent dislocation of workers from industries facing rapidly rising energy costs, such as direct service industries.

(7) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for tuition support for students enrolled in work-based learning programs.

(8) \$567,000 of the general fund--state appropriation for fiscal year 2002 and \$568,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for administration and customized training contracts through the job skills program.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$212,000 of the general fund--state appropriation for fiscal year 2002 and \$212,000 of the general fund--state appropriation for fiscal year 2003 are provided for allocation to Olympic college. The college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses to Bremerton. Funds provided are sufficient to support at least 30 additional annual full-time equivalent students. The state board for community and technical colleges shall report to the office of financial management and the fiscal and higher education committees of the legislature on the implementation of this subsection by December 1st of each fiscal year.

(11) The entire education savings account appropriation is provided solely to support the development of a multicollge student-centered online service center for distance learners, including self-service internet applications and staff support 24 hours per day. Moneys may be allocated by the office of financial management in fiscal year 2003 upon certification that sufficient cash is available beyond the appropriations made for the 2001-03 biennium for the purposes of common school construction.

(12) The appropriations in this section assume that \$3,000,000 of the colleges' operating fee accounts will be used to deliver adult basic education courses including English-as-a-Second Language and general education development exam preparation. The legislature intends that colleges stop waiving fees universally and charge not less than \$5.00 a credit hour for adult basic education to help defray state expense and increase positive educational outcomes for enrolled students. Fees may be waived for students with limited income.

**NEW SECTION. Sec. 604. FOR UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2002).....	\$	345,974,000	
General Fund--State Appropriation (FY 2003).....	\$	361,114,000	
Death Investigations Account--State Appropriation.....	\$	259,000	
University of Washington Building Account--State Appropriation.....	\$	1,103,000	
Accident Account--State Appropriation .....	\$	5,891,000	
Medical Aid Account--State Appropriation.....	\$	5,945,000	
.....			
		<b>TOTAL APPROPRIATION</b>	<b>\$</b>

720,2

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than as specified by the legislature in section 602 of this act in order to focus on high demand areas. The university shall report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report shall provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and \$2,000,000 of the general

fund--state appropriation for fiscal year 2003 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. It is the intent of the legislature that at least ninety-nine of the full-time equivalent enrollments allocated to the university's Tacoma branch campus for the 2002-03 academic year may be used to establish the technology institute. The university will expand undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2002 as to its progress and future steps.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(4) The department of environmental health shall report to the legislature the historical, current, and anticipated use of funds provided from the accident and medical aid accounts. The report shall be submitted prior to the convening of the 2002 legislative session.

(5) \$259,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriations are provided solely for the school of medicine to conduct a survey designed to evaluate characteristics, factors and probable causes for the high incidence of multiple sclerosis cases in Washington state.

(9) \$1,103,000 of the University of Washington building account--state appropriation is provided solely for the repair and reconstruction of the Urban Horticulture Center (Merrill Hall).

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2002).....	\$	201,416,000	
General Fund--State Appropriation (FY 2003).....	\$	209,939,000	
.....		<b>TOTAL APPROPRIATION</b>	<b>\$ 411,355,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than specified by the legislature in section 602 of this act in order to focus on high demand areas. The university will report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report will provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) \$165,000 of the general fund--state appropriation for fiscal year 2002 and \$166,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2002).....	\$	45,532,000	
General Fund--State Appropriation (FY 2003).....	\$	47,382,000	
.....TOTAL APPROPRIATION	\$		92,914,000

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2002).....	\$	44,164,000	
General Fund--State Appropriation (FY 2003).....	\$	44,976,000	
.....TOTAL APPROPRIATION	\$		89,140,000

The appropriations in this section are subject to the following conditions and limitations: \$700,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the development and implementation of the university's enrollment stabilization recovery and growth plan. The university shall report back to the fiscal committees of the legislature, the office of financial management, and the higher education coordinating board at the end of each fiscal year with details of its actions and progress.

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2002).....	\$	25,334,000	
General Fund--State Appropriation (FY 2003).....	\$	26,260,000	
.....TOTAL APPROPRIATION	\$		51,594,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$75,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to complete studies of services described in section 202(1), chapter 1, Laws of 2000 2nd sp. sess.

(2) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$54,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to conduct an outcome evaluation pursuant to Substitute Senate Bill No. 5416 (drug-affected infants). The institute shall provide a report to the fiscal, health, and human services committees of the legislature by December 1, 2003. If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall be used to evaluate outcomes across state health and social service pilot projects and other national models involving women who have given birth to a drug-affected infant, comparing gains in positive birth outcomes for resources invested, in which case the institute's findings and recommendations will be provided by November 15, 2002.

(3) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to evaluate partnership grant programs for alternative teacher certification pursuant to Engrossed Second Substitute Senate Bill No. 5695. An interim report shall be provided to the fiscal and education committees of the legislature by December 1, 2002, and a final report by December 1, 2004.

(4) \$60,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine options for revising the state's funding formula for the learning assistance program to enhance accountability for school performance in meeting education reform goals. The institute shall submit its report to the appropriate legislative fiscal and policy committees by June 30, 2002.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to study the prevalence and needs of families who are raising related children. The study shall compare services and policies of Washington state with other states that have a high rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements. A report shall be provided to the fiscal and human services committees of the legislature by June 1, 2002.

(6) \$35,000 of the general fund--state appropriation for fiscal year 2002 and \$15,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to examine various educational delivery models for providing services and education for students through the Washington state school for the deaf. The institute's report, in conjunction with the capacity planning study from the joint legislative audit and review committee, shall be submitted to the fiscal committees of the legislature by September 30, 2002.

(7) \$30,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute



for public policy to examine the structure, policies, and recent experience in states where welfare recipients may attend college full-time as their required TANF work activity. The institute will provide findings and recommend how Washington could consider adding this feature in a targeted, cost-neutral manner that would complement the present-day WorkFirst efforts and caseload. The institute shall provide a report to the human services, higher education, and fiscal committees of the legislature by November 15, 2001.

(8) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to research and evaluate strategies for constraining the growth in state health expenditures. Specific research topics, approaches, and timelines shall be identified in consultation with the fiscal committees of the legislature.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to conduct a comprehensive review of the costs and benefits of existing juvenile crime prevention and intervention programs. This evaluation shall also consider what changes could result in more cost-effective and efficient funding for juvenile crime prevention and intervention programs presently supported with state funds. The institute for public policy shall report its findings and recommendations to the appropriate legislative fiscal and policy committees by October 1, 2002.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2002).....	\$	59,755,000	
General Fund--State Appropriation (FY 2003).....	\$	62,881,000	
.....		<b>TOTAL APPROPRIATION</b>	\$

122,6

The appropriations in this section are subject to the following conditions and limitations: \$753,000 of the general fund--state appropriation for fiscal year 2002 and \$1,032,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2002).....	\$	2,345,000	
General Fund--State Appropriation (FY 2003).....	\$	2,408,000	
General Fund--Federal Appropriation .....	\$	636,000	
.....		<b>TOTAL APPROPRIATION</b>	\$

5,389

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue the teacher training pilot program pursuant to chapter 177, Laws of 1999.

(2) \$105,000 of the general fund--state appropriation for fiscal year 2002 and \$245,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2002).....	\$	123,645,000	
General Fund--State Appropriation (FY 2003).....	\$	136,205,000	
General Fund--Federal Appropriation .....	\$	7,511,000	
Advanced College Tuition Payment Program Account--State Appropriation.....	\$	3,604,000	
.....		<b>TOTAL APPROPRIATION</b>	\$

270,9

The appropriations in this section are subject to the following conditions and limitations:

(1) \$534,000 of the general fund--state appropriation for fiscal year 2002 and \$529,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the displaced homemakers program.

(2) \$234,000 of the general fund--state appropriation for fiscal year 2002 and \$240,000 of the general

fund--state appropriation for fiscal year 2003 are provided solely for the western interstate commission for higher education.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(4) \$1,000,000 of the general fund--state appropriations is provided solely to continue a demonstration project that enables classified public K-12 employees to become future teachers, subject to the following conditions and limitations:

(a) Within available funds, the board may renew and offer conditional scholarships of up to \$4,000 per year for full or part-time studies that may be forgiven in exchange for teaching service in Washington's public K-12 schools. In selecting loan recipients, the board shall take into account the applicant's demonstrated academic ability and commitment to serve as a teacher within the state of Washington.

(b) Loans shall be forgiven at the rate of one year of loan for two years of teaching service. Recipients who teach in geographic or subject-matter shortage areas, as specified by the office of the superintendent for public instruction, may have their loans forgiven at the rate of one year of loan for one year of teaching service;

(c) Recipients who fail to fulfill the required teaching service shall be required to repay the conditional loan with interest. The board shall define the terms for repayment, including applicable interest rates, fees and deferments, and may adopt other rules as necessary to implement this demonstration project.

(d) The board may deposit this appropriation and all collections into the student loan account authorized in RCW 28B.102.060.

(e) The board will provide the legislature and governor with findings about the impact of this demonstration project on persons entering the teaching profession in shortage areas by no later than January of 2002.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(6) \$25,000 of the general fund--state appropriation for fiscal year 2002 and \$25,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2001-02 and 2002-03 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(7) \$120,156,000 of the general fund--state appropriation for fiscal year 2002 and \$133,965,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for student financial aid, including all administrative costs. Of these amounts:

(a) \$90,566,000 of the general fund--state appropriation for fiscal year 2002 and \$102,667,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program;

(b) \$16,340,000 of the general fund--state appropriation for fiscal year 2002 and \$17,360,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program;

(c) \$2,920,000 of the general fund--state appropriation for fiscal year 2002 and \$2,920,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for educational opportunity grants. The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. For the purpose of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington;

(d) A maximum of 2.1 percent of the general fund--state appropriation for fiscal year 2002 and 2.1 percent of the general fund--state appropriation for fiscal year 2003 may be expended for financial aid administration, excluding the 4 percent state work study program administrative allowance provision;

(e) \$1,241,000 of the general fund--state appropriation for fiscal year 2002 and \$1,428,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence;

(f) \$588,000 of the general fund--state appropriation for fiscal year 2002 and \$589,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program;

(g) \$251,000 of the general fund--state appropriation for fiscal year 2002 and \$251,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for community scholarship matching grants of \$2,000 each. Of the amounts provided, no more than \$5,200 each year is for the administration of the community scholarship matching grant program. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation; and

(h) \$8,250,000 of the general fund--state appropriation for fiscal year 2002 and \$8,750,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Washington promise scholarship program subject to the following conditions and limitations:

(i) Within available funds, the higher education coordinating board shall award scholarships for use at accredited institutions of higher education in the state of Washington to as many students as possible from among those qualifying under (iv) of this subsection. Each qualifying student will receive two consecutive annual installments, the value of each not to exceed the full-time annual resident tuition rates charged by community colleges.

(ii) Of the amounts provided, no more than \$260,000 each year is for administration of the Washington promise scholarship program.

(iii) Other than funds provided for program administration, the higher education coordinating board shall deposit all money received for the program in the Washington promise scholarship account, a nonappropriated fund in the custody of the state treasurer. The account shall be self-sustaining and consist of funds appropriated by the legislature for these scholarships, private contributions, and receipts from refunds of tuition and fees.

(iv) Scholarships in the 2001-03 biennium shall be awarded to students who graduate from high school or its equivalent whose family income does not exceed one hundred thirty-five percent of the state's median family income, adjusted for family size, if they meet any of the following academic criteria:

(A) Students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, or must equal or exceed a cumulative scholastic assessment test score of 1200 on their first attempt;

(B) Students participating in home-based instruction as provided in chapter 28A.200 RCW must equal or exceed a cumulative scholastic assessment test score of 1200 on their first attempt.

(v) For students eligible under (iv) of this subsection, the superintendent of public instruction shall provide the higher education coordinating board with the names, addresses, and unique numeric identifiers of students in the top fifteen percent or who meet the scholastic aptitude test score requirement, as appropriate in each of the respective high school senior or home based instruction classes in Washington state. This shall be provided no later than October 1 of each year.

(vi) Scholarships awarded under this section may only be used at accredited institutions of higher education in the state of Washington for college-related expenses, including but not limited to, tuition, room and board, books, materials, and transportation. The Washington promise scholarship award shall not supplant other scholarship awards, financial aid, or tax programs related to postsecondary education. Scholarships may not be transferred or refunded to students.

(vii) The higher education coordinating board shall evaluate the impact and effectiveness of the Washington promise scholarship program. The evaluation shall include, but not be limited to: (A) An analysis of other financial assistance promise scholarship recipients are receiving through other federal, state, and institutional programs, including grants, work study, tuition waivers, tax credits, and loan programs; (B) an analysis of whether the implementation of the promise scholarship program has had an impact on student indebtedness; and (C) an evaluation of what types of students are successfully completing high school but do not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient. The board shall report its findings to the governor and the legislature by December 1, 2002.

(viii) The higher education coordinating board may adopt rules as necessary to implement this program.

**NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2002).....	\$	1,762,000	
General Fund--State Appropriation (FY 2003).....	\$	1,720,000	
General Fund--Federal Appropriation .....	\$	44,987,000	
.....TOTAL APPROPRIATION	\$		48,469,000

The appropriations in this section are subject to the following conditions and limitations: \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2002 as to the progress and future steps for INTEC as this new public-private partnership evolves.

**NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

General Fund--State Appropriation (FY 2002).....	\$	1,500,000	
General Fund--State Appropriation (FY 2003).....	\$	1,500,000	
.....TOTAL APPROPRIATION	\$		3,000,000

**NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY**

General Fund--State Appropriation (FY 2002).....	\$	8,791,000	
General Fund--State Appropriation (FY 2003).....	\$	8,786,000	
General Fund--Federal Appropriation .....	\$	6,976,000	
.....TOTAL APPROPRIATION	\$		24,553,000

The appropriations in this section are subject to the following conditions and limitations: At least \$2,700,000 shall be expended for a contract with the Seattle public library for library services for the Washington book and braille library.

**NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 2002).....	\$	2,873,000	
General Fund--State Appropriation (FY 2003).....	\$	2,874,000	
General Fund--Federal Appropriation .....	\$	1,000,000	
.....TOTAL APPROPRIATION	\$		6,747,000

**NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2002).....	\$	2,899,000	
General Fund--State Appropriation (FY 2003).....	\$	3,129,000	
.....TOTAL APPROPRIATION	\$		6,028,000

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation for fiscal year 2002 and \$285,000 of the general fund--state appropriation for

fiscal year 2003 are provided solely for activities related to the Lewis and Clark Bicentennial.

**NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2002).....	\$	1,674,000	
General Fund--State Appropriation (FY 2003).....	\$	1,535,000	
..... TOTAL APPROPRIATION	\$		3,209,000

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2002).....	\$	4,520,000	
General Fund--State Appropriation (FY 2003).....	\$	4,591,000	
General Fund--Private/Local Appropriation.....	\$	1,173,000	
..... TOTAL APPROPRIATION	\$		10,284,000

**NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 2002).....	\$	7,395,000	
General Fund--State Appropriation (FY 2003).....	\$	7,439,000	
General Fund--Private/Local Appropriation.....	\$	232,000	
..... TOTAL APPROPRIATION	\$		15,066,000

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2002).....	\$	629,097,000	
General Fund--State Appropriation (FY 2003).....	\$	567,290,000	
State Building Construction Account--State Appropriation.....	\$	11,351,000	
Debt-Limit Reimbursable Bond Retire Account--State Appropriation.....	\$	2,591,000	
..... TOTAL APPROPRIATION	\$		1,210,339,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2002 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2002.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account--State Appropriation.....	\$	39,950,000	
Accident Account--State Appropriation.....	\$	5,590,000	
Medical Aid Account--State Appropriation.....	\$	5,590,000	
..... TOTAL APPROPRIATION	\$		51,130,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2002).....	\$	24,542,000	
General Fund--State Appropriation (FY 2003).....	\$	26,706,000	
Capitol Historic District Construction Account--State Appropriation.....	\$	454,000	
Higher Education Construction Account--State Appropriation.....	\$	815,000	
State Higher Education Construction Account--State Appropriation.....	\$	348,000	

State Vehicle Parking Account--State Appropriation.....	\$	35,000	
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation .....	\$	128,043,000	
.....TOTAL APPROPRIATION	\$		180,9

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2002).....	\$	567,000	
General Fund--State Appropriation (FY 2003).....	\$	568,000	
Higher Education Construction Account--State Appropriation.....	\$	77,000	
State Higher Education Construction Account--State Appropriation.....	\$	42,000	
State Building Construction Account--State Appropriation .....	\$	1,488,000	
State Vehicle Parking Account--State Appropriation.....	\$	5,000	
Capitol Historic District Construction Account--State Appropriation .....	\$	130,000	
.....TOTAL APPROPRIATION	\$		2,877

**NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

General Fund--State Appropriation (FY 2002).....	\$	850,000	
General Fund--State Appropriation (FY 2003).....	\$	850,000	
.....TOTAL APPROPRIATION	\$		1,700

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL.** The sum of three million dollars, or so much thereof as may be available on June 30, 2001, from the total amount of unspent fiscal year 2001 fire contingency funding in the disaster response account and the moneys appropriated to the disaster response account in section 707 of this act, is appropriated for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY INITIATIVE.**

General Fund--State Appropriation (FY 2002).....	\$	2,000,000	
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The appropriation in this section is subject to the following conditions and limitations: The entire amount is appropriated to the disaster response account for the purposes specified in section 706 of this act.

**NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS**

Public Safety and Education--State Appropriation.....	\$	975,000	
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The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the appropriation to the following counties in the amounts designated for extraordinary criminal justice costs:

Cowlitz.....	\$	89,000	
Franklin.....	\$	303,000	
Klickitat .....	\$	45,000	
Skagit .....	\$	102,000	
Spokane.....	\$	192,000	

Thurston.....	\$	122,000
Yakima.....	\$	121,000
TOTAL .....	\$	975,000

**NEW SECTION. Sec. 709. BELATED CLAIMS.** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF NATURAL RESOURCES--DISTRIBUTION OF EXCESS FUNDS FROM THE FOREST DEVELOPMENT ACCOUNT**

Forest Development Account--State Appropriation .....	\$	5,000,000
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The appropriation in this section is provided solely for distribution of state forest land revenues to taxing authorities that received such revenue from fiscal year 1996 through fiscal year 2000.

(1) Within fifteen days of the effective date of this section, the department shall transmit funds in the amounts specified in subsection (3) of this section to the county treasurers of the counties receiving the funds.

(2) The county treasurers of the counties listed in this section shall distribute funds received from this appropriation to taxing authorities in proportion to the state forest board land funds distributed to the taxing authorities based on information available for the fiscal years 1996 through 2000. Funds to be credited to the state of Washington and funds credited to school district general levies shall be remitted to the state of Washington within thirty days after the effective date of this section for deposit into the general fund--state account.

(3) Funds shall be distributed in the following amounts:

Clallam.....	\$	744,095
Clark .....	\$	255,258
Cowlitz.....	\$	169,595
Grays Harbor .....	\$	155,473
Jefferson.....	\$	106,406
King .....	\$	106,217
Kitsap.....	\$	63,651
Klickitat .....	\$	37,364
Lewis.....	\$	766,556
Mason .....	\$	111,119
Pacific .....	\$	177,158
Pierce .....	\$	50,465
Skagit.....	\$	580,536
Skamania.....	\$	106,717
Snohomish .....	\$	631,797
Stevens .....	\$	1,897
Thurston.....	\$	425,197
Wahkiakum.....	\$	146,173
Whatcom.....	\$	364,326
TOTAL .....	\$	5,000,000

**NEW SECTION. Sec. 711. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DIGITAL GOVERNMENT POOL**

Digital Government Revolving Account Appropriation.....	\$	5,000,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The digital government revolving account appropriation is provided solely to provide digital services of government to citizens, businesses, and to state and other governments. The office of financial management, in consultation with the department of information services, shall allocate these funds as needed for digital

government projects.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the digital government revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management for digital government projects.

(3) Agencies receiving these allocations shall report at a minimum to the information services board and to the office of financial management on the progress of digital government projects and efforts.

**NEW SECTION. Sec. 712. FOR THE OFFICE OF FINANCIAL MANAGEMENT--TECHNOLOGY POOL**

Digital Government Revolving Account Appropriation..... \$ 7,518,456

The appropriation in this section is subject to the following conditions and limitations:

(1) The digital government revolving account appropriation is provided solely for an information technology funding pool for state executive branch agencies, excluding schools and institutions of higher education. The department may distribute funding from the pool for information technology purposes, including infrastructure improvements, technology required to satisfy federal reporting requirements, equipment purchase and replacement, web site and internet services, and software and systems upgrades. Projects may include information technology projects that were requested in agency budget requests but that are not specifically funded in agency appropriations (for example technology improvements in the department of community, trade, and economic development, data warehouse in the department of revenue, and system security and infrastructure in small agencies).

(2) Agencies that wish to receive these funds may make an application to the office of financial management. The office of financial management, in consultation with the department of information services and using criteria adopted by the information services board, shall allocate these funds as needed for digital government projects. The office of financial management shall not distribute funding for a specific project unless it is determined that there will be no net increase in ongoing operating costs resulting from the project.

(3) Allocations from this section may be made only for items and in proportion to the extent to which items would be typically funded by the state general fund.

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DIGITAL GOVERNMENT REVOLVING ACCOUNT**

General Fund--State Appropriation (FY 2002)..... \$ 2,050,000  
General Fund--State Appropriation (FY 2003)..... \$ 2,050,000  
TOTAL APPROPRIATION..... \$ 4,100,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for deposit in the digital government revolving account.

**NEW SECTION. Sec. 714. DEATH BENEFIT--COMMON SCHOOLS.** For the period from July 1, 2001, through June 30, 2003, a one hundred fifty thousand dollar death benefit shall be paid as a sundry claim to the estate of an employee in the common school system of the state who is killed in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the director of the department of general administration by order under RCW 51.52.050.

**NEW SECTION. Sec. 715. DEATH BENEFIT--STATE AGENCIES.** For the period from July 1, 2001, through June 30, 2003, a one hundred fifty thousand dollar death benefit shall be paid as a sundry claim to the estate of an employee of any state agency or higher education institution not otherwise provided a death benefit through coverage under their enrolled retirement system. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the director of the department of general administration by order under RCW 51.52.050.



**NEW SECTION. Sec. 716. FOR THE GOVERNOR--COMPENSATION--INSURANCE**

**BENEFITS**

General Fund--State Appropriation (FY 2002).....	\$	7,218,000	
General Fund--State Appropriation (FY 2003).....	\$	19,947,000	
General Fund--Federal Appropriation .....	\$	8,692,000	
General Fund--Private/Local Appropriation.....	\$	456,000	
Salary and Insurance Increase Revolving Account Appropriation.....	\$	19,468,000	
.....			
		<b>TOTAL APPROPRIATION</b>	<b>\$ 55,780,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$457.29 per eligible employee for fiscal year 2002, and \$497.69 for fiscal year 2003.

(b) Within the rates in (a) of this subsection, \$2.02 per eligible employee shall be included in the employer funding rate for fiscal year 2002, and \$4.10 per eligible employee shall be included in the employer funding rate for fiscal year 2003, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2002, through December 31, 2002, the subsidy shall be \$85.84. Starting January 1, 2003, the subsidy shall be \$102.55 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$32.41 per month beginning September 1, 2001, and \$37.48 beginning September 1, 2002;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$32.41 each month beginning September 1, 2001, and \$37.48 beginning September 1, 2002, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 2001-2003 transportation appropriations act.

**NEW SECTION. Sec. 717. FOR THE DEPARTMENT OF RETIREMENT**

**SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.** The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2001, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2002).....	\$	15,552,000
General Fund--State Appropriation (FY 2003).....	\$	16,668,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations include reductions to reflect savings resulting from the implementation of state pension contribution rates effective July 1, 2001, as provided in Senate Bill No. 6167 or House Bill No. 2236.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2002).....	\$	6,000,000
General Fund--State Appropriation (FY 2003).....	\$	6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2002).....	\$	250,000
General Fund--State Appropriation (FY 2003).....	\$	250,000

..... TOTAL APPROPRIATION	\$	44,720,000
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**NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund--State Appropriation (FY 2002).....	\$	(17,246,000)
General Fund--State Appropriation (FY 2003).....	\$	(17,499,000)
General Fund--Federal Appropriation .....	\$	(11,469,000)
General Fund--Private/Local Appropriation.....	\$	(683,000)
Special Account Retirement Contribution Increase Revolving Account Appropriation.....	\$	(25,895,000)
..... TOTAL APPROPRIATION	\$	(72,792,000)

The appropriations in this section are provided solely to reduce agency and higher education institutions appropriations to reflect savings resulting from the implementation of employer pension contribution rates, effective July 1, 2001, for the public employees' retirement system, and effective September 1, 2001, for the teachers' retirement system, as provided in Senate Bill No. 6167 or House Bill No. 2236.

**NEW SECTION. Sec. 719. SALARY COST OF LIVING ADJUSTMENT**

General Fund--State Appropriation (FY 2002).....	\$	41,712,000
General Fund--State Appropriation (FY 2003).....	\$	73,358,000
General Fund--Federal Appropriation .....	\$	37,955,000
General Fund--Private/Local Appropriation.....	\$	2,325,000
Salary and Insurance Increase Revolving Account Appropriation.....	\$	92,156,000
..... TOTAL APPROPRIATION	\$	247,506,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.7 percent salary increase effective July 1, 2001, for all classified employees, except the certificated employees of the state schools for the deaf and blind, and including those employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board. Funds are also provided for salary increases for classified employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.

(2) The appropriations in this section are sufficient to fund a 3.7 percent salary increase effective July 1, 2001, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. Funds are also provided for

salary increases for these employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 3.7 percent salary increase effective July 1, 2001, for ferry workers consistent with the 2001-03 transportation appropriations act. Funds are also provided for salary increases for ferry workers on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.

(4)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided by subsection (2) of this section.

**NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

General Fund--State Appropriation (FY 2002).....	\$	11,264,000
General Fund--State Appropriation (FY 2003).....	\$	11,264,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$</b>	<b>22,528,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are for appropriation to the education technology revolving account for the purpose of covering operational and transport costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

(2) Use of these moneys to connect public libraries are limited to public libraries which have in place a policy of internet safety applied to publicly available computers with internet access via the K-20 educational network that protects against access to visual depictions that are (a) obscene under chapter 9.68 RCW; or (b) sexual exploitation of children under chapter 9.68A RCW.

**NEW SECTION. Sec. 721. FOR THE ATTORNEY GENERAL--SALARY ADJUSTMENTS**

General Fund--State Appropriation (FY 2002).....	\$	989,000
General Fund--State Appropriation (FY 2003).....	\$	2,082,000
Legal Services Revolving Account--State Appropriation .....	\$	3,071,000
..... <b>TOTAL APPROPRIATION</b> .....	<b>\$</b>	<b>6,142,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for increases in salaries and related benefits of assistant attorneys general effective July 1, 2001, and another increase effective July 1, 2002. This funding is provided solely for: (1) Increases in beginning salaries; (2) merit-based increases to recognize outstanding performance; and (3) increases to address critical recruitment and retention problems in specialty practice areas.

**NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund--State Appropriation (FY 2002).....	\$	9,179,000
General Fund--State Appropriation (FY 2003).....	\$	18,359,000
General Fund--Federal Appropriation .....	\$	10,392,000
Salary and Insurance Increase Revolving Account Appropriation .....	\$	2,735,000
..... <b>TOTAL APPROPRIATION</b> .....	<b>\$</b>	<b>40,665,000</b>

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided to implement the salary increase recommendations of the Washington personnel resources board for the priority classes identified through item 8B pursuant to RCW 41.06.152. The salary increases shall be effective January 1, 2002.

**NEW SECTION. Sec. 723. INCENTIVE SAVINGS--FY 2002.** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2002, from the total amount of unspent fiscal year 2002

state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 724. INCENTIVE SAVINGS--FY 2003.** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2003, from the total amount of unspent fiscal year 2003 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 725. PUGET SOUND FERRY OPERATIONS ACCOUNT**

State Surplus Assets Reserve Fund--State Appropriation ..... \$ 30,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations in this section are for appropriation to the Puget Sound ferry operations account to carry out the purposes of the account.

**NEW SECTION. Sec. 726. LOCAL GOVERNMENT FINANCIAL ASSISTANCE**

(1) It is the intent of the legislature to provide state funding for the 2001-03 biennium for a portion of local governments' costs for public safety, criminal justice, public health, and other operations.

(2) Moneys appropriated in sections 727, 728, and 729 of this act constitute a transfer to the state of local government costs under RCW 43.135.060(2).

**NEW SECTION. Sec. 727. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY CORPORATION ASSISTANCE**

General Fund--State Appropriation (FY 2002)..... \$ 24,410,534  
General Fund--State Appropriation (FY 2003)..... \$ 25,137,970  
..... TOTAL APPROPRIATION \$ 49,548,504

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The department shall withhold distributions under subsection (2) of this section to any county that has not paid its fifty percent share of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits for the fiscal year. As required by Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve.

(b) After receiving written notification from the office of the administrator for the courts that a county has

paid its fifty percent share as required under (a) of this subsection, the department shall distribute the amount designated for the fiscal year under subsection (2) of this section.

(2) The director of community, trade, and economic development shall distribute the appropriations to the following counties in the amounts designated:

County	FY 2002	FY 2003	2001-03 Biennium
Adams	290,303	295,993	586,296
Asotin	422,074	434,598	856,672
Benton	966,480	999,163	1,965,643
Chelan	637,688	651,982	1,289,670
Clallam	444,419	454,391	898,810
Clark	641,571	678,997	1,320,568
Columbia	561,888	572,901	1,134,789
Cowlitz	771,879	795,808	1,567,687
Douglas	505,585	528,184	1,033,769
Ferry	389,909	397,551	787,460
Franklin	442,624	464,018	906,642
Garfield	571,303	582,501	1,153,804
Grant	579,631	604,072	1,183,703
Grays Harbor	540,315	550,905	1,091,220
Island	483,589	503,205	986,794
Jefferson	239,914	249,924	489,838
King	2,661,862	2,720,716	5,382,578
Kitsap	469,992	480,178	950,170
Kittitas	366,971	383,027	749,998
Klickitat	204,726	217,555	422,281
Lewis	583,702	598,004	1,181,706
Lincoln	290,754	302,151	592,905
Mason	905,060	930,959	1,836,019
Okanogan	548,848	560,332	1,109,180
Pacific	344,047	350,790	694,837
Pend Oreille	280,342	285,837	566,179
Pierce	1,246,530	1,284,087	2,530,617
San Juan	85,712	91,859	177,571
Skagit	911,491	944,914	1,856,405
Skamania	172,840	176,228	349,068
Snohomish	1,017,209	1,058,571	2,075,780
Spokane	804,124	823,359	1,627,483
Stevens	811,482	835,598	1,647,080
Thurston	1,031,888	1,061,579	2,093,467
Wahkiakum	507,528	517,476	1,025,004
Walla Walla	241,341	247,105	488,446
Whatcom	408,025	429,069	837,094
Whitman	134,870	138,191	273,061
Yakima	1,892,018	1,936,192	3,828,210
<b>TOTAL APPROPRIATIONS</b>	<b>24,410,534</b>	<b>25,187,970</b>	<b>49,548,504</b>

**NEW SECTION. Sec. 728. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL CORPORATION ASSISTANCE**

General Fund--State Appropriation (FY 2002).....	\$	45,884,610
General Fund--State Appropriation (FY 2003).....	\$	47,251,839
.....TOTAL APPROPRIATION		\$ 93,136,449

The appropriations in this section are subject to the following conditions and limitations:

(1) The director of community, trade, and economic development shall distribute the appropriation to the following cities and municipalities in the amounts designated:

City	FY 2002	FY 2003	2001-03 Biennium
Aberdeen	119,986	123,562	243,548
Airway Heights	111,259	114,575	225,834
Albion	66,339	68,316	134,655
Algona	32,672	33,646	66,318

Almira	12,519	12,892	25,411
Anacortes	70,930	73,044	143,974
Arlington	42,344	43,606	85,950
Asotin	57,623	59,340	116,963
Auburn	192,405	198,139	390,544
Bainbridge Island	293,851	302,608	596,459
Battle Ground	118,303	121,828	240,131
Beaux Arts	1,784	1,837	3,621
Bellevue	524,203	539,824	1,064,027
Bellingham	369,121	380,121	749,242
Benton City	111,380	114,699	226,079
Bingen	6,602	6,799	13,401
Black Diamond	254,698	262,288	516,986
Blaine	20,853	21,474	42,327
Bonney Lake	158,738	163,468	322,206
Bothell	137,270	141,361	278,631
Bremerton	214,020	220,398	434,418
Brewster	11,250	11,585	22,835
Bridgeport	188,216	193,825	382,041
Brier	532,011	547,865	1,079,876
Buckley	68,227	70,260	138,487
Bucoda	52,876	54,452	107,328
Burien	284,265	292,736	577,001
Burlington	27,407	28,224	55,631
Camas	53,654	55,253	108,907
Carbonado	56,785	58,477	115,262
Carnation	9,593	9,879	19,472
Cashmere	120,801	124,401	245,202
Castle Rock	29,980	30,873	60,853
Cathlamet	6,265	6,452	12,717
Centralia	101,426	104,448	205,874
Chehalis	34,601	35,632	70,233
Chelan	19,515	20,097	39,612
Cheney	314,316	323,683	637,999
Chewelah	66,731	68,720	135,451
Clarkston	83,910	86,411	170,321
Cle Elum	8,692	8,951	17,643
Clyde Hill	136,778	140,854	277,632
Colfax	74,672	76,897	151,569
College Place	526,480	542,169	1,068,649
Colton	27,473	28,292	55,765
Colville	23,389	24,086	47,475
Conconully	13,675	14,083	27,758
Concrete	27,006	27,811	54,817
Connell	164,950	169,866	334,816
Cosmopolis	15,395	15,854	31,249
Coulee City	2,804	2,888	5,692
Coulee Dam	61,408	63,238	124,646
Coupeville	7,708	7,938	15,646
Covington	690,851	711,438	1,402,289
Creston	12,905	13,290	26,195
Cusick	9,341	9,619	18,960
Darrington	59,838	61,621	121,459
Davenport	66,350	68,327	134,677
Dayton	92,685	95,447	188,132
Deer Park	16,059	16,538	32,597
Des Moines	1,482,120	1,526,287	3,008,407
Dupont	8,109	8,351	16,460
Duvall	66,128	68,099	134,227
East Wenatchee	30,678	31,592	62,270
Eatonville	8,848	9,112	17,960
Edgewood	901,766	928,639	1,830,405
Edmonds	456,336	469,935	926,271
Electric City	87,243	89,843	177,086
Ellensburg	81,982	84,425	166,407
Elma	84,676	87,199	171,875

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Elmer City	29,811	30,699	60,510
Endicott	28,758	29,615	58,373
Entiat	58,244	59,980	118,224
Enumclaw	53,013	54,593	107,606
Ephrata	59,987	61,775	121,762
Everett	495,428	510,192	1,005,620
Everson	67,517	69,529	137,046
Fairfield	18,540	19,092	37,632
Farmington	12,072	12,432	24,504
Federal Way	470,179	484,190	954,369
Ferndale	74,669	76,894	151,563
Fife	25,411	26,168	51,579
Fircrest	386,146	397,653	783,799
Forks	110,712	114,011	224,723
Friday Harbor	9,791	10,083	19,874
Garfield	45,263	46,612	91,875
George	19,319	19,895	39,214
Gig Harbor	31,615	32,557	64,172
Gold Bar	134,531	138,540	273,071
Goldendale	49,519	50,995	100,514
Grand Coulee	5,805	5,978	11,783
Grandview	256,347	263,986	520,333
Granger	173,094	178,252	351,346
Granite Falls	10,946	11,272	22,218
Hamilton	17,437	17,957	35,394
Harrah	46,947	48,346	95,293
Harrington	18,107	18,647	36,754
Hartline	11,392	11,731	23,123
Hatton	12,176	12,539	24,715
Hoquiam	374,903	386,075	760,978
Hunts Point	2,432	2,504	4,936
Ilwaco	13,150	13,542	26,692
Index	4,181	4,306	8,487
Ione	17,566	18,089	35,655
Issaquah	50,002	51,492	101,494
Kahlotus	20,210	20,812	41,022
Kalama	7,892	8,127	16,019
Kelso	68,904	70,957	139,861
Kenmore	1,099,395	1,132,157	2,231,552
Kennewick	293,534	302,281	595,815
Kent	360,624	371,371	731,995
Kettle Falls	64,422	66,342	130,764
Kirkland	221,429	228,028	449,457
Kittitas	72,698	74,864	147,562
Krupp	4,445	4,577	9,022
La Center	34,415	35,441	69,856
La Conner	3,817	3,931	7,748
La Crosse	20,141	20,741	40,882
Lacey	143,243	147,512	290,755
Lake Forest Park	897,932	924,690	1,822,622
Lake Stevens	142,295	146,535	288,830
Lakewood	2,955,109	3,043,171	5,998,280
Lamont	7,492	7,715	15,207
Langley	5,303	5,461	10,764
Latah	11,962	12,318	24,280
Leavenworth	12,189	12,552	24,741
Lind	2,217	2,283	4,500
Long Beach	10,269	10,575	20,844
Longview	249,836	257,281	507,117
Lyman	16,741	17,240	33,981
Lynden	42,717	43,990	86,707
Lynnwood	163,579	168,454	332,033
Mabton	142,491	146,737	289,228
Malden	21,588	22,231	43,819
Mansfield	26,744	27,541	54,285
Maple Valley	359,478	370,190	729,668

Marcus	14,126	14,547	28,673
Marysville	102,028	105,068	207,096
Mattawa	100,064	103,046	203,110
McCleary	105,807	108,960	214,767
Medical Lake	114,323	117,730	232,053
Medina	14,355	14,783	29,138
Mercer Island	383,527	394,956	778,483
Mesa	16,835	17,337	34,172
Metaline	14,150	14,572	28,722
Metaline Falls	7,718	7,948	15,666
Mill Creek	174,495	179,695	354,190
Millwood	22,619	23,293	45,912
Milton	28,030	28,865	56,895
Monroe	56,517	58,201	114,718
Montesano	60,229	62,024	122,253
Morton	5,891	6,067	11,958
Moses Lake	105,670	108,819	214,489
Mossyrock	16,545	17,038	33,583
Mount Vernon	130,780	134,677	265,457
Mountlake Terrace	711,188	732,381	1,443,569
Moxee	40,448	41,653	82,101
Mukilteo	274,482	282,662	557,144
Naches	7,632	7,859	15,491
Napavine	96,030	98,892	194,922
Nespelem	17,614	18,139	35,753
Newcastle	290,801	299,467	590,268
Newport	13,223	13,617	26,840
Nooksack	58,178	59,912	118,090
Normandy Park	489,113	503,689	992,802
North Bend	20,754	21,372	42,126
North Bonneville	30,574	31,485	62,059
Northport	23,489	24,189	47,678
Oak Harbor	278,157	286,446	564,603
Oakesdale	31,060	31,986	63,046
Oakville	43,411	44,705	88,116
Ocean Shores	64,837	66,769	131,606
Odessa	4,721	4,862	9,583
Okanogan	12,323	12,690	25,013
Olympia	198,476	204,391	402,867
Omak	26,117	26,895	53,012
Oroville	12,506	12,879	25,385
Orting	191,211	196,909	388,120
Othello	26,808	27,607	54,415
Pacific	69,124	71,184	140,308
Palouse	55,067	56,708	111,775
Pasco	131,298	135,211	266,509
Pateros	28,021	28,856	56,877
Pe Ell	54,800	56,433	111,233
Pomeroy	52,485	54,049	106,534
Port Angeles	124,595	128,308	252,903
Port Orchard	41,797	43,043	84,840
Port Townsend	47,126	48,530	95,656
Poulsbo	31,812	32,760	64,572
Prescott	12,349	12,717	25,066
Prosser	24,137	24,856	48,993
Pullman	584,659	602,082	1,186,741
Puyallup	151,732	156,254	307,986
Quincy	20,244	20,847	41,091
Rainier	111,521	114,844	226,365
Raymond	85,311	87,853	173,164
Reardan	38,184	39,322	77,506
Redmond	215,259	221,674	436,933
Renton	235,053	242,058	477,111
Republic	25,085	25,833	50,918
Richland	441,733	454,897	896,630
Ridgefield	55,637	57,295	112,932



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Ritzville	8,498	8,751	17,249
Riverside	27,204	28,015	55,219
Rock Island	36,527	37,616	74,143
Rockford	18,965	19,530	38,495
Rosalia	36,719	37,813	74,532
Roslyn	64,571	66,495	131,066
Roy	1,709	1,760	3,469
Royal City	66,657	68,643	135,300
Ruston	50,309	51,808	102,117
Sammamish	2,361,433	2,431,804	4,793,237
Seatac	132,183	136,122	268,305
Seattle	3,189,346	3,284,389	6,473,735
Sedro-Woolley	54,896	56,532	111,428
Selah	80,704	83,109	163,813
Sequim	21,867	22,519	44,386
Shelton	58,160	59,893	118,053
Shoreline	1,485,138	1,529,395	3,014,533
Skykomish	1,417	1,459	2,876
Snohomish	40,722	41,936	82,658
Snoqualmie	9,587	9,873	19,460
Soap Lake	102,783	105,846	208,629
South Bend	75,826	78,086	153,912
South Cle Elum	46,847	48,243	95,090
South Prairie	18,788	19,348	38,136
Spangle	1,397	1,439	2,836
Spokane	1,116,419	1,149,688	2,266,107
Sprague	22,930	23,613	46,543
Springdale	11,080	11,410	22,490
St. John	4,245	4,372	8,617
Stanwood	21,141	21,771	42,912
Starbuck	8,949	9,216	18,165
Steilacoom	285,807	294,324	580,131
Stevenson	11,673	12,021	23,694
Sultan	63,199	65,082	128,281
Sumas	7,885	8,120	16,005
Sumner	41,931	43,181	85,112
Sunnyside	70,805	72,915	143,720
Tacoma	1,384,646	1,425,908	2,810,554
Tekoa	49,373	50,844	100,217
Tenino	68,820	70,871	139,691
Tieton	74,506	76,726	151,232
Toledo	8,084	8,325	16,409
Tonasket	5,500	5,664	11,164
Toppenish	443,488	456,704	900,192
Tukwila	75,320	77,565	152,885
Tumwater	61,848	63,691	125,539
Twisp	4,793	4,936	9,729
Union Gap	27,129	27,937	55,066
Uniontown	19,805	20,395	40,200
University Place	1,889,912	1,946,231	3,836,143
Vader	40,643	41,854	82,497
Vancouver	1,177,584	1,212,676	2,390,260
Waitsburg	81,097	83,514	164,611
Walla Walla	318,679	328,176	646,855
Wapato	230,783	237,660	468,443
Warden	105,612	108,759	214,371
Washougal	177,022	182,297	359,319
Washtucna	20,654	21,269	41,923
Waterville	72,880	75,052	147,932
Waverly	10,256	10,562	20,818
Wenatchee	147,602	152,001	299,603
West Richland	489,752	504,347	994,099
Westport	13,715	14,124	27,839
White Salmon	53,746	55,348	109,094
Wilbur	23,614	24,318	47,932
Wilkeson	18,762	19,321	38,083

Wilson Creek	18,403	18,951	37,354
Winlock	35,212	36,261	71,473
Winthrop	1,756	1,808	3,564
Woodinville	56,052	57,722	113,774
Woodland	17,960	18,495	36,455
Woodway	12,513	12,886	25,399
Yacolt	36,636	37,728	74,364
Yakima	487,766	502,301	990,067
Yarrow Point	32,121	33,078	65,199
Yelm	15,677	16,144	31,821
Zillah	100,818	103,822	204,640
<b>TOTAL APPROPRIATIONS</b>	<b>45,545,942</b>	<b>46,903,217</b>	<b>92,449,159</b>

(2) \$338,668 for fiscal year 2002 and \$348,622 for fiscal year 2003 from this appropriation are provided solely to address the contingencies listed in this subsection. The department shall distribute the moneys no later than March 31, 2002, and March 31, 2003, for the respective appropriations. Moneys shall be distributed for the following purposes, ranked in order of priority:

(a) To correct for data errors in the determination of distributions in subsection (1) of this section;

(b) To distribute to newly qualifying jurisdictions as if the jurisdiction had been in existence prior to November 1999;

(c) To allocate under emergency situations as determined by the director of the department of community, trade, and economic development in consultation with the association of Washington cities; and

(d) After April 1st of each year in the fiscal biennium ending June 30, 2003, any moneys remaining from the amounts provided in this subsection shall be prorated and distributed to cities and towns on the basis of the amounts distributed for emergency considerations in November 2000 as provided in section 729, chapter 1, Laws of 2000, 2nd sp. sess.

**NEW SECTION. Sec. 729. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE**

Health Services Account--State Appropriation ..... \$ 48,270,802

The appropriation in this section is subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

<b>Health District</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>2001-03 Biennium</b>
Adams County Health District	30,824	31,428	62,252
Asotin County Health District	65,375	70,818	136,193
Benton-Franklin Health District	1,147,987	1,196,390	2,344,377
Chelan-Douglas Health District	176,979	194,628	371,607
Clallam County Health and Human Services Department	140,557	144,547	285,104
Southwest Washington Health District	1,067,962	1,113,221	2,181,183
Columbia County Health District	40,362	41,153	81,515
Cowlitz County Health Department	273,147	287,116	560,263
Garfield County Health District	14,966	15,259	30,225
Grant County Health District	111,767	126,762	238,529
Grays Harbor Health Department	183,113	186,702	369,815
Island County Health Department	86,600	98,221	184,821
Jefferson County Health and Human Services	82,856	89,676	172,532
Seattle-King County Department of Public Health	9,489,273	9,681,772	19,171,045
Bremerton-Kitsap County Health District	551,913	563,683	1,115,596
Kittitas County Health Department	87,822	98,219	186,041
Klickitat County Health Department	57,872	67,636	125,508
Lewis County Health Department	103,978	108,817	212,795
Lincoln County Health Department	26,821	32,924	59,745
Mason County Department of Health Services	91,638	101,422	193,060
Okanogan County Health District	62,844	64,788	127,632
Pacific County Health Department	77,108	78,619	155,727
Tacoma-Pierce County Health Department	2,802,613	2,870,392	5,673,005
San Juan County Health and Community Services	35,211	40,274	75,485
Skagit County Health Department	215,464	234,917	450,381

Snohomish Health District	2,238,523	2,303,371	4,541,894
Spokane County Health District	2,091,092	2,135,477	4,226,569
Northeast Tri-County Health District	106,019	116,135	222,154
Thurston County Health Department	593,358	614,255	1,207,613
Wahkiakum County Health Department	13,715	13,984	27,699
Walla Walla County-City Health Department	170,852	175,213	346,065
Whatcom County Health Department	846,015	875,369	1,721,384
Whitman County Health Department	78,081	80,274	158,355
Yakima Health District	617,792	636,841	1,254,633
<b>TOTAL APPROPRIATIONS</b>	<b>\$23,780,499</b>	<b>\$24,490,303</b>	<b>\$48,270,802</b>

**NEW SECTION. Sec. 730. FOR THE LIABILITY ACCOUNT**

General Fund--State Appropriation (FY 2003).....	\$	6,392,000
State Surplus Assets Reserve Fund--State Appropriation .....	\$	25,000,000
.....		<b>TOTAL APPROPRIATION</b>
	\$	31,392,000

The appropriations in this section are provided solely for deposit in the liability account.

**Sec. 731.** 2000 2nd sp.s. c 1 s 603 (uncodified) is amended to read as follows:

**FOR UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2000).....	\$	316,379,000
General Fund--State Appropriation (FY 2001).....	\$	335,568,000
Death Investigations Account--State Appropriation.....	\$	111,000
Accident Account--State Appropriation .....	\$	5,777,000
Medical Aid Account--State Appropriation.....	\$	5,818,000
.....		<b>TOTAL APPROPRIATION</b>
	\$	663,593,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,617,000 of the general fund--state appropriation for fiscal year 2000 and \$10,528,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Bothell branch campus. Of these amounts: The office of financial management shall hold and release funds to the university at the rate of \$9,636 per enrolled state FTE student at the Bothell branch campus in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year (~~shall lapse to the education savings-account at the close of the biennium~~) are appropriated to the University of Washington building account.

(2) \$9,934,000 of the general fund--state appropriation for fiscal year 2000 and \$11,226,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Tacoma branch campus. Of these amounts: The office of financial management shall hold and release funds to the university at the rate of \$8,520 per enrolled state FTE student at the Tacoma branch campus in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year (~~shall lapse to the education savings-account at the close of the biennium~~) are appropriated to the University of Washington building account.

(3) \$2,312,000 of the general fund--state appropriation for fiscal year 2000 and \$2,312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(4) \$1,975,000 of the general fund--state appropriation for fiscal year 2000 and \$1,975,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to extend the next-generation internet hub and related expertise.

(5) \$90,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$136,000 of the general fund--state appropriation for fiscal year 2000 and \$137,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the dental education in care of persons with disabilities program.

(9) \$904,000 of the accident account and medical aid account appropriations is provided to establish a bio-contaminant laboratory and consultation service, create a demonstration project, and enhance laboratory and computing equipment in the department of environmental health.

(10) \$958,000 of the general fund--state appropriation for fiscal year 2000 and \$958,000 of the general fund--state appropriation for fiscal year 2001 are provided for the mathematics, engineering, science achievement (MESA) program.

(11) \$1,250,000 of the general fund--state appropriation for fiscal year 2000 and \$1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

(12) \$450,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to enhance university expenditures for graduate student appointee health insurance. For fiscal year 2001, the university shall provide the remainder of funding necessary to maintain the benefits and terms of health insurance in effect for graduate student appointees as of the effective date of this section.

(13) \$375,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to provide internet connectivity.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions .....	\$ 6,528,600
General Fund Appropriation for public utility district excise tax distributions .....	\$ 36,427,306
General Fund Appropriation for prosecuting attorney distributions .....	\$ 3,090,000
General Fund Appropriation for boating safety/education and law enforcement distributions .....	\$ 3,780,000
General Fund Appropriation for other tax distributions .....	\$ 39,566
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies .....	\$ 1,621,537
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution.....	\$ 147,500
Timber Tax Distribution Account Appropriation for distribution to "timber" counties .....	\$ 68,562,000
County Criminal Justice Assistance Appropriation.....	\$ 49,835,213
Municipal Criminal Justice Assistance Appropriation.....	\$ 19,988,097
Liquor Excise Tax Account Appropriation for liquor excise tax distribution.....	\$ 28,659,331
Liquor Revolving Account Appropriation for liquor profits distribution .....	\$ 55,344,817
..... TOTAL APPROPRIATION	\$ 274,0

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation ..... \$ 1,843,260

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2001-03 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation ..... \$ 1,228,840

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2001-03 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal grazing fees distribution ..... \$ 2,050,334  
General Fund Appropriation for federal flood control funds distribution..... \$ 26,524  
Forest Reserve Fund Appropriation for federal forest reserve fund distribution ..... \$ 47,689,181  
..... TOTAL APPROPRIATION \$ 49,766,049

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS**

Public Facilities Construction Loan and Grant Revolving Account: For transfer to the digital government revolving account on or before December 31, 2001 ..... \$ 1,418,456  
Financial Services Regulation Fund: To be transferred from the financial services regulation fund to the digital government revolving account during the period between July 1, 2001, and December 31, 2001 ..... \$ 2,000,000  
Local Toxics Control Account: For transfer to the state toxics control account. Transferred funds will be utilized for methamphetamine lab cleanup, to address areawide soil contamination problems, and clean up contaminated sites as part of the clean sites initiative ..... \$ 6,000,000  
State Toxics Control Account: For transfer to the water quality account for water quality related projects funded in the capital budget..... \$ 9,000,000  
General Fund: For transfer to the flood control assistance account ..... \$ 4,000,000  
Water Quality Account: For transfer to the water pollution control account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit ..... \$ 12,564,487

State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2003, an amount in excess of the cash requirements of the state treasurer's service account. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2003 to reflect this transfer .....	\$	8,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account.....	\$	7,700,000
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account.....	\$	310,000,000
General Fund: For transfer to the water quality account.....	\$	60,325,000
Health Services Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer.....	\$	130,000,000
Health Services Account: For transfer to the state general fund by June 30, 2003. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2003 to reflect this transfer.....	\$	20,000,000
State Surplus Assets Reserve Fund: For transfer to the multimodal transportation account by June 30, 2002.....	\$	70,000,000
Multimodal Transportation Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer .....	\$	70,000,000

**NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

General Fund--State Appropriation: For transfer to the department of retirement systems expense account: For the administrative expenses of the judicial retirement system.....	\$	26,605
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**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1999-01 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a

video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 904. PROGRAM COST SHIFTS.** Any program costs or moneys in this act that are shifted to the general fund from another fund or account require an adjustment to the expenditure limit under RCW 43.135.035(5).

**NEW SECTION. Sec. 905. RECONCILIATION OF TREASURER TRANSFERS.** (1) To reflect the fact that Initiative 728 (chapter 3, Laws of 2001) took effect January 1, 2001, after transfers are made based on prior fiscal year calculations, any balance in the emergency reserve fund in excess of five percent of annual general fund--state revenues for fiscal year 2001 shall be deposited as follows: Pursuant to section 3(3), chapter 2, Laws of 2000 2nd sp. sess., 50 percent to the education construction fund; and pursuant to section 9(3), chapter 3, Laws of 2001, 37.5 percent to the student achievement fund and 12.5 percent to the general fund.

(2) After the close of the fiscal year, to reconcile these accounts, the treasurer shall make transfers between accounts as necessary to ensure that the amounts deposited are consistent with these percentages and reflect the revised expenditure limit, actual revenues as reported by the economic and revenue forecast council, and the balance in the emergency reserve fund after the close of the fiscal year.

**NEW SECTION. Sec. 906. EMERGENCY FUND ALLOCATIONS.** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 907. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 908. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 909. VOLUNTARY SEPARATION INCENTIVES.** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a



contractual right to a financial incentive offered pursuant to this section.

Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by December 1, 2002.

**NEW SECTION. Sec. 910. VOLUNTARY RETIREMENT INCENTIVES.** It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2003, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2001-03 biennium.

**Sec. 911.** RCW 43.320.110 and 2001 c 177 s 2 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

Between July 1, 2001, and December 31, 2001, the legislature may transfer up to two million dollars from the financial services regulation fund to the state general fund.

**Sec. 912.** RCW 76.12.110 and 2000 2nd sp.s. c 1 s 915 are each amended to read as follows:

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands. For the ((1999-2001)) 2001-2003 fiscal biennium, moneys from the account shall be distributed as directed in the omnibus appropriations act to the beneficiaries of the revenues derived from state forest lands. Funds that accrue to the state from such a distribution shall be deposited into the salmon recovery account. These funds shall be used for a grant program for cities and counties for the preservation and restoration of riparian, marine, and estuarine areas.

**Sec. 913.** RCW 49.70.170 and 1999 c 309 s 917 are each amended to read as follows:

(1) The worker and community right to know fund is hereby established in the custody of the state treasurer. The department shall deposit all moneys received under this chapter in the fund. Moneys in the fund may be spent only for the purposes of this chapter following legislative appropriation. Disbursements from the fund shall be on authorization of the director or the director's designee. During the ((1999-2001)) 2001-2003 fiscal biennium, moneys in the fund may also be used by the military department for the purpose of assisting the state emergency response commission and coordinating local emergency planning activities. The fund is subject to the allotment procedure provided under chapter 43.88 RCW.

(2) The department shall assess each employer who reported ten thousand four hundred or more worker hours in the prior calendar year an annual fee to provide for the implementation of this chapter. The department shall promulgate rules establishing a fee schedule for all employers who reported ten thousand four hundred or more worker hours in the prior calendar year and are engaged in business operations having a standard industrial classification, as designated in the standard industrial classification manual prepared by the federal office of management and budget, within major group numbers 01 through 08 (agriculture and forestry industries), numbers 10 through 14 (mining industries), numbers 15 through 17 (construction industries), numbers 20 through 39 (manufacturing industries), numbers 41, 42, and 44 through 49 (transportation, communications, electric, gas, and sanitary services), number 75 (automotive repair, services, and garages), number 76 (miscellaneous repair services), number 80 (health services), and number 82 (educational services). The department shall establish the annual fee for each employer who reported ten thousand four hundred or more worker hours in the prior calendar year in industries identified by this section, provided that fees assessed shall not be more than two dollars and fifty cents per full time equivalent employee. The annual fee shall not exceed fifty thousand dollars. The fees shall be collected solely from employers whose industries have been identified by rule under this chapter. The department shall promulgate rules allowing employers who do not have hazardous substances at their workplace to request an exemption from the assessment and shall establish penalties for fraudulent exemption requests. All fees collected by the department pursuant to this section shall be collected in a cost-efficient manner and shall be deposited in the fund.

(3) Records required by this chapter shall at all times be open to the inspection of the director, or his designee including, the traveling auditors, agents or assistants of the department provided for in RCW 51.16.070 and 51.48.040. The information obtained from employer records under the provisions of this section shall be subject to the same confidentiality requirements as set forth in RCW 51.16.070.

(4) An employer may appeal the assessment of the fee or penalties pursuant to the procedures set forth in Title 51 RCW and accompanying rules except that the employer shall not have the right of appeal to superior court as provided in Title 51 RCW. The employer from whom the fee or penalty is demanded or enforced, may however, within thirty days of the board of industrial insurance appeal's final order, pay the fee or penalty under written protest setting forth all the grounds upon which such fee or penalty is claimed to be unlawful, excessive or otherwise improper and thereafter bring an action in superior court against the department to recover such fee or penalty or any portion of the fee or penalty which was paid under protest.

(5) Repayment shall be made to the general fund of any moneys appropriated by law in order to implement this chapter.

**Sec. 914.** RCW 43.08.250 and 2000 2nd sp.s. c 1 s 911 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, ~~((2004))~~ 2003, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, ~~((department of ecology methamphetamine related activities.))~~ unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, ~~((and))~~ the replacement of the department of corrections' offender-based tracking system, and methamphetamine-related enforcement.

education, training, and drug and alcohol treatment services.

**Sec. 915.** RCW 82.14.310 and 1999 c 309 s 920 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer shall transfer into the county criminal justice assistance account from the general fund the sum of twenty-three million two hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer shall increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsection (4) of this section, shall be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

(i) The population of the county or city shall be as last determined by the office of financial management;

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court shall be determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts;

(iv) Distributions and eligibility for distributions in the 1989-91 biennium shall be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions shall be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil or juvenile justice system occurs, and which includes (a) domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and (b) during the ~~((1999-2001))~~ 2001-2003 fiscal biennium, juvenile dispositional hearings relating to petitions for at-risk youth, truancy, and children in need of services. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(4) Not more than five percent of the funds deposited to the county criminal justice assistance account shall be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements shall not supplant existing funds from the state general fund.

**Sec. 916.** RCW 43.72.902 and 2000 2nd sp.s. c 1 s 913 are each amended to read as follows:

The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system

shall consist of the state board of health, the state department of health, and local health departments and districts. During the ~~((1999-2001))~~ 2001-2003 biennium, moneys in the fund may also be used for costs associated with hepatitis C testing and treatment in correctional facilities.

**Sec. 917.** RCW 43.79.465 and 1998 c 302 s 2 are each amended to read as follows:

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.10.868; (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.10.882; and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely for (a) common school construction projects that are eligible for funding from the common school construction account, ~~((and))~~ (b) technology improvements in the common schools, and (c) during the 2001-03 fiscal biennium, technology improvements in public higher education institutions.

**Sec. 918.** RCW 46.10.040 and 1997 c 241 s 2 are each amended to read as follows:

Application for registration shall be made to the department in the manner and upon forms the department prescribes, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by an annual registration fee to be established by the commission, after consultation with the committee and any state-wide snowmobile user groups. ~~((The fee shall be fifteen dollars pending action by the commission to increase the fee.))~~ The commission shall increase the current fee of twenty dollars by ~~((two))~~ five dollars ~~((and fifty cents))~~ effective September 30, ~~((1996))~~ 2001, and the commission shall increase the fee by another ~~((two))~~ five dollars ~~((and fifty cents))~~ effective September 30, ~~((1997))~~ 2002. After the fee increase effective September 30, ~~((1997))~~ 2002, the commission shall not increase the fee. Upon receipt of the application and the application fee, the snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

The registration provided in this section shall be valid for a period of one year. At the end of the period of registration, every owner of a snowmobile in this state shall renew his or her registration in the manner the department prescribes, for an additional period of one year, upon payment of the annual registration fee as determined by the commission.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of the snowmobile, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of one dollar and twenty-five cents.

A snowmobile owned by a resident of another state or Canadian province where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for the permit shall state the name and address of each owner of the snowmobile to be registered and shall be signed by at least one owner and shall be accompanied by a registration fee of five dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070. In addition to the registration fee provided in this section the department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals.

**Sec. 919.** RCW 72.11.040 and 2000 2nd sp.s. c 1 s 914 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from

the fund may be used only to support the collection of legal financial obligations. During the ~~((1999-2001))~~ 2001-2003 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community ~~((, and the replacement of the department of corrections' offender-based tracking system))~~. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 920.** RCW 69.50.520 and 2000 2nd sp.s. c 1 s 917 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the ~~((1999-2001))~~ 2001-2003 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, ~~((the design, sitework, and construction of the special commitment center,))~~ the replacement of the department of corrections' offender-based tracking system, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, and for multijurisdictional narcotics task forces. After July 1, ~~((2001))~~ 2003, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 921.** RCW 70.146.030 and 1996 c 37 s 2 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, 2001, to June 30, 2003, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

(4) During the fiscal biennium ending June 30, 1997, moneys in the account may be transferred by the legislature to the water right permit processing account.

**NEW SECTION. Sec. 922.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 923.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 911 of this act which takes effect July 1, 2001.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 43.320.110, 76.12.110, 49.70.170, 43.08.250, 82.14.310, 43.72.902, 43.79.465, 46.10.040, 72.11.040, 69.50.520, and 70.146.030; amending 2000 2nd sp.s. c 1 s 603 (uncodified); creating new sections; making appropriations; providing an effective date; and declaring an emergency."

Representative Clements moved the adoption of the following amendment (299) to the striking amendment (262):

On page 1, after line 29, insert the following:

**"NEW SECTION. Sec. 2.** If at any time during the 2001-2003 fiscal biennium the state general fund is projected to have a cash deficit as defined by RCW 43.88.050:

(1) The governor shall first exercise his or her authority to make across the board allotment reductions pursuant to RCW 43.88.110.

(2) The governor, in preparing any supplemental budget requests, after making any program reductions, shall first propose expenditure of emergency reserve funds to respond to any remaining general fund cash deficit prior to proposing any general fund tax increase.

(3) The legislature, in adopting any supplemental budget, after making any program reductions, shall first make appropriations from the emergency reserve fund to respond to any remaining general fund cash deficit prior to authorizing any general fund tax increase."

Representatives Clements and Sommers spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Benson moved the adoption of the following amendment (317) to the striking amendment (262):

On page 1, line 33, increase the general fund--state appropriation for fiscal year 2002 by \$25,000.

On page 1, line 34, increase the general fund--state appropriation for fiscal year 2003 by \$25,000.

Correct the total accordingly.

On page 2, after line 12, insert the following:

"(3) \$109,000 of the general fund--state appropriation for fiscal year 2002 and \$109,000 of the general fund--state appropriation for fiscal year 2003 are provided to the legislative ethics board."

On page 2, line 14, increase the general fund--state appropriation for fiscal year 2002 by \$25,000.

On page 2, line 15, increase the general fund--state appropriation for fiscal year 2003 by \$25,000.

Correct the total accordingly.

On page 2, after line 27, insert the following:

"(3) \$109,000 of the general fund--state appropriation for fiscal year 2002 and \$109,000 of the general fund--state appropriation for fiscal year 2003 are provided to the legislative ethics board."

Representative Benson spoke in favor of the adoption of the amendment to the striking amendment.

Representative Reardon spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of the following amendment (317) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (317) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 46, Nays - 47, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 46.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 47.

Excused: Representatives Hatfield, Kessler, Mulliken, Pennington, and Quall - 5.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Ogden moved the adoption of the following amendment (309) to the striking amendment (262):

On page 2, line 30, decrease the general fund--state appropriation for fiscal year 2002 by \$300,000.

On page 2, line 31, decrease the general fund--state appropriation for fiscal year 2003 by \$300,000.

Correct the total accordingly.

Representatives Ogden and McMorris spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Anderson moved the adoption of the following amendment (322) to the striking amendment (262):

On page 2, line 30, increase the general fund-state appropriation for fiscal year 2002 by \$25,000.

Correct the total accordingly.

On page 6, after line 5, insert the following: "(10) \$25,000 of the general fund-state appropriation for fiscal year 2002 is provided solely for a feasibility study of determining best financial management practices for school districts in Washington. The committee shall conduct this feasibility study in consultation with the

appropriate committees of the legislature, the office of financial management, the office of the superintendent of public instruction, the state board of education, educational service districts, and other appropriate state educational and community organizations. The study shall include, but not be limited to: (a) the identification and evaluation of systems of best financial management practices in other states, including their costs and realized benefits of implementation and (b) the review and evaluation of existing efforts in school districts in Washington to design, implement and improve systems of best financial management practices. The committee may contract for consulting services in conducting this feasibility study. The study shall be submitted to the appropriate committees of the legislature by January 2, 2002."

Representative Anderson spoke in favor of the adoption of the amendment to the striking amendment.

Representative Haigh spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (322) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (322) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 44, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Voloria, Wood and Speaker Chopp - 44.

Excused: Representatives Hatfield, Kessler, Mulliken, Pennington, and Quall - 5.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendment (345) was withdrawn.

Representative Clements moved the adoption of the following amendment (380) to the striking amendment (262):

On page 2, line 32, delete "Accident Account--State Appropriation ..... \$ 125,000"

Correct the total accordingly

On page 5, beginning on line 17, strike all of subsection (9)

Representatives Clements and Conway spoke in favor of the adoption of the amendment to the striking amendment.



The amendment to the striking amendment was adopted.

There being no objection, amendment (333) was withdrawn.

Representative Lambert moved the adoption of the following amendment (361) to the striking amendment (262):

On page 8, line 13, strike "29,634,000" and insert "30,134,000"

On page 8, line 16, strike "86,025,000" and insert "86,525,000"

On page 10, after line 3, insert the following:

"(9) \$500,000 of the public safety and education account-state appropriation is provided solely for the purposes of coordinating and improving the judicial information system computer system."

Representatives Lambert and Sehlin spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cooper spoke against adoption of the amendment to the striking amendment.

The amendment to the striking amendment was not adopted.

Representative Fisher moved the adoption of the following amendment (263) to the striking amendment (262):

On page 15, line 23, reduce the general fund-state appropriation for fiscal year 2002 by \$290,000

On page 15, line 24, reduce the general fund-state appropriation for fiscal year 2003 by \$120,000

Correct the total accordingly

On page 16, beginning on line 11, strike all of subsections (3) and (4)

Representatives Fisher and Marine spoke in favor of the adoption of the amendment to the striking amendment.

Representative Keiser spoke against adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Miloscia moved the adoption of the following amendment (266) to the striking amendment (262):

On page 15, line 23, increase the general fund-state appropriation for fiscal year 2002 by \$300,000

On page 15, line 24, increase the general fund-state appropriation for fiscal year 2003 by \$300,000

Correct the total accordingly

On page 16, after line 29, insert the following:

"(5) \$300,000 of the general fund-state appropriation for fiscal year 2002 and \$300,000 of the general fund-state appropriation for fiscal year 2003 are provided solely for the state auditor to conduct performance

audits of three governmental entities as demonstration audits for state and local government agencies. Each audit shall include a financial history and shall identify and review performance measures, benchmarks, quality management practices, and efficiencies achieved. The state auditor may contract for consulting services in completing these audits. The state auditor shall report findings from these audits to the appropriate legislative committees by December 1, 2002."

Representative Miloscia spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Anderson moved the adoption of the following amendment (316) to the striking amendment (262):

On page 15, line 23, increase the general fund-state appropriation for fiscal year 2002 by \$300,000

On page 15, line 24, increase the general fund-state appropriation for fiscal year 2003 by \$300,000

Correct the total accordingly

On page 16, after line 29, insert the following:

"(5) \$300,000 of the general fund-state appropriation for fiscal year 2002 and \$300,000 of the general fund-state appropriation for fiscal year 2003 are provided solely for performance audits of state-administered programs to be selected by the state auditor. In selecting programs for audits, the state auditor shall give priority to programs that may be compared with similar programs in other jurisdictions."

Representatives Anderson, Lambert and Clements spoke in favor of the adoption of the amendment to the striking amendment.

Representative Dickerson spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (316) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (316) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 45, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 45.

Excused: Representatives Hatfield, Kessler, Mulliken, Pennington, and Quall - 5.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Marine moved the adoption of the following amendment (348) to the striking amendment (262):

On page 16, beginning on line 11, strike all of subsection (3) and insert the following:

"(3) \$290,000 of the general fund-state appropriation for fiscal year 2002 and \$120,000 of the general fund-state appropriation for fiscal year 2003 are for the state auditor to conduct a performance and financial audit of Sound Transit. The audit shall: (a) Review and document the financial history of the project; (b) evaluate the performance measures used by Sound Transit for its projects; (c) evaluate the current project schedule and cost estimates; (d) review the sources of funding and evaluate the adequacy of funding necessary to complete the project; (e) evaluate the effect of Sound Transit's projects on congestion relief in the Puget Sound region; and (f) identify and evaluate emerging national, regional and state issues that may affect the project's scope, budget or schedule."

Representative Marine spoke in favor of the adoption of the amendment to the striking amendment.

Representative Murray spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (348) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (348) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 45, Nays - 48, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 45.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 48.

Excused: Representatives Hatfield, Kessler, Mulliken, Pennington, and Quall - 5.

Having failed to receive a constitutional majority, the amendment was not adopted.

With the consent of the House, amendment (350) was withdrawn.

Representative Pflug moved the adoption of the following amendment (313) to the striking amendment (262):

On page 17, after line 34, insert the following:

"(4) \$50,000 of the public safety and education account-state appropriation is provided solely for the

purpose of publicizing the availability of a national telephone preference service list and methods by which residential telephone customers may have their telephone numbers placed on the list."

Representative Pflug spoke in favor of the adoption of the amendment to the striking amendment.

Representative Romero spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (313) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (313) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 45, Nays - 48, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Woods and Speaker Ballard - 45.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Van Luven, Veloria, Wood and Speaker Chopp - 48.

Excused: Representatives Hatfield, Kessler, Mulliken, Pennington, and Quall - 5.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Linville moved the adoption of the following amendment (264) to the striking amendment (262):

On page 18, line 3, increase the general fund-state appropriation for fiscal year 2002 by \$100,000

On page 18, line 4, increase the general fund-state appropriation for fiscal year 2003 by \$100,000

Correct the total accordingly

On page 23, after line 10, insert the following: "(23) \$100,000 of the general fund-state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided to the Office of Community Development solely for the purposes of providing assistance to industrial workers who have been displaced by energy cost-related industrial plant closures in rural counties. For purposes of this subsection, "rural county" is as defined in RCW 82.14.370 (5). The Office of Community Development shall distribute the amount in this subsection to community agencies that assist the displaced industrial workers in meeting basic needs including, but not limited to, emergency medical and dental services, family and mental health counseling, food, energy costs, mortgage and rental costs. The department shall not retain more than 2 percent of the amount provided in this subsection for administrative costs."

Representatives Linville, Ericksen and Morris spoke in favor of the adoption of the amendment to the

striking amendment.

The amendment to the striking amendment was adopted.

Representative Campbell moved the adoption of the following amendment (290) to the striking amendment (262):

On page 18, line 3, increase the general fund-state appropriation for fiscal year 2002 by \$118,000

On page 18, line 4, increase the general fund-state appropriation for fiscal year 2003 by \$118,000

On page 18, line 24, decrease the community economic development account-state appropriation by \$113,000

Correct the totals accordingly

On page 22, line 4, strike "\$230,000" and insert "\$348,000"

On page 22, line 5, strike "\$230,000" and insert "\$348,000"

On page 22, line 9, after "program." strike everything through line 16.

Representative Campbell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Dickerson spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (290) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (290) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 44, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Voloria, Wood and Speaker Chopp - 44.

Excused: Representatives Hatfield, Kessler, Mulliken, Pennington, and Quall - 5.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative DeBolt moved the adoption of the following amendment (310) to the striking amendment

On page 18, line 3, increase the general fund--state appropriation for fiscal year 2002 by \$1,000,000.

On page 18, line 4, increase the general fund--state appropriation for fiscal year 2003 by \$1,000,000.

Correct the total accordingly.

On page 23, after line 10, insert the following:

"(23) \$1,000,000 of the general fund-state appropriation for fiscal year 2002 and \$1,000,000 of the general fund-state appropriation for fiscal year 2003 shall be used solely for energy assistance under the low-income home energy assistance program."

Representative DeBolt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Poulsen spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (310) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (310) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 44, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 44.

Excused: Representatives Hatfield, Kessler, Mulliken, Pennington, and Quall - 5.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Skinner moved the adoption of the following amendment (325) to the striking amendment (262):

On page 18, line 3, increase the general fund-state appropriation for fiscal year 2002 by \$254,000

On page 18, line 4, increase the general fund-state appropriation for fiscal year 2003 by \$254,000

Correct the total accordingly

On page 53, line 33, increase the general fund-federal appropriation by \$300,000

Correct the total accordingly

On page 23, after line 10, insert the following:

"(23) \$254,000 of the general fund-state appropriation for fiscal year 2002 and \$254,000 of the general fund-state appropriation for fiscal year 2003 are provided solely to increase the number of trained volunteer long-term care ombudsmen available to serve elderly or disabled residents living in licensed boarding homes and adult family homes. The department of social and health services is authorized to draw \$300,000 in federal medicaid matching funds for the sole purpose of matching the general fund-state appropriation provided in this subsection. The department of social and health services shall forward the federal matching funds to the department of community, trade, and economic development through the existing interagency agreement for the long-term care ombudsman program."

Representative Skinner spoke in favor of the adoption of the amendment to the striking amendment.

Representative Edmonds spoke against adoption of the amendment to the striking amendment.

The amendment to the striking amendment was not adopted.

Representative Morell moved the adoption of the following amendment (339) to the striking amendment (262):

On page 18, line 3, increase the general fund-state appropriation for fiscal year 2002 by \$250,000

On page 18, line 4, increase the general fund-state appropriation for fiscal year 2003 by \$250,000

Correct the total accordingly

On page 21, line 38, strike "\$500,000" and insert "\$750,000"

On page 21, line 39, strike "\$500,000" and insert "\$750,000"

Representative Morell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Dickerson spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (339) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (339) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Erickson, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 5.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendment (363) was withdrawn.

Representative Van Luven moved the adoption of the following amendment (381) to the striking amendment (262):

On page 18, line 3, increase the general fund--state appropriation for fiscal year 2002 by \$571,500

On page 18, line 4, increase the general fund--state appropriation for fiscal year 2003 by \$421,500

Correct the total accordingly

On page 23, after line 10, insert the following:

"(23) \$91,500 of the general fund--state appropriation for fiscal year 2002 and \$91,500 of the general fund-state appropriation for fiscal year 2003 are provided solely for services related to the foreign representative contract for Japan.

(24) \$81,000 of the general fund--state appropriation for fiscal year 2002 and \$81,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for business finance and loan programs.

(25) \$150,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the quick sites initiative program.

(26) \$120,000 of the general fund--state appropriation for fiscal year 2002 and \$120,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for operating a business information hotline.

(27) \$29,000 of the general fund--state appropriation for fiscal year 2002 and \$29,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for travel expenses associated with the office of trade and economic development's provision of outreach and technical assistance services to businesses and local economic development associations.

(28) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund-state appropriation for fiscal year 2003 are provided solely for information technology enhancements designed to improve the delivery of agency services to customers."

Representatives Van Luven and Veloria spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (381) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (381) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, having received the necessary 50 votes, was adopted by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.



Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard and Speaker Chopp - 94.

Excused: Representatives Hatfield, Kessler, Mulliken, Pennington, and Quall - 5.

Having received a constitutional majority, the amendment was adopted.

Representative Roach moved the adoption of the following amendment (327) to the striking amendment (262):

On page 18, line 26, increase the Washington housing trust account--state appropriation by \$35,000.

On page 23, after line 10, insert the following:

"(23) \$35,000 of the Washington housing trust account appropriation is provided solely for the purpose of adopting by July 1, 2002, a rule requiring a housing impact analysis statement on any agency proposed rule that will have a significant adverse impact on housing."

Representative Roach spoke in favor of the adoption of the amendment to the striking amendment.

Representative Gombosky spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (327) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (327) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Miloscia, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendments (300) and (330) were withdrawn.

Representative Van Luven moved the adoption of the following amendment (273) to the striking amendment (262):

On page 22, on line 16, after "RCW 43.330.152" insert "to support expenses that are directly attributable to the families' individual accounts"

Representative Van Luven spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sommers spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (273) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (273) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Grant, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendments (368) and (334) were withdrawn.

Representative Carrell moved the adoption of the following amendment (335) to the striking amendment (262):

On page 26, line 1, decrease the general fund--state appropriation for fiscal year 2002 by \$269,000.

On page 26, line 2, decrease the general fund--state appropriation for fiscal year 2003 by \$49,000.

Correct the total accordingly.

On page 26, after line 11, strike all material through "2002." on page 27, line 19.

Representative Carrell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Morris spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (335) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (335) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Eickmeyer, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Voloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative DeBolt moved the adoption of the following amendment (311) to the striking amendment (262):

On page 27, after line 19, insert the following:

"(5) \$14,232,000 of the general fund--state appropriation is provided solely for the department to administer and implement a deduction for senior citizen health care insurance costs and veterans' military disability benefits from the calculation of disposable income for the purposes of determining property tax exemptions."

### **POINT OF ORDER**

Representative Morris requested a scope and object ruling on amendment (311) to the striking amendment (262).

### **SPEAKERS' RULING**

Speaker Chopp: "The bill before us is the operating budget. The scope and object of a budget bill does not extend to permanent changes in "substantive law." One of the factors to be considered in determining whether a provision is substantive law is whether it modifies statutory rights or obligations.

Amendment #311 attempts to modify the amount of property taxes certain persons are statutorily obligated to pay. It, therefore, is beyond the scope and object of the budget bill.

Representative Morris, the point of order is well taken. Speaker Ballard concurs in this ruling."

Representative Cairnes moved the adoption of the following amendment (340) to the striking amendment (262):

On page 27, line 19, after "by" strike "November" and insert "June".

Representative Cairnes spoke in favor of the adoption of the amendment to the striking amendment.

Representative Morris spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (340) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (340) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Voloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendment (270) was withdrawn.

Representative Delvin moved the adoption of the following amendment (280) to the striking amendment (262):

On page 39, line 25, increase the general fund--state appropriation for fiscal year 2002 by \$1,377,000.

On page 39, line 26, increase the general fund--state appropriation for fiscal year 2003 by \$1,669,000.

Correct the total accordingly.

On page 43, after line 19, insert the following: "(s) \$1,377,000 of the general fund--state appropriation for fiscal year 2002 and \$1,669,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for contracted beds at local county detention facilities. The juvenile rehabilitation administration shall contract for these beds and shall not consider these beds to achieve reductions in bed capacity."

On page 43, line 21, decrease the general fund--state appropriation for fiscal year 2002 by \$792,000.

On page 43, line 22, decrease the general fund--state appropriation for fiscal year 2003 by \$960,000.

Correct the total accordingly.

Representatives Delvin and Dickerson spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Benson moved the adoption of the following amendment (318) to the striking amendment (262):

On page 39, line 25, increase the general fund--state appropriation by \$785,000.

On page 39, line 26, increase the general fund--state appropriation by \$785,000.

Correct the total accordingly.

On page 43, after line 19, insert the following: "(s) \$785,000 of the general fund--state appropriation for fiscal year 2002 and \$785,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the administration of lowering the minimum age requirement to thirteen years of age for which sex offenders must register."

#### **POINT OF ORDER**

Representative Gombosky requested a scope and object ruling on amendment (318) to the striking amendment (262).

#### **SPEAKERS' RULING**

Speaker Chopp: "As noted in the ruling on Amendment #311, the bill before us is the operating budget. The scope and object of a budget bill does not extend to permanent changes in "substantive law". One of the factors to be considered in determining whether a provision is substantive law is whether it modifies statutory rights or obligations.

Amendment #318 attempts to modify the age requirement for sex offender registration. It, therefore, is beyond the scope and object of the budget bill.

Representative Gombosky, the point of order is well taken. Speaker Ballard concurs in this ruling."

Representative Carrell moved the adoption of the following amendment (320) to the striking amendment (262):

On page 48, line 24, increase the general fund--state appropriation for fiscal year 2002 by \$900,000.

On page 48, line 25, increase the general fund--state appropriation for fiscal year 2003 by \$900,000.

Correct the total accordingly.

On page 48, line 29, after "(a)", strike "\$2,162,000" and insert "\$2,062,000"

On page 48, line 30, after "and", strike "\$3,798,000" and insert "\$3,698,000"

On page 48, beginning on line 33, strike everything from "Funding" through "Island." on line 38 and insert the following:

"(b) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed on McNeil Island."

Reletter the remaining subsections accordingly.

Representative Carrell and Lantz spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (320) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (320) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 82, Nays - 12, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Conway, Cox, Crouse, DeBolt, Darneille, Delvin, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, O'Brien, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Speaker Ballard and Speaker Chopp - 82.

Voting nay: Representatives Ballasiotes, Cody, Cooper, Dickerson, Doumit, Eickmeyer, Hankins, Hatfield, Jarrett, Murray, Sommers and Woods - 12.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having received a constitutional majority, the amendment was adopted.

There being no objection, amendment (285) was withdrawn.

Representative Skinner moved the adoption of the following amendment (293) to the striking amendment (262):

On page 53, line 31, increase the general fund--state appropriation for fiscal year 2002 by \$858,000.

On page 53, line 32, increase the general fund--state appropriation for fiscal year 2003 by \$858,000.

On page 53, line 33 increase the general fund--federal appropriation by \$1,876,000.

Correct the total accordingly.

On page 58, after line 2, insert the following:

"(14) \$858,000 of the general fund--state appropriation for fiscal year 2002, \$858,000 of the general fund--state appropriation fiscal year 2003, and \$1,876,000 of the general fund--federal appropriation are provided solely to be paid on behalf of current residents in community residential settings, who are receiving an exception

to policy rate. The department shall cease implementation of the four level payment system and the use of the new comprehensive assessment tool. The department shall continue to allow for exception to policy negotiated rates as determined by case managers under the medicaid reimbursement system for adult family homes, adult residential care, and enhanced residential care prior to the adoption of the four level resident focused payment rates system on July 1, 2000. Consideration for exceptional rates shall include, but shall not be limited to persons with Alzheimer's disease, dementia, or other cognitive impairments, behavioral issues, or severe medical needs. The department shall develop a comprehensive assessment tool that measures the care needs for persons with cognitive impairments or other mental disabilities and that takes into consideration a resident's medical and skilled nursing needs. By December 12, 2002, the department shall submit its recommended comprehensive assessment form to the appropriate policy committees of the legislature for approval."

Representative Skinner spoke in favor of the adoption of the amendment to the striking amendment.

Representative Edmonds spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (293) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (293) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Linville, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Alexander moved the adoption of the following amendment (357) to the striking amendment (262):

On page 53, line 31, increase the general fund--state appropriation for fiscal year 2002 by \$1,100,000.

On page 53, line 33, increase the general fund--federal appropriation by \$1,120,000.

Correct the total accordingly.

On page 54, line 21, strike "\$128.79" and insert "\$129.24"

On page 58, after line 2, insert the following: "(14) \$1,100,000 of the general fund--state appropriation for fiscal year 2002 and \$1,120,000 of the general fund--federal appropriation are provided solely to increase the

direct median price per case mix unit for facilities in other urban counties, established in accordance with chapter 74.46 RCW, as close as possible but not in excess of the level that would have existed for all urban counties prior to the creation of a high labor cost county peer group under the provisions of Substitute House Bill No. 2242 (nursing home rates)."

Representative Alexander spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cody spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (357) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (357) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Linville, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Campbell moved the adoption of the following amendment (359) to the striking amendment (262):

On page 53, line 31, increase the general fund--state appropriation for fiscal year 2002 by \$8,642,000.

On page 53, line 32, increase the general fund--state appropriation for fiscal year 2003 by \$8,966,000.

On page 53, line 33, increase the general fund--federal appropriation by \$17,707,000.

Correct the total accordingly.

On page 57, line 4, after "to" strike all material through "\$13.44" on line 6 and insert "\$8.18 per hour on July 1, 2001. Payments to agency providers are to be increased to \$13.86 per hour on July 1, 2001, and to \$14.00"

Representative Campbell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Dickerson spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.



Speaker Chopp stated the question before the House to be the adoption of amendment (359) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (359) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Boldt moved the adoption of the following amendment (369) to the striking amendment (262):

On page 60, after line 22, insert the following:

"(5) The department shall not use any monies appropriated in this act for the purpose of establishing telephone centers or call-in centers for public assistance applicants for the purpose of determining eligibility for food stamps, medical assistance, child care, general assistance and Temporary Assistance for Needy Families."

Representative Boldt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Tokuda spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (369) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (369) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edmonds,

Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Campbell moved the adoption of the following amendment (297) to the striking amendment (262):

On page 61, line 30, increase the general fund--state appropriation for fiscal year 2002 by \$20,000,000.

On page 61, line 31, increase the general fund--state appropriation for fiscal year 2003 by \$20,000,000.

On page 61, line 32, increase the general fund--federal appropriation by \$40,000,000.

Correct the total accordingly.

On page 65, after line 25, insert the following:

"(15) \$20,000,000 of the general fund--state appropriation for fiscal year 2002, \$20,000,000 of the general fund--state appropriation for fiscal year 2003 and \$40,000,000 of the general fund--federal appropriation are provided solely for the department to enhance the reimbursement rates for fee-for-service providers."

Representative Campbell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cody spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (297) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (297) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 47, Nays - 47, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 47.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 47.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Lambert moved the adoption of the following amendment (315) to the striking amendment

(262):

On page 61, line 36, increase the health services account--state appropriation by \$2,000,000.  
On page 62, line 26, after "(4)", strike "\$502,000" and insert "\$2,502,000"

Representative Lambert spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ruderman spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (315) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (315) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 47, Nays - 47, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 47.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Voloria, Wood and Speaker Chopp - 47.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Schual-Berke moved the adoption of the following amendment (274) to the striking amendment (262):

On page 62, line 16, after "costs.", strike "Such measures may include the imposition of ratable reductions directly related to those services in which other efforts to control costs have been least effective."

Representatives Schual-Berke and Campbell spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

There being no objection, amendments (298) and (301) were withdrawn.

Representative Pflug moved the adoption of the following amendment (360) to the striking amendment (262):

On page 65, after line 25, insert the following:

"(15) The department shall not use any monies appropriated in this act for the purpose of using the

payment integrity program to collect or attempt to collect overpayments that are older than thirty-six months unless there is a clear indication of fraud on behalf of the provider. The department shall report to the appropriate legislative committees on December 15, 2001 as to the costs versus the benefits of the payment integrity program. After May 30, 2002, the department shall not use monies appropriated in this act for the payment integrity program unless authorized to do so in the 2002 supplemental budget act."

Representative Pflug spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cody spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (360) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (360) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Campbell moved the adoption of the following amendment (328) to the striking amendment (262):

On page 66, line 8, increase the health services account—state appropriation by \$32,547,000

Correct the total.

Representative Campbell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cody spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (328) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (328) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 47, Nays - 47, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlín, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 47.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 47.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Schual-Berke moved the adoption of the following amendment (275) to the striking amendment (262):

On page 66, at the beginning of line 29, insert "ensure billing and administrative errors are treated in a manner distinct from allegations of fraud and abuse,"

On page 66, line 29, after "program", strike "so as to not suggest a lack of integrity on the part of providers who have made inadvertent billing errors"

On page 66, line 37, after "2001", insert "and the costs incurred by the department to administer the program"

On page 66, line 38, after "costs." insert "In addition, the department shall seek input from health care providers and consumer organizations on modifications to the program."

Representatives Schual-Berke and Campbell spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

There being no objection, amendments (295) and (296) were withdrawn.

Representative Campbell moved the adoption of the following amendment (319) to the striking amendment (262):

On page 67, line 14, increase the health services account appropriation by \$60,000,000

Correct the total accordingly.

On page 68, after line 10, insert the following:

"(5) \$30,000,000 of the health services account appropriation for fiscal year 2002, and \$30,000,000 of the health services account appropriation for fiscal year 2003 are provided solely for the health care authority to operate a prescription medication assistance program. The authority shall provide financial assistance to

individuals sixty-five years old and older with a household income above the eligibility standard for medicaid categorically needy coverage and below two hundred and fifty percent of the federal poverty guidelines and whose prescription medication costs exceed two hundred and fifty dollars per month. The administrator shall determine an appropriate standard benefit for recipients and if the administrator determines that the funds appropriated for the program are not sufficient to serve all individuals who qualify for assistance, the administrator must take steps necessary to limit program expenditures to an amount equal to appropriated funds. Funding for this program shall be financed from the receipt of newly identified federal proshare money."

Representative Campbell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cody spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (319) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (319) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Erickson, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendment (346) was withdrawn.

Representative Marine moved the adoption of the following amendment (347) to the striking amendment (262):

On page 67, line 14, increase the health services account appropriation by \$60,000,000

Correct the total accordingly.

On page 68, after line 10, insert the following:

"(5) \$30,000,000 of the health services account appropriation for fiscal year 2002, and \$30,000,000 of the health services account appropriation for fiscal year 2003 is provided in order for the health care authority to operate a prescription medication assistance program. The authority shall provide financial assistance to individuals sixty-five years old and older with a household income above the eligibility standard for medicaid categorically needy coverage and below two hundred and fifty percent of the federal poverty guidelines and whose

prescription medication costs exceed two hundred and fifty dollars per month. The administrator shall determine an appropriate standard benefit for recipients and if the administrator determines that the funds appropriated for the program are not sufficient to serve all individuals who qualify for assistance, the administrator must take steps necessary to limit program expenditures to an amount equal to appropriated funds. Funding for this program shall be financed from the receipt of tobacco settlement money."

Representatives Marine, Sehlin and Ballard spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Morris spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (347) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (347) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Edwards, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Lambert moved the adoption of the following amendment (331) to the striking amendment (262):

On page 68, after line 25, insert "General Fund--State Appropriation (FY 2002)...\$2,500,000" and "General Fund--State Appropriation (FY 2003)...\$2,500,000"

Correct the total accordingly.....

On page 69, line 28, after "(8)" strike all material through "facilities." on line 31 and insert the following: "\$2,500,000 of the general fund--state appropriation for fiscal year 2002, \$2,500,000 of the general fund--state appropriation for fiscal year 2003, and \$450,000 of the public safety and education account are provided solely for the Washington association of sheriffs and police chiefs to institute school safety mapping that would include:

- (a) Mapping out the physical structures of all schools in case of an emergency;
- (b) Photographing the school from the air;
- (c) Creating a centralized data base for school layouts;
- (d) Providing for information sharing between the schools and emergency response teams;

- (e) Completing a school map for all K-12 schools within the state;
- (f) Installing all school maps on computer disks to include pictures of the layout of each school, a blueprint of the school, an aerial photo of the school, and a photo of each school room; and
- (g) Providing for maintenance of the computer disks and keeping disks current by the fire chief and the Washington association of sheriffs and police chiefs."

Representative Lambert spoke in favor of the adoption of the amendment to the striking amendment.

Representative Haigh spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (331) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (331) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Lovick, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Voloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendments (352) and (306) were withdrawn.

Representative Ballasiotes moved the adoption of the following amendment (314) to the striking amendment (262):

On page 69, line 33, increase the general fund-state appropriation for fiscal year 2002 by \$2,500,000

On page 69, line 34, increase the general fund-state appropriation for fiscal year 2003 by \$2,500,000

Correct the total accordingly

On page 70, after line 34, insert:

"(2) \$2,500,000 of the general fund-state appropriation for fiscal year 2002 and \$2,500,000 of the general fund-state appropriation for fiscal year 2003 are provided solely for operation of the crime victims compensation program. None of the funding provided in this subsection shall be expended for department administration of the crime victims compensation program."



Renumber subsections consecutively

Representative Ballasiotes spoke in favor of the adoption of the amendment to the striking amendment.

Representative Dickerson spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (314) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (314) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, O'Brien, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlín, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendments (379) and (271) were withdrawn.

Representative Bush moved the adoption of the following amendment (292) to the striking amendment (262):

On page 72, line 2, increase the general fund-state appropriation for fiscal year 2002 by \$950,000

On page 72, line 3, increase the general fund-state appropriation for fiscal year 2003 by \$950,000

Correct the total accordingly

On page 72, line 8, after "conditions:" insert "(1)"

On page 72, after line 12, insert the following:

"(2) \$950,000 of the general-fund state appropriation for fiscal year 2002 and \$950,000 of the general-fund state appropriation for fiscal year 2003 are provided solely to fund a minimum of five nursing assistant positions at the veterans facility in Orting, Washington, five nursing assistant positions at the veterans facility in Retsil, Washington, and two nursing assistant positions at the veterans facility in Spokane, Washington and two general repairer positions at the veterans facility in Orting, Washington, two general repairer positions at the veterans facility in Retsil, Washington, and one general repairer position at the veterans facility in Spokane."

Representative Bush spoke in favor of the adoption of the amendment to the striking amendment.

Representative Haigh spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (292) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (292) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Pearson moved the adoption of the following amendment (269) to the striking amendment (262):

On page 78, beginning on line 8, after "limitations:", strike all material through "programs." on line 15 and insert the following:

"(a) \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(b) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties."

Representative Pearson spoke in favor of the adoption of the amendment to the striking amendment.

Representative Doumit spoke against adoption of the amendment to the striking amendment.

The amendment to the striking amendment was not adopted.

There being no objection, amendment (260) was withdrawn.

Representative Clements moved the adoption of the following amendment (268) to the striking amendment (262):

On page 81, line 19 of the amendment, increase the general fund--state appropriation for FY 2002 by \$350,000.

On page 81, line 20 of the amendment, increase the general fund--state appropriation for FY 2003 by \$350,000.

On page 82, line 3 of the amendment, increase the water quality account--state appropriation by \$300,000. Correct the total.

On page 87, after line 11, insert the following:

"(23) \$350,000 of the general fund--state appropriation for fiscal year 2002, \$350,000 of the general fund--state appropriation for fiscal year 2003, and \$300,000 of the water quality account--state appropriation are provided solely to the department for a groundwater study in the Yakima basin. In providing funding for this study, the legislature is not acquiescing in any determination or hypothesis of any party regarding the hydraulic continuity of the ground waters in the Yakima river basin with the surface water flows of the Yakima river or its tributaries, and the legislature is not acquiescing in any determination or hypothesis of any party regarding state or federal jurisdiction over the ground water resources in the Yakima basin."

Representatives Clements, G. Chandler and Clements (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Dunshee and Sommers spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (268) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (268) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Linville, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Veloria, Woods and Speaker Ballard - 49.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendment (286) was withdrawn.

Representative Casada moved the adoption of the following amendment (304) to the striking amendment (262):

On page 82, line 9, increase the state toxics control account--state appropriation by \$4,000,000

Correct the total accordingly

On page 84, line 9, strike "\$3,424,000" and insert "\$7,424,000"

Representative Casada spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cooper spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (304) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (304) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, having received the necessary 50 votes, was adopted by the following vote: Yeas - 50, Nays - 44, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jackley, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Rockefeller, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 50.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Voloria, Wood and Speaker Chopp - 44.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having received a constitutional majority, the amendment was adopted.

### **RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which amendment (304) to the striking amendment (262) was adopted.

Speaker Chopp stated the question before the House to be the adoption of amendment (304) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (304) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox,

Crouse, DeBolt, Delvin, Dunn, Erickson, Esser, Hankins, Jackley, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Morell moved the adoption of the following amendment (305) to the striking amendment (262):

On page 84, line 9, strike "\$3,424,000" and insert "\$7,424,000"

Representative Morell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Linville spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (305) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (305) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Erickson, Esser, Hankins, Jackley, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendment (287) was withdrawn.

Representative Linville moved the adoption of the following amendment (336) to the striking amendment (262):

On page 84 of the amendment, line 14 after "effort." insert the following:

"The persistent bioaccumulative toxic chemical strategy shall consider the following chemicals or chemical groups: Aldrin/Dieldrin; Benzo(a)pyrene; Chlordane; DDT; Dioxins/Furans; Hexachlorobenzene; Mercury; polychlorinated biphenols; and Toxaphene.

The persistent bioaccumulative toxic chemical strategy shall:

- (a) Work with the U.S. environmental protection agency to identify federal and state programs that currently manage persistent bioaccumulative toxins and determine which regulatory controls and options should be utilized to implement a state-specific persistent bioaccumulative toxin strategy.
- (b) Identify the gaps in existing state and federal programs that regulate persistent bioaccumulative toxins.
- (c) Develop an initial chemical action plan with a specific stakeholder group for one of the nine chemicals or chemical groups listed in this subsection.
- (d) Develop and implement a plan for both public education and monitoring of persistent bioaccumulative toxins.
- (e) Report to the appropriate standing legislative committees by December 15, 2001, the results of the chemical action plan developed in accordance with (c) of this subsection, along with information on federal and state programs and regulations being used to regulate persistent bioaccumulative toxins, including what state action is appropriate."

Representatives Linville, Casada and Linville (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Schoesler and G. Chandler spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (336) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (336) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 46, Nays - 48, Absent - 0, Excused - 4.

Voting yea: Representatives Berkey, Campbell, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Haigh, Hatfield, Hunt, Hurst, Jackley, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Grant, Hankins, Jarrett, Kagi, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (336) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

Representative G. Chandler moved the adoption of the following amendment (356) to the striking amendment (262):

On page 85, line 27, after "is" insert "provided solely"

Representative G. Chandler spoke in favor of the adoption of the amendment to the striking amendment.

Representative Linville spoke against adoption of the amendment to the striking amendment.

The amendment to the striking amendment was not adopted.

Representative B. Chandler moved the adoption of the following amendment (355) to the striking amendment (262):

On page 85, line 32, after "are" insert "provided solely"

Representative B. Chandler spoke in favor of the adoption of the amendment to the striking amendment.

Representative Linville spoke against adoption of the amendment to the striking amendment.

The amendment to the striking amendment was not adopted.

There being no objection, amendment (337) was withdrawn.

Representative Hatfield moved the adoption of the following amendment (353) to the striking amendment (262):

On page 87, beginning on line 8 of the amendment, strike all of subsection 22 of section 302

Representatives Hatfield and Mielke spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Armstrong moved the adoption of the following amendment (294) to the striking amendment (262):

On page 87, line 14, strike "32,298,000", and insert "36,254,500"

On page 87, line 15, strike "32,866,000", and insert "36,822,500"

Correct the total accordingly

On page 88, after line 20, insert the following:

"(7) \$5,456,500 of the general fund--state appropriation for fiscal year 2002, \$5,456,500 of the general fund--state appropriation for fiscal year 2003 are provided solely to address the backlog of deferred and planned maintenance and to upgrade heavy equipment used to maintain the parks. However, if the state parks and recreation commission implements a fee for basic parkland access, the amount provided in this subsection shall lapse."

Representatives Armstrong and Schoesler spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Doumit spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (294) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (294) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 47, Nays - 47, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 47.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 47.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Schoesler moved the adoption of the following amendment (338) to the striking amendment (262):

On page 88, beginning on line 32, strike all material down through \$200,000 on line 33

Correct the total accordingly

On page 89, line 25, strike subsection (4)

Renumber remaining subsections consecutively and correct internal references accordingly.

Representative Schoesler spoke in favor of the adoption of the amendment to the striking amendment.

Representative McDermott spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (338) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL



The Clerk called the roll on the adoption of amendment (338) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 42, Nays - 52, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Hankins, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Woods and Speaker Ballard - 42.

Voting nay: Representatives Barlean, Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Van Luven, Wood and Speaker Chopp - 52.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Sump moved the adoption of the following amendment (308) to the striking amendment (262):

On page 91, line 34, strike subsection (2)

Re-number remaining subsections consecutively and correct internal references accordingly.

On page 93, beginning on line 29, after "objectives" strike all material down through "determine" on line 30 and insert "and"

On page 93, beginning on line 31, after "plan." strike all material down through "September 1, 2002." on line 33

Representatives Sump and Doumit spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Linville moved the adoption of the following amendment (289) to the striking amendment (262):

On page 93, line 16, after "(12)" strike "\$650,000" and insert "\$1,300,000"

On page 93, line 17, after "2002," strike everything through "2003," on line 18

Representatives Linville and Buck spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

There being no objection, amendment (307) was withdrawn.

Representative Morell moved the adoption of the following amendment (323) to the striking amendment (262):

On page 102, line 9, increase the public safety and education account--state appropriation by \$1,000,000.

Correct the total accordingly.

On page 103, after line 33, insert the following: "(7) \$1,000,000 of the public safety and education account is provided solely to reimburse fire departments and fire protection districts for methamphetamine clean up activities. The state patrol, in consultation with the Washington association of fire chiefs, shall establish a methodology for distributing moneys provided under this subsection."

Representative Morell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cooper spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (323) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (323) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jackley, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Cairnes moved the adoption of the following amendment (312) to the striking amendment (262):

On page 103, after line 33, insert the following:

"(7) \$500,000 of the general fund-state appropriation for fiscal year 2002 and \$500,000 of the general fund-state appropriation for fiscal year 2003 is provided for the creation of an identity theft bureau within the state patrol. The identity theft bureau shall coordinate and assist efforts of law enforcement agencies, prosecuting attorneys, and the attorney general in investigating, apprehending, and prosecuting offenders under RCW 9.35.020."

Representatives Cairnes and Bush spoke in favor of the adoption of the amendment to the striking amendment.

Representative Lovick spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (312) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (312) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 47, Nays - 47, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 47.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 47.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendment (342) was withdrawn.

Representative Marine moved the adoption of the following amendment (367) to the striking amendment (262):

On page 104, line 31, increase the general fund-state appropriation for fiscal year 2002 by \$653,000.

On page 104, line 32, increase the general fund-state appropriation for fiscal year 2003 by \$653,000.

Correct the total accordingly.

On page 105, line 5, after "(i)" insert the following: "\$653,000 of the general fund-state appropriation for fiscal year 2002 and \$653,000 of the general fund-state appropriation for fiscal year 2003 are provided solely to implement Substitute Senate Bill No. 5533 (pesticides in schools).

(ii)"

Renumber remaining subsections consecutively and adjust internal references accordingly.

Representatives Marine, DeBolt and Schoesler spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cooper spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (367) to the striking

amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (367) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Morell moved the adoption of the following amendment (378) to the striking amendment (262):

On page 104, line 31, increase the general fund-state appropriation for fiscal year 2002 by \$2,527,000.

On page 104, line 32, increase the general fund-state appropriation for fiscal year 2003 by \$4,664,000

Correct the total accordingly.

On page 106, beginning on line 30, after "(vi)" strike everything through "school year." on line 37 and insert the following: "A maximum of \$8,569,000 of the general fund-state appropriation for fiscal year 2002 and a maximum of \$10,692,000 of the general fund-state appropriation for fiscal year 2003 are provided for a safety allocation to districts subject to the following conditions and limitations:

(A) The funds shall be allocated at a maximum rate of \$10.00 per year per full-time equivalent K-12 student. For the purposes of this subsection (2)(a)(vi)(A), the "full-time equivalent student enrollment of the district" means the district's average annual K-12 full-time equivalent enrollment for the prior school year or 200 full-time equivalent students, whichever is greater. However, if a district received a school security matching grant for the 2000-01 school year under section 501 (2)(e) of chapter 1, Laws of 2000 2<sup>nd</sup> sp. sess. or section 2 of chapter 12, Laws of 1999 sp. sess., the district's allocation shall be the greater of the allocation calculated using the definition of full-time equivalent student enrollment in this subsection (2)(a)(vi)(A) or the district's total school security grant award for the 2000-01 school year."

Representative Morell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Haigh spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (378) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (378) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendments (324) and (261) were withdrawn.

Representative Schmidt moved the adoption of the following amendment (276) to the striking amendment (262):

On page 111, line 6, increase the general fund-state appropriation for fiscal year 2003 by \$462,000.

Correct the total accordingly.

On page 117, line 1, after "(9)" insert the following: "For the 2002-03 school year, the superintendent of public instruction shall distribute directly to the national guard youth challenge program, for students enrolled in the program and earning high school graduation credit, funding generated under the provisions of chapter 28A.150 RCW. Funding shall be provided based on statewide average per pupil apportionment rates. Funding for one annual average full-time equivalent student shall be provided for each 900 hours of scheduled instruction for high school graduation credit, and shall be based on the opening day enrollment information submitted by the program. (10)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 122, line 17, increase the general fund-state appropriation for fiscal year 2003 by \$34,000.

Correct the total accordingly.

On page 122, line 21, strike "\$318,024,000" and insert "\$318,051,000"

On page 123, line 28, strike "\$80,635,000 and insert "\$80,643,000".

On page 125, line 23, increase the general fund-state appropriation for fiscal year 2003 by \$51,000.

Correct the total accordingly.

On page 129, after line 29, insert the following: "(17) For the 2002-03 school year, the superintendent shall distribute directly to the national guard youth challenge program, for students earning high school graduation credit, funding for special education eligible students, as defined in subsection (4) of this section, who are enrolled in the national guard youth challenge program. The superintendent shall distribute state funds directly to the national guard youth challenge program based on the program's annual average full-time equivalent basic education enrollment as determined under section 502(9) of this act, multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the program's average basic education allocation under section 502(9) of this act per full-time equivalent student, multiplied by 0.9309."

On page 141, line 6, increase the general fund-state appropriation for fiscal year 2003 by \$2,000.

Correct the total accordingly.

On page 141, line 14, after "(2)" insert "(a)".

On page 141, line 16, after "programs." insert "(b) For the 2002-03 school year, the superintendent shall distribute directly to the national guard youth challenge program, for students enrolled in the program and earning high school graduation credit, funding provided under subsection (3) of this section. Funding for one annual average full-time equivalent student shall be provided for each 900 hours of scheduled instruction for high school graduation credit, and shall be based on the opening day enrollment information submitted by the national guard youth challenge program."

Representatives Schmidt and Benson spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sommers spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (276) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (276) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Lovick, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Voloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Keiser moved the adoption of the following amendment (272) to the striking amendment (262):

On page 122, beginning on line 3, strike "three days have been added to the base contract in effect for the 1998-99 school year." and insert "three learning improvement days have been added to the 180 day contract year."

Representatives Keiser and Talcott spoke in favor of the adoption of the amendment to the striking amendment.

There being no objection, the House deferred action on amendment (272).

Representative Rockefeller moved the adoption of the following amendment (377) to the striking amendment (262):

On page 112, line 13, after "900." insert the following: "In addition, the allocation may be used for the purposes specified in section 501 (2)(a)(vi)(B) of this act. However, no school district may use more than \$10 per full-time equivalent K-12 student per school year or \$2,000 per school year, whichever is greater, for the purposes specified in section 501 (2)(a)(vi)(B) of this act."

Representatives Rockefeller and Schual-Berke spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Morell and Cairnes spoke against adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. Speaker Chopp divided the House. The results of the division was 48 - YEAS; 46 - NAYS. The amendment to the striking amendment was not adopted.

Representative DeBolt moved the adoption of the following amendment (358) to the striking amendment (262):

On page 129, line 32, increase the general fund-state appropriation for fiscal year 2002 by \$3,670,000.

On page 129, line 33, increase the general fund-state appropriation for fiscal year 2003 by \$4,413,000.

Correct the total accordingly.

On page 130, line 11, after "years." insert "The maximum state per pupil allocation for all other students completing the program shall be \$137.16 in the 2001-02 and 2002-03 school years."

Representative DeBolt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Anderson spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (358) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (358) to the striking amendment to Engrossed

Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Poulsen, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Anderson moved the adoption of the following amendment (321) to the striking amendment (262):

On page 132, line 25, increase the general fund-state appropriation for fiscal year 2002 by \$663,000.

On page 132, line 26, increase the general fund-state appropriation for fiscal year 2003 by \$1,452,000.

Correct the total accordingly.

On page 137, beginning on line 29, strike all of subsection (12) and insert the following: "(12) \$970,000 of the general fund-state appropriation for fiscal year 2002 and \$1,982,000 of the general fund-state appropriation for fiscal year 2003 are provided solely for salary bonuses for teachers who hold a current certificate from the national board for professional teaching standards. Teachers who hold a current certificate from the national board shall receive an annual bonus of \$5,000. An additional \$5,000 bonus shall be paid in any year in which a teacher who holds a current certificate from the national board is selected by his or her school district to mentor other teachers while continuing to teach in the classroom. Salary bonuses provided under this subsection (12) shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10)."

Representative Anderson spoke in favor of the adoption of the amendment to the striking amendment.

Representative Santos spoke against adoption of the amendment to the striking amendment.

There being no objection, the House deferred action on amendment (321) to the striking amendment.

Representative Sommers moved the adoption of the following amendment (329) to the striking amendment (262):

On page 132, line 25, increase the general fund-state appropriation for fiscal year 2002 by \$1,200,000.

On page 132, line 26, decrease the general fund-state appropriation for fiscal year 2003 by \$2,454,000.

On page 138, Line 38, strike all of subsection (17) and insert the following:

"(17) \$1,000,000 of the general fund-state appropriation for fiscal year 2002 and \$1,800,000 of the general fund-state appropriation for fiscal year 2003 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct



educational audits of low performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Of the amounts provided, \$219,000 of the fiscal year 2002 appropriation and \$207,000 of the fiscal year 2003 appropriation are provided to the office of the superintendent of public instruction for the administrative duties arising under this subsection. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(18) \$100,000 of the general fund-state appropriation for fiscal year 2002 is provided solely for grants to school districts to adopt or revise district-wide and school-level plans to achieve performance improvement goals established under 28A.655.030 RCW, and to post a summary of the improvement plans on district websites using a common format provided by the office of the superintendent of public instruction.

(19) \$100,000 of the general fund-state appropriation for fiscal year 2002 is provided solely for recognition plaques for schools that successfully met the fourth grade reading improvement goal established under RCW 28A.655.050."

Representatives Sommers, Talcott and Haigh spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Marine moved the adoption of the following amendment (349) to the striking amendment (262):

On page 141, line 6, increase the general fund-state appropriation for fiscal year 2002 by \$34,801,000.

On page 141, line 7, increase the general fund-state appropriation for fiscal year 2003 by \$73,695,000.

Correct the total accordingly.

On page 141, beginning on line 17, strike "Allocations for the 2001-02 school year shall be at a maximum annual rate of \$18.48 per full-time equivalent student and \$18.48 per full-time equivalent student for the 2002-03 school year." and insert "Allocations for the 2001-02 school year shall be at a maximum annual rate of \$64.31 per full-time equivalent student and \$104.23 per full-time equivalent student for the 2002-03 school year."

Representative Marine spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cooper spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (349) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (349) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 47, Nays - 47, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke,

Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 47.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 47.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Cairnes moved the adoption of the following amendment (341) to the striking amendment (262):

On page 144, after line 16, insert the following:

**"NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR JUNE CASELOAD FORECAST**

General Fund--State Appropriation (FY 2002).....	\$	8,358,000	
General Fund--State Appropriation (FY 2003).....	\$	1,731,000	
.....		TOTAL APPROPRIATION	\$

10,08

The appropriations in this section are subject to the following conditions and limitations: The amounts provided are solely for the superintendent of public instruction for allocations to school districts to reflect the updated caseload forecast adopted by the Caseload Forecast Council June 13, 2001. The appropriation for fiscal year 2002 includes amounts for the updated forecast for the 2000-01 and 2001-02 school years."

Representative Cairnes spoke in favor of the adoption of the amendment to the striking amendment.

Representative McIntire spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (341) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (341) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 47, Nays - 47, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 47.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 47.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendment (332) was withdrawn.

Representative Cox moved the adoption of the following amendment (364) to the striking amendment (262):

On page 150, line 3, increase the general fund–state appropriation for fiscal year 2002 by \$2,101,000  
On page 150, line 4, increase the general fund–state appropriation for fiscal year 2003 by \$3,723,000  
Correct the totals accordingly

On page 152, line 38, increase the general fund–state appropriation for fiscal year 2002 by \$1,798,000  
On page 153, line 1, increase the general fund–state appropriation for fiscal year 2003 by \$2,896,000  
Correct the totals accordingly

On page 154, line 29, increase the general fund–state appropriation for fiscal year 2002 by \$917,000  
On page 154, line 30, increase the general fund–state appropriation for fiscal year 2003 by \$1,476,000  
Correct the totals accordingly

On page 155, line 14, increase the general fund–state appropriation for fiscal year 2002 by \$264,000  
On page 155, line 15, increase the general fund–state appropriation for fiscal year 2003 by \$425,000  
Correct the totals accordingly

On page 155, line 18, increase the general fund–state appropriation for fiscal year 2002 by \$261,000  
On page 155, line 19, increase the general fund–state appropriation for fiscal year 2003 by \$421,000  
Correct the totals accordingly

On page 155, line 30, increase the general fund–state appropriation for fiscal year 2002 by \$158,000  
On page 155, line 31, increase the general fund–state appropriation for fiscal year 2003 by \$255,000  
Correct the totals accordingly

On page 158, line 2, increase the general fund–state appropriation for fiscal year 2002 by \$365,000  
On page 158, line 3, increase the general fund–state appropriation for fiscal year 2003 by \$588,000  
Correct the totals accordingly.

Representative Cox spoke in favor of the adoption of the amendment to the striking amendment.

Representative Eickmeyer spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (364) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (364) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson,

Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Kenney moved the adoption of the following amendment (278) to the striking amendment (262):

On page 150, line 7, after "Appropriation" strike "(FY 2003)"  
On page 152, line 25, after "management" strike "in fiscal year 2003"

Representatives Kenney and Cox spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

There being no objection, amendment (277) was withdrawn.

Representative Kenney moved the adoption of the following amendment (373) to the striking amendment (262):

On page 150, line 3, increase the general fund–state appropriation for fiscal year 2002 by \$165,000  
On page 150, line 4, increase the general fund–state appropriation for fiscal year 2003 by \$335,000  
Correct the total accordingly  
On page 150, line 25, after "(3)" strike "\$990,000" and insert "\$1,155,000"  
On page 150, line 26, after "and" strike "\$2,010,000" and insert "\$2,345,000"

Representatives Kenney and Cox spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

There being no objection, amendment (279) was withdrawn.

Representative Bush moved the adoption of the following amendment (291) to the striking amendment (262):

On page 152, line 38, increase general fund–state appropriation for fiscal year 2002 by \$500,000  
On page 153, line 1, increase general fund–state appropriation for fiscal year 2003 by \$500,000  
Correct total accordingly  
On page 153, line 20, after "(2)" strike "\$2,000,000" and insert "\$2,500,000"  
On page 153, line 21, after "and" strike "\$2,000,000" and insert "\$2,500,000"

Representative Bush spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ruderman spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (291) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (291) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 45, Nays - 49, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlín, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 45.

Voting nay: Representatives Ballasiotes, Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 49.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Cox moved the adoption of the following amendment (344) to the striking amendment (262):

On page 152, line 38, increase the general fund–state appropriation for fiscal year 2002 by \$924,000

On page 153, line 1, increase the general fund–state appropriation for fiscal year 2003 by \$924,000

Correct the total accordingly

On page 153, line 11, after "(1)" insert "\$924,000 of the general fund–state appropriation for fiscal year 2002 and \$924,000 of the general fund–state appropriation for fiscal year 2003 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The college shall provide a report in their 2003-05 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2)"

Renumber subsections accordingly.

On page 154, line 29, increase the general fund–state appropriation for fiscal year 2002 by \$576,000

On page 154, line 30, increase the general fund–state appropriation for fiscal year 2003 by \$576,000

Correct the total accordingly

On page 154, line 34, after "(1)" insert "\$576,000 of the general fund–state appropriation for fiscal year 2002 and \$576,000 of the general fund–state appropriation for fiscal year 2003 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt

professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The college shall provide a report in their 2003-05 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2)"

Renumber subsections accordingly.

On page 155, line 14, increase the general fund–state appropriation for fiscal year 2002 by \$150,000

On page 155, line 15, increase the general fund–state appropriation for fiscal year 2003 by \$150,000

Correct the total accordingly

On page 155, before line 17, insert "The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund–state appropriation for fiscal year 2002 and \$150,000 of the general fund–state appropriation for fiscal year 2003 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The college shall provide a report in their 2003-05 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section."

On page 155, line 18, increase the general fund–state appropriation for fiscal year 2002 by \$124,000

On page 155, line 19, increase the general fund–state appropriation for fiscal year 2003 by \$124,000

Correct the total accordingly

On page 155, line 22, after "limitations:" insert

"(1) \$124,000 of the general fund–state appropriation for fiscal year 2002 and \$124,000 of the general fund–state appropriation for fiscal year 2003 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The college shall provide a report in their 2003-05 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2)"

On page 155, line 30, increase the general fund–state appropriation for fiscal year 2002 by \$76,000

On page 155, line 31, increase the general fund–state appropriation for fiscal year 2003 by \$76,000

Correct the total accordingly

On page 156, line 1, after "(1)" insert "\$76,000 of the general fund–state appropriation for fiscal year 2002 and \$76,000 of the general fund–state appropriation for fiscal year 2003 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The college shall provide a report in their 2003-05 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2)"

Renumber subsections accordingly.

On page 158, line 2, increase the general fund–state appropriation for fiscal year 2002 by \$150,000

On page 158, line 3, increase the general fund–state appropriation for fiscal year 2003 by \$150,000

Correct the total accordingly

On page 158, line 6, after "limitations:" insert

"(1) \$150,000 of the general fund–state appropriation for fiscal year 2002 and \$150,000 of the general fund–state appropriation for fiscal year 2003 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The college shall provide a report in their 2003-05 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2)"

Representative Cox spoke in favor of the adoption of the amendment to the striking amendment.

Representative Eickmeyer spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (344) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (344) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 47, Nays - 47, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 47.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 47.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Boldt moved the adoption of the following amendment (366) to the striking amendment (262):

On page 155, line 30, decrease the general fund state appropriation for fiscal year 2002 by \$30,000

Correct the total accordingly

On page 157, line 13, strike all of subsection (7)

Renumber remaining subsections consecutively and correct internal references accordingly.

Representative Boldt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Santos spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (366) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (366) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 46, Nays - 48, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Woods and Speaker Ballard - 46.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Van Luven, Veloria, Wood and Speaker Chopp - 48.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Cox moved the adoption of the following amendment (303) to the striking amendment (262):

On page 147, line 5, increase the general fund–state appropriation for fiscal year 2002 by \$2,101,000  
On page 147, line 6, increase the general fund–state appropriation for fiscal year 2003 by \$3,723,000  
Correct the totals accordingly

On page 150, line 2, increase the general fund–state appropriation for fiscal year 2002 by \$1,798,000  
On page 150, line 3, increase the general fund–state appropriation for fiscal year 2003 by \$2,896,000  
Correct the totals accordingly

On page 151, line 26, increase the general fund–state appropriation for fiscal year 2002 by \$917,000  
On page 151, line 27, increase the general fund–state appropriation for fiscal year 2003 by \$1,476,000  
Correct the totals accordingly

On page 152, line 12, increase the general fund–state appropriation for fiscal year 2002 by \$264,000  
On page 152, line 13, increase the general fund–state appropriation for fiscal year 2003 by \$425,000  
Correct the totals accordingly

On page 152, line 16, increase the general fund–state appropriation for fiscal year 2002 by \$261,000  
On page 152, line 17, increase the general fund–state appropriation for fiscal year 2003 by \$421,000  
Correct the totals accordingly

On page 152, line 28, increase the general fund–state appropriation for fiscal year 2002 by \$158,000  
On page 152, line 29, increase the general fund–state appropriation for fiscal year 2003 by \$255,000  
Correct the totals accordingly



On page 155, line 2, increase the general fund--state appropriation for fiscal year 2002 by \$365,000  
On page 155, line 3, increase the general fund--state appropriation for fiscal year 2003 by \$588,000  
Correct the totals accordingly.

Representative Cox spoke in favor of the adoption of the amendment to the striking amendment.

Representative Gombosky spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (303) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (303) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Voloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendments (267) and (281) were withdrawn.

Representative Pearson moved the adoption of the following amendment (302) to the striking amendment (262):

On page 163, after line 22, insert the following:

**"NEW SECTION. Sec. 612. FOR THE HIGHER EDUCATION COORDINATING**

**BOARD--SECURITY AGAINST ECO-SABOTAGE**

General Fund--State Appropriation (FY 2002).....	\$	3,000,000	
General Fund--State Appropriation (FY 2003).....	\$	3,000,000	
.....		<b>TOTAL APPROPRIATION</b>	\$ 6,000,000

The appropriations in this section are provided solely to the higher education coordinating board to disperse as grants to accredited institutions of higher education in the state of Washington for the purpose of improving security at research facilities. The funds shall be dispersed based on the history of actual or threatened attacks on a research facility by individuals or groups involved in eco-sabotage, actual or threatened attacks on research facility staff or students by individuals or groups involved in eco-sabotage, and vulnerability to attack by individuals or groups involved in eco-sabotage as determined by the security staff of an accredited institution of

higher education."

Renumber the remaining section consecutively and correct any internal references accordingly.

Representative Pearson spoke in favor of the adoption of the amendment to the striking amendment.

Representative McIntire spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (302) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (302) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 49, Nays - 45, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jackley, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 49.

Voting nay: Representatives Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 45.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Schoesler moved the adoption of the following amendment (374) to the striking amendment (262):

On page 172, line 19, increase the general fund-state appropriation for fiscal year 2002 by \$559,000

On page 172, line 20, increase the general fund-state appropriation for fiscal year 2003 by \$7,515,000

On page 172, line 21, increase the general fund-federal appropriation by \$2,582,000

On page 172, line 22, increase the general fund-private/local appropriation by \$135,000

On page 172, line 24, increase the salary and insurance revolving account appropriation by \$5,774,000

Correct the total accordingly.

On page 172, line 30 after "shall not exceed" strike "\$457.29" and insert "\$459.03"

On page 172, line 31 after "2002, and" strike "\$497.69" and insert "\$521.00"

On page 173, line 31 after "employee," strike "\$32.41" and insert "\$32.73"

On page 173, line 32 after "employee," strike "\$37.48" and insert "\$38.08"

On page 173, line 36 after "benefits," strike "\$32.41" and insert "\$32.73"

On page 173, line 37 strike "\$37.48" and insert "\$38.08"

On page 174, after line 9, insert the following:

**"NEW SECTION. Sec. 717. FOR THE GOVERNOR --COMPENSATION--INSURANCE**

**BENEFITS--HIGHER EDUCATION**

General Fund--State Appropriation (FY 2002).....	\$	492,000
General Fund--State Appropriation (FY 2003).....	\$	6,621,000
TOTAL APPROPRIATION.....	\$	7,113,000

The appropriations in this section are provided solely to increase funding for higher education employee health benefits. Appropriations shall be distributed to the institutions of higher education and the state Board for Community and Technical Colleges for the difference between the health benefit rates funded in Part 6, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$459.03 per eligible employee for fiscal year 2002, and \$521.00 for fiscal year 2003."

Renumber remaining sections consecutively and correct internal references accordingly.

Representative Schoesler spoke in favor of the adoption of the amendment to the striking amendment.

Representative Reardon spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (374) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (374) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 47, Nays - 47, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 47.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 47.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Mielke moved the adoption of the following amendment (343) to the striking amendment (262):

On page 176, on line 23, increase the general fund-state appropriation for fiscal year 2002 by \$2,500,000

On page 176, on line 24, increase the general fund-state appropriation for fiscal year 2003 by \$2,500,000

Correct the total accordingly

On page 176, after line 38, insert the following:

"(3) \$2,500,000 of the general fund-state appropriation for fiscal year 2002 and \$2,500,000 of the general fund-state appropriation for fiscal year 2003 are provided solely for public libraries that have in place a policy of internet safety applied to publicly available computers with internet access that protects against access by minors to visual depictions that:

(a) the average adult person, applying contemporary community standards, would find, when considered as a whole, appeal to the prurient interest of minors;

(b) explicitly depict or describe by prevailing standards in the adult community with respect to what is suitable for minors, patently offensive representations or descriptions of sexually explicit nudity or sexually explicit conduct; and

(c) when considered as a whole, and in the context in which it is used, lack serious literary, artistic, political, or scientific value for minors."

Representative Mielke spoke in favor of the adoption of the amendment to the striking amendment.

Representative Gombosky spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (343) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (343) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 45, Nays - 48, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 45.

Voting nay: Representatives Ballasiotes, Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 48.

Absent: Representative Schmidt - 1.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

### STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on amendment (343) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

DAVID SCHMIDT, 44<sup>th</sup> District

Representative Lambert moved the adoption of the following amendment (284) to the striking amendment (262):

On page 179, after line 6, insert the following:

"(3) It is the intent of the legislature that the funding provided in sections 727, 728, and 729 of this act will be appropriated in subsequent fiscal biennia."

### POINT OF ORDER

Representative Gombosky requested a scope and object ruling on amendment (284) to the striking amendment (262) to Engrossed Substitute Senate Bill No. 6153.

### SPEAKERS' RULING

Speaker Chopp: "The bill before us is the operating budget for fiscal years 2002 and 2003. The amendment addresses legislative intent in future biennia, and is therefore, beyond the scope and object of the bill.

Representative Gombosky, the point of order is well taken. Speaker Ballard concurs in this ruling."

Representative Schindler moved the adoption of the following amendment (370) to the striking amendment (262):

On page 179, after line 27, insert the following:

"(2) The department shall withhold distributions under subsection (3) of this section to any county that has enacted after January 1, 2001, any development regulation, as defined in RCW 36.70A.030(7), that either prohibits the location or limits the size of churches or private schools in areas located outside of an urban growth boundary."

Renumber subsections consecutively, correct any internal references accordingly

Representative Schindler spoke in favor of the adoption of the amendment to the striking amendment.

Representative Dunshee spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (370) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (370) to the striking amendment to Engrossed

Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 40, Nays - 54, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Lambert, Lisk, Mastin, McMorris, Mielke, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Speaker Ballard - 40.

Voting nay: Representatives Ballasiotes, Barlean, Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, Marine, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood, Woods and Speaker Chopp - 54.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Schmidt moved the adoption of the following amendment (283) to the striking amendment (262):

On page 186, after line 38, insert the following:

"(2) In a county where a public transportation benefit area and a city both operate a public transportation system, in each fiscal year the department shall distribute the amount designated for the city to the public transportation benefit area unless:

(a) The city has agreed to pay compensation to the public transportation benefit area as evidenced by an executed agreement between the city and the public transportation benefit area; or

(b) The city has merged its transportation system into the system operated by the public transportation benefit area."

Renumber subsections consecutively, correct any internal references accordingly.

Representative Schmidt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Reardon spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (283) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (283) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 48, Nays - 46, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Hankins, Jarrett, Lambert, Lisk, Lovick, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 48.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden,

Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 46.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

Representative Roach moved the adoption of the following amendment (326) to the striking amendment (262):

On page 188, after line 23, insert the following:

**"NEW SECTION. Sec. 731. FOR THE REGIONAL TRANSIT AUTHORITY**

General Fund--State Appropriation (FY 2002)..... \$150,000

(1) The appropriation in this section is provided solely for the authority established under chapter 81.112 RCW to resubmit the system plan and financing plan adopted by the joint regional policy committee to voters within the authority boundaries.

(2) The system plan and financing plan resubmitted to the voters shall be identical to the system plan and financing plan most recently submitted to and adopted by the voters within the authority boundaries.

(3) The system plan and financing plan shall be resubmitted to the voters within the authority boundaries, for their adoption and ratification, or rejection, at the next general election to be held in this state."

Renumber remaining sections consecutively and correct title and internal references accordingly.

**POINT OF ORDER**

Representative Gombosky requested a scope and object ruling on amendment (326) to the striking amendment (262) to Engrossed Substitute Senate Bill No. 6153.

**SPEAKERS' RULING**

Speaker Chopp: "As noted in the ruling on amendment #326, the bill before us is the operating budget. The scope and object of a budget bill does not extend to permanent changes in "substantive law." One of the factors to be considered in determining whether a provision is substantive law is whether it modifies statutory rights or obligations.

Amendment #326 attempts to require a new public vote on the regional transit authority's system and financing plan, in addition to the vote already held in compliance with the governing statutes. It, therefore, is beyond the scope and object of the budget bill.

Representative Gombosky, the point of order is well taken. Speaker Ballard concurs in this ruling."

Representative Linville moved the adoption of the following amendment (288) to the striking amendment (262):

On page 210, after line 33 insert the following:

**"NEW SECTION.** The state legislature authorizes the establishment of an independent, nonprofit organization known as the Washington climate center to serve as a central clearinghouse for all climate change activities in the state. The center may be funded through grants and voluntary cash and in-kind contributions."

Renumber sections accordingly.

**POINT OF ORDER**

Representative Benson requested a scope and object ruling on amendment (288) to the striking amendment (262) to Engrossed Substitute Senate Bill No. 6153.

**SPEAKERS' RULING**

Speaker Chopp: "As has been noted earlier, the underlying bill is the operating budget for the next biennium. Amendment 288 seeks to authorize the establishment of an independent, nonprofit organization to serve as a clearinghouse for all climate change activities in the state.

Since any person or entity in the state could create such an entity at any time without the authorization of the state, it is not clear exactly what the amendment would actually add to the law if it were to pass, but most importantly, since no state funds are appropriated to this new entity, should such an entity be formed, it appears that the amendment is beyond the scope and object of the bill.

Representative Benson, your point of order is well taken. Speaker Ballard concurs in this ruling."

There being no objection, the House deferred action on amendment (351) to the striking amendment (262) to Engrossed Substitute Senate Bill No. 6153.

Representative Van Luven moved the adoption of the following amendment (354) to the striking amendment (262):

On page 210, after line 33, insert the following:

"**Sec. 922.** RCW 79A.05.070 and 1999 c 247 s 307 are each amended to read as follows:

The commission may:

- (1) Make rules and regulations for the proper administration of its duties;
- (2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;
- (3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;
- (4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;
- (5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;
- (6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper, except that during the 2001-03 fiscal biennium the commission shall not charge fees for basic parkland access;
- (7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years;



(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose."

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representatives Van Luven, Doumit, Armstrong, G. Chandler and Doumit spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

The House resumed consideration of amendment (272) to the striking amendment (262).

Representatives Keiser and Talcott spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

The House resumed consideration of amendment (321) to the striking amendment (262)..

#### **POINT OF INQUIRY**

Representative Buck requested a ruling on "private interest" in regard to amendment (321) to the striking amendment (262) to Engrossed Substitute Senate Bill No. 6153.

#### **SPEAKERS' RULING**

Speaker Chopp: "Representative Buck has asked the Speakers if he must refrain from voting on this amendment because his spouse might benefit from its adoption.

The Washington State Constitution, article 2, section 30, provides that, "A member who has a private interest in any bill or measure proposed or pending before the legislature, shall disclose the fact to the house of which he or she is a member, and shall not vote thereon.

House Rule 19(d) provides that, "No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Therefore, a legislator shall not vote on legislation where he or she has a private or personal interest which is in conflict with the proper discharge of his or her duties.

The "personal interest" prohibited exists when a legislator has a personal interest which is in conflict with the proper discharge of his or her duties if he or she has reason to believe or suspect that he or she will derive a direct monetary gain or suffer a direct monetary loss by reason of his or her official activity.

However, a legislator does not have a personal interest which is in conflict with the proper discharge of his or her duties if no benefit or detriment accrues to him or her as a member of a business, profession, occupation,

or group, to a greater extent than to any other member of such business, profession, occupation, or group.

The Speakers find that Representative Buck's spouse is one of 68 teachers who would currently qualify for the sums appropriated in this amendment and that as many as another 120 other teachers may qualify during the budget period.

The Speakers further find that the class size is sufficiently large that no private interest exists that would preclude Representative Buck from voting on this amendment."

Representative Anderson spoke in favor of the adoption of the amendment to the striking amendment.

Representative Santos spoke against adoption of the amendment to the striking amendment.

An electronic roll call vote was demanded and the demand was sustained.

Speaker Chopp stated the question before the House to be the adoption of amendment (321) to the striking amendment to Engrossed Substitute Senate Bill No. 6153.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (321) to the striking amendment to Engrossed Substitute Senate Bill No. 6153, and the amendment, failing to receive the necessary 50 votes, was not adopted by the following vote: Yeas - 47, Nays - 47, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Lisk, Marine, Mastin, McMorris, Mielke, Mitchell, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 47.

Voting nay: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 47.

Excused: Representatives Kessler, Mulliken, Pennington, and Quall - 4.

Having failed to receive a constitutional majority, the amendment was not adopted.

There being no objection, amendment (351) was withdrawn.

The question before the House was the adoption of the striking amendment (262) as amended.

The striking amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Sommers and Miloscia spoke in favor of passage of the bill.

Representatives Sehlin, Mastin, Mitchell and Lisk spoke against passage of the bill.

### **POINT OF PERSONAL PRIVILEGE**

Representative Mastin expressed his admiration for the co-chairs of the Committee on Appropriations for their dedication and asked the Chamber to recognized them.

Speaker Chopp stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6153 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6153 as amended by the House and the bill passed the House by the following vote: Yea - 50, Nay - 44, Absent - 0, Excused - 4.

Voting yea: Representatives Berkey, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Tokuda, Veloria, Wood and Speaker Chopp - 50

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Marine, McMorris, Mielke, Morell, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods and Speaker Ballard - 44.

Excused: Representatives Kessler, Mulliken, Pennington and Quall - 4.

Engrossed Substitute Senate Bill No. 6153 as amended by the House, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 1:00 p.m., June 18, 2001, the 15<sup>th</sup> Legislative Day of the Second Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SECOND SPECIAL LEGISLATIVE SESSION

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FIFTEENTH DAY

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House Chamber, Olympia, Monday, June 18, 2001

The House was called to order at 1:00 p.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brenda Lee Juntti and Dave Whitmore. Speaker Ballard led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Val Ogden.

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

**MESSAGE FROM THE SENATE**

June 18, 2001

Mr. Speakers:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1624,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the Rules Committee was relieved of House Bill No. 1926, and the bill was placed on the Second Reading calendar.

There being no objection, the Committee on Appropriations was relieved of House Bill No. 2244, and the bill was placed on the Second Reading calendar.

There being no objection, the Rules Committee was relieved of House Bill No. 2258, and the bill was placed on the Third Reading calendar.

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

**THIRD READING**

**HOUSE BILL NO. 2258, By Representatives Sommers and Sehlin**

**Funding drought and earthquake emergency relief.**

Representatives Sommers and Sehlin spoke in favor of the passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of House Bill No. 2258.

**MOTIONS**

On motion of Representative Santos, Representatives Grant, Haigh, Kessler, Poulsen, Quall, Rockefeller

and Simpson were excused. On motion of Representative Schoesler, Representatives Ahern, Benson, B. Chandler, Pennington, Schindler, Schmidt and Van Luven were excused.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2258 and the bill passed the House by the following vote: Yeas - 84, Nays - 0, Absent - 0, Excused - 14.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Reardon, Roach, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Veloria, Wood, and Woods, Speaker Ballard, and Speaker Chopp - 84.

Excused: Representatives Ahern, Benson, B. Chandler, Grant, Haigh, Kessler, Pennington, Poulsen, Quall, Rockefeller, Schindler, Schmidt, Simpson, and Van Luven - 14.

House Bill No. 2258, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

#### **HOUSE BILL NO. 2244, By Representative Sommers**

#### **Pertaining to the higher education retirement plan.**

The bill was read the second time.

Representative Sommers moved the adoption of the following amendment (385):

On page 2, line 24, strike "~~retired~~" and insert "retired"

On page 2, line 24, strike "retires" and insert "entered employment"

Representatives Sommers and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers, Alexander, Conway and McIntire spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 2244.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2244 and the bill passed the House by the following vote: Yeas - 84, Nays - 0, Absent - 0, Excused - 14.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Reardon, Roach, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 84.

Excused: Representatives Ahern, Benson, B. Chandler, Grant, Haigh, Kessler, Pennington, Poulsen, Quall, Rockefeller, Schindler, Schmidt, Simpson, and Van Luven - 14.

Engrossed House Bill No. 2244, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1926, By Representatives Sehlin, Sommers, Romero and Wood; by request of Secretary of State**

**Increasing the surcharge on county auditor recording fees.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1926 was substituted for House Bill No. 1926 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1926 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Sommers spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute House Bill No. 1926.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1926 and the bill passed the House by the following vote: Yeas - 54, Nays - 30, Absent - 0, Excused - 14.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Boldt, Buck, Clements, Cody, Conway, Cooper, Cox, Dickerson, Doumit, Dunn, Edmonds, Eickmeyer, Esser, Fisher, Fromhold, Hankins, Hatfield, Hunt, Hurst, Jarrett, Kagi, Keiser, Kenney, Kirby, Lisk, Mastin, McDermott, McIntire, Mielke, Mitchell, Morris, Murray, Ogden, Pearson, Pflug, Reardon, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Tokuda, Veloria, and Woods - 54.

Voting nay: Representatives Berkey, Bush, Cairnes, Campbell, Carrell, Casada, G. Chandler, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Ericksen, Gombosky, Jackley, Lambert, Lantz, Linville, Lovick, Marine, McMorris, Miloscia, Morell, Mulliken, O'Brien, Roach, Sump, Talcott, Wood, Speaker Ballard, and Speaker Chopp - 30.

Excused: Representatives Ahern, Benson, B. Chandler, Grant, Haigh, Kessler, Pennington, Poulsen, Quall, Rockefeller, Schindler, Schmidt, Simpson, and Van Luven - 14.

Substitute House Bill No. 1926, having received the necessary constitutional majority, was declared

passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on Substitute House Bill No. 1926.

JIM DUNN, 17<sup>th</sup> District

Speaker Ballard called upon Representative Mastin to preside.

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

There being no objection, the House adjourned until 10:00 a.m., June 19, 2001, the 16<sup>th</sup> Legislative Day of the Second Special Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
SECOND SPECIAL LEGISLATIVE SESSION

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SIXTEENTH DAY

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House Chamber, Olympia, Tuesday, June 19, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Steve Elam and Tim Sekerak. Prayer was offered by Speaker Clyde Ballard. The House held a moment of silence in tribute to Jeremy Chandler, son of Representative Gary Chandler, who unexpectedly died the day before.

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

**INTRODUCTIONS AND FIRST READING**

ESSB 5237 by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Swecker, Sheahan, Honeyford, West, Fraser, Kastama, Regala, Hewitt, Hale, Parlette, Morton, Hochstatter and Franklin)

AN ACT Relating to the fair fund; and amending RCW 15.76.115.

2ESB 5686 by Senators Eide, Rasmussen, Kohl-Welles, McAuliffe and Carlson; by request of Governor Locke

AN ACT Relating to changing academic assessments timelines; and amending RCW 28A.655.060.

ESSB 5937 by Senate Committee on Ways & Means (originally sponsored by Senators Shin, Rasmussen, Jacobsen, Winsley, Kohl-Welles and McAuliffe; by request of Governor Locke and Superintendent of Public Instruction)

AN ACT Relating to postretirement employment for teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees; amending RCW 28A.405.900, 41.32.570, 41.40.037, 41.32.802, 41.32.860, 41.32.862, 41.35.060, 41.40.037, and 41.40.750; adding a new section to chapter 41.40 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.

ESB 5990 by Senators Fairley, Spanel, B. Sheldon and Zarelli; by request of Office of Financial Management

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; and declaring an emergency.

SSB 6155 by Senate Committee on Ways & Means (originally sponsored by Senator Brown)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency.

There being no objection, Engrossed Substitute Senate Bill No. 5237 was read the first time in full, the rules were suspended and the bill were placed on the Second Reading calendar.



There being no objection, Second Engrossed Senate Bill No. 5686 the rules were suspended and the bill were placed on the Second Reading calendar.

There being no objection, Engrossed Substitute Senate Bill No. 5937 was read the first time in full, the rules were suspended and the bill were placed on the Second Reading calendar.

There being no objection, Engrossed Senate Bill No. 5990 was read the first time in full, the rules were suspended and the bill were placed on the Second Reading calendar.

There being no objection, Substitute Senate Bill No. 6155 was read the first time in full, the rules were suspended and the bill were placed on the Second Reading calendar.

Speaker Chopp called upon Representative Ogden to preside.

## SECOND READING

**SECOND ENGROSSED SENATE BILL NO. 5686, By Senators Eide, Rasmussen, Kohl-Welles, McAuliffe and Carlson; by request of Governor Locke**

### **Changing academic assessments timelines.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke, Talcott and Santos spoke in favor of passage of the bill.

Representative Benson spoke against passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Second Engrossed Senate Bill No. 5686.

## MOTIONS

On motion of Representative Santos, Representatives Kessler and Quall were excused. On motion of Representative Schoesler, Representatives Ahern, Boldt, B. Chandler, G. Chandler, Haigh, Mielke, Mitchell, Pennington, Schindler and Schmidt were excused.

## ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5686 and the bill passed the House by the following vote: Yeas - 79, Nays - 7, Absent - 0, Excused - 12.

Voting yea: Representatives Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 79.

Voting nay: Representatives Alexander, Benson, Clements, Crouse, DeBolt, Dunn, and Mulliken - 7.

Excused: Representatives Ahern, Boldt, B. Chandler, G. Chandler, Haigh, Kessler, Mielke, Mitchell, Pennington, Quall, Schindler and Schmidt - 12.

Second Engrossed Senate Bill No. 5686, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5937, By Senate Committee on Ways & Means (originally sponsored by Senators Shin, Rasmussen, Jacobsen, Winsley, Kohl-Welles and McAuliffe; by request of Governor Locke and Superintendent of Public Instruction)**

**Changing the limits on postretirement employment for teachers' retirement system plan 1 and public employees' retirement system plan 1 retirees. (REVISED FOR ENGROSSED: Changing postretirement employment restrictions for teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees.)**

The bill was read the second time.

Representative Alexander moved the adoption of the following amendment 382 :

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The department of retirement systems, the office of the superintendent of public instruction, the department of personnel, and the health care authority shall jointly develop publications for use during the 2001-03 biennium to explain options for, and implications of, postretirement employment for members and retirees of the teachers' retirement system plan 1 and the public employees' retirement system plan 1.

(2) The publications shall address such issues as: (a) Health insurance coverage upon reemployment; (b) health benefit options upon termination of postretirement employment; (c) sick leave, annual leave, and other compensation practices; (d) options for, and implications of, reentry into active retirement system membership; (e) hiring procedures for retirees; and (f) collective bargaining rights and responsibilities.

**Sec. 2.** RCW 28A.405.900 and 1990 c 33 s 404 are each amended to read as follows:

Certificated employees subject to the provisions of RCW 28A.310.250, 28A.405.010 through 28A.405.240, 28A.405.400 through 28A.405.410, 28A.415.250, and 28A.405.900 shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts, and shall not include retirees hired for postretirement employment under the provisions of this act.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated.

**Sec. 3.** RCW 41.32.570 and 1999 c 387 s 1 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service(~~(= PROVIDED, That service may be~~

rendered up to five hundred twenty five hours per school year without reduction of pension.

~~———— (3) In addition to the five hundred twenty five hours of service permitted under subsection (2) of this section, a retired teacher or retired administrator may also serve only as a substitute teacher for up to an additional three hundred fifteen hours per school year without reduction of pension if:~~

~~———— (a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection; or~~

~~———— (b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolutions with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection.~~

~~———— (4) In addition to the five hundred twenty five hours of service permitted under subsection (2) of this section, a retired administrator or retired teacher may also serve as a substitute administrator up to an additional one hundred five hours per school year without reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired administrator or retired teacher are necessary because it cannot find a replacement administrator to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired administrator or retired teacher who has been employed as a substitute administrator to the department.~~

~~———— (5) In addition to the five hundred twenty five hours of service permitted under subsection (2) of this section and the one hundred five hours permitted under subsection (4) of this section, a retired principal may also serve as a substitute principal up to an additional two hundred ten hours per school year without a reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired principal are necessary because it cannot find a replacement principal to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired principal who has been employed as a substitute principal to the department.~~

~~———— (6) Subsection (2) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.~~

~~———— (7) Subsection (3) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994), after the retiree has rendered service for more than one thousand five hundred hours in a school year. When a retired teacher or administrator renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that fiscal year.~~

(3) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five hundred twenty-five hours per year without a reduction of his or her pension.

**Sec. 4.** RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree from plan 1 who has satisfied the break in employment requirement of subsection (1) of this section and who enters employment with an employer may continue to receive pension payments while engaged in such service for up to one thousand five hundred hours of service in a calendar year without a reduction of pension. When a plan 1 member renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that fiscal year.

(b) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section((7)) may work up to ((five months per)) eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act expire June 30, 2004.

NEW SECTION. **Sec. 6.** Section 4 of this act expires December 31, 2004.

NEW SECTION. **Sec. 7.** The office of the state actuary shall review the actuarial impact of the temporary expansion of the postretirement employment limitations provided by sections 3 and 4 of this act. No later than July 1, 2003, the state actuary shall prepare a report for the joint committee on pension policy regarding the fiscal and policy impacts of this act. The joint committee shall solicit information from the superintendent of public instruction, the department of personnel, the office of financial management, the department of retirement systems, and the health care authority regarding the program impacts of this act and shall report to the legislative fiscal committees no later than October 1, 2003, on any proposed changes or improvements to this act. If the state actuary determines the expansion of postretirement options under sections 3 and 4 of this act has resulted in increased costs for the state retirement funds, the joint committee report shall include a proposal for a process to charge those employers who employ retirees pursuant to an extension of sections 3 and 4 of this act for the costs incurred by the retirement funds under the extension.

**Sec. 8.** RCW 41.32.802 and 1997 c 254 s 8 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent

from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ~~((five months))~~ eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

**Sec. 9.** RCW 41.32.860 and 1997 c 254 s 7 are each amended to read as follows:

(1) Except under RCW 41.32.862, no retiree shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010 ~~((or)),~~ 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused the suspension of benefits. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

**Sec. 10.** RCW 41.32.862 and 1997 c 254 s 9 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ~~((five months))~~ eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

**Sec. 11.** RCW 41.35.060 and 1998 c 341 s 7 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section may work up to ~~((five months))~~ eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.35.030, he or she terminates his or her

retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.35.420 or 41.35.680. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

**Sec. 12.** RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ~~((five months))~~ eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

**Sec. 13.** RCW 41.40.750 and 1998 c 341 s 113 are each amended to read as follows:

(1) Effective September 1, 2000, the membership of all plan 2 members currently employed in eligible positions in a school district or educational service district and all plan 2 service credit for such members, is transferred to the Washington school employees' retirement system plan 2. Plan 2 members who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(2)(a) The membership and previous service credit of a plan 2 member not employed in an eligible position on September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 when he or she becomes employed in an eligible position. Plan 2 members not employed in an eligible position on September 1, 2000, who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(b) The membership and previous service credit of a plan 2 member last employed by a school district or educational service district and retired prior to September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 if the member opts to reestablish membership.

(3) Members who restore contributions and service credit under subsection (1) or (2) of this section shall have their contributions and service credit transferred to the Washington school employees' retirement system.

**NEW SECTION. Sec. 14.** Except for section 12 of this act which takes effect December 31, 2004, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Correct the title.

Representative Fromhold moved the adoption of the following amendment (386) to amendment (382):

On page 5, line 5, after "employment during that" strike "fiscal" and insert "calendar"

Representative Fromhold spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The question before the House was the adoption of amendment (382) as amended.

Representatives Alexander, Fromhold and Talcott spoke in favor of adoption of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Fromhold and Cox spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5937 as amended by the House.

#### MOTION

On motion of Representative Santos, Representative Hurst was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5937 as amended by the House and the bill passed the House by the following vote: Yeas - 84, Nays - 1, Absent - 0, Excused - 13.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 84.

Voting nay: Representative Dunn - 1.

Excused: Representatives Ahern, Boldt, B. Chandler, G. Chandler, Haigh, Hurst, Kessler, Mielke, Mitchell, Pennington, Quall, Schindler and Schmidt - 13.

Engrossed Substitute Senate Bill No. 5937 as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6155, By Senate Committee on Ways & Means (originally sponsored by Senator Brown)**

**Making appropriations and authorizing expenditures for capital improvements.**

The bill was read the second time.

Representative Alexander moved the adoption of the following amendment (384):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2003, out of the several funds specified in this act.

**PART 1  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE**

Deferred Maintenance Reduction Backlog Projects: Regional Archive (02-1-002)

Appropriation:

State Building Construction Account--State .....	\$	100,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	415,000	
..... TOTAL	\$		515,000

**NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE**

Eastern Branch Archives--Design (98-2-001)

The appropriation in this section is provided solely for the design of the eastern regional archives facility to be sited on the Eastern Washington University campus in Cheney. Construction of the facility will be financed through alternative financing authority provided in section 907 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	295,482	
Prior Biennia (Expenditures) .....	\$	530,972	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		826,454

**NEW SECTION. Sec. 103. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Rural Washington Loan Fund (RWLF)(88-2-002)

Reappropriation:

State Building Construction Account--State .....	\$	558,554	
Rural Washington Loan Account--Federal.....	\$	441,000	
..... Subtotal Reappropriation	\$		999,554

Appropriation:

Rural Washington Loan Account--Federal.....	\$	5,650,367	
Prior Biennia (Expenditures) .....	\$	19,309,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		25,959,367

**NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Grays Harbor Dredging (88-2-006)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$	982,500	
Prior Biennia (Expenditures) .....	\$	17,500	



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	2375	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	1,000

**NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Snohomish County Drainage (92-2-011)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$ 128,584	
Prior Biennia (Expenditures) .....	\$ 79,584	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	208,1

**NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Seventh Street Theatre (90-2-008)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$ 51,110	
..... Prior Biennia (Expenditures)	\$	78,89
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	130,0

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Mirabeau Point Community Complex (98-2-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The amount is provided solely for a grant to Spokane county for design and development costs for Mirabeau Point community complex.

(2) The amount represents the entire state contribution to the project and shall be matched by \$8,500,000 in contributions toward the project from nonstate sources.

(3) The reappropriation is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$ 351,255	
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Appropriation:

State Building Construction Account--State .....	\$ 2,000,000	
Prior Biennia (Expenditures) .....	\$ 1,148,745	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	3,500

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Sand Point Shoreline Restoration (00-1-002)

The reappropriation in this section is provided to the city of Seattle for shoreline improvements and wetland restoration at Sand Point. The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$ 500,000	
Prior Biennia (Expenditures) .....	\$ 0	

Future Biennia (Projected Costs).....	\$	0	
.....	TOTAL	\$	500,000

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Building for the Arts (00-2-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$750,000 of the reappropriation in this section shall support the projects as listed in section 113, chapter 379, Laws of 1999.

(2) \$250,000 of the reappropriation in this section and the new appropriation from the state building construction account is subject to the provisions of RCW 43.63A.750.

(3) The following projects are eligible for funding:

Projects	Recommendation	
Orcas Theatre, Eastsound	\$400,000	
Empty Space Theatre, Fremont	\$29,000	
Music Works Northwest, Bellevue	\$475,000	
Hands on Children's Museum, Olympia	\$130,000	
Spokane Symphony, Spokane	\$230,000	
Mt. Baker Theatre, Bellingham	\$128,000	
IKEA Performing Arts Center, Renton	\$135,000	
Seattle Art Museum, Seattle	\$1,000,000	
Town Hall, Seattle	\$175,000	
Gladish Center, Pullman	\$29,000	
Broadway Center, Tacoma	\$50,000	
CREATE, Newport	\$21,000	
Spectrum Dance Theatre, Seattle	\$78,000	
Gallery One, Ellensburg	\$225,000	
Lake Chelan Bachfest, Chelan	\$38,000	
Historic Seattle Preservation, Seattle	\$390,000	
Historic Everett Theatre, Everett	\$350,000	
Holy Names Music Center, Spokane	\$50,000	
Youth Theatre Northwest, Mercer Island	\$67,000	
Arts West, Seattle	\$87,000	
Harrington Opera House, Harrington	\$13,000	
Subtotal	\$4,100,000	
Alternate Projects		
Youth Theatre Northwest, Mercer Island	\$158,000	
Subtotal	\$158,000	
	Total	\$4,258,000
Reappropriation:		
State Building Construction Account--State .....	\$	1,000,000
Appropriation:		
State Building Construction Account--State .....	\$	3,850,000
Prior Biennia (Expenditures) .....	\$	30,848,000
Future Biennia (Projected Costs).....	\$	16,000,000
.....	TOTAL	\$ 51,698,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Services Facilities Program (00-02-006)

The reappropriation in this section shall support the projects as listed in section 1007, chapter 1, Laws of

2000 2nd sp. sess.

Reappropriation:

State Building Construction Account--State .....	\$	1,400,000	
Prior Biennia (Expenditures) .....	\$	10,253,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		11,65

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Services Facilities Program (02-4-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the provisions of RCW 43.63A.125. The following projects are eligible for funding:

Projects	Recommendation	
YMCA of Grays Harbor, Aberdeen	\$300,000	
Community Youth Services, Olympia	\$300,000	
Skagit County Community Action, Concrete	\$300,000	
Kinderling Center, Bellevue	\$300,000	
Bellevue Family YMCA, Bellevue	\$300,000	
Refugee Women's Alliance, Seattle	\$300,000	
YWCA of Walla Walla, Walla Walla	\$300,000	
Pierce County Alliance (facility), Tacoma	\$61,000	
Compass Health, Everett	\$300,000	
Mid-City Concerns, Spokane	\$28,000	
Children's Home Society, Vaughn	\$70,000	
Children's Home society, Spokane	\$238,000	
Catholic Family/Child Services, Yakima	\$152,000	
Korean Women's Association, Tacoma	\$218,000	
Factory Small Biz Incubator, Tacoma	\$300,000	
Lao Highland Association of King County, Seattle	\$119,000	
First Place, Seattle	\$300,000	
NE Washington Rural Resources, Colville	\$300,000	
Filipino Community Center, Seattle	\$200,000	
Filipino Community Center, Wapato	\$25,000	
Subtotal	\$4,411,000	
Alternate Projects		
Nooksack Community Aid Society, Deming	\$165,000	
Childhaven, Seattle	\$149,000	
Subtotal	\$314,000	
Total		\$4,72

(2) \$200,000 of the appropriation in this section for the Filipino Community Center in Seattle shall be matched by \$200,000 in additional contributions toward the project from local government.

Appropriation:

State Building Construction Account--State .....	\$	4,411,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	16,000,000	
..... TOTAL	\$		20,41

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing for Homeless Families With Children Program (00-2-009)

The reappropriation in this section is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes.

Reappropriation:

State Building Construction Account--State .....	\$	500,000	
Prior Biennia (Expenditures) .....	\$	4,500,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,000,000

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing for Homeless Families with Children Program (02-4-012)

The appropriation in this section is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes.

Appropriation:

State Building Construction Account--State .....	\$	5,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	20,000,000	
..... TOTAL	\$		25,000,000

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Farmworker Housing Assistance (00-2-011)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is provided solely for facilities housing low-income migrant, seasonal, and temporary farmworkers.
- (2) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342.
- (3) The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or for other administrative purposes.
- (4) By December 15, 2001, the department shall submit a report to the governor and the appropriate committees of the legislature on the progress of the development of housing for farmworkers, including a list of projects funded under this section.
- (5) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

Reappropriation:

State Building Construction Account--State .....	\$	500,000	
Prior Biennia (Expenditures) .....	\$	7,500,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		8,000,000

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Farmworker Housing Assistance (02-4-011)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers.
- (2) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342.
- (3) The department shall minimize the amount of these funds that are utilized for staff and administrative

purposes or other operational expenses.

(4) By September 1, 2002, the department shall submit a report to the governor and the appropriate committees of the legislature on the progress of the development of housing for farmworkers, including a list of projects funded under this section.

(5) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

(6) Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

Appropriation:

State Building Construction Account--State .....	\$	8,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	32,000,000	
..... TOTAL	\$		40,000,000

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (00-2-003)

The reappropriation in this section is subject to the conditions and limitations set forth in section 111, chapter 379, Laws of 1999.

Reappropriation:

State Building Construction Account--State .....	\$	26,800,000	
Prior Biennia (Expenditures) .....	\$	35,000,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		61,800,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (02-4-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$9,000,000 of the new appropriation from the state building construction account is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the new appropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,000,000 of the appropriation from the state building construction account is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the new appropriation from the state building construction account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) Reappropriations in this section shall not be included in the annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Appropriation:

State Building Construction Account--State .....	\$	60,000,000	
Washington Housing Trust Account .....	\$	5,000,000	
..... Subtotal Appropriation	\$		65,000,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	200,000,000	
..... TOTAL	\$		265,000,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Burke Museum Governance and Siting Study (00-2-012)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided for a study of the governance of the Burke museum and for an examination of the potential expansion of the museum facility including siting issues. The study shall be facilitated by the University of Washington, the department of community, trade, and economic development's tourism and economic development units, the executive director of the Washington state historical society, the city of Seattle, King county, and members of the community and businesses from various geographic regions of the state. The department shall provide a report to the legislature by June 30, 2002, outlining funding strategies for an expanded state natural history museum that recognizes the limited state resources for capital facilities programmatic enhancements, and outlines alternative funding resources and partners.

(2) The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

University of Washington Building Account--State.....	\$	350,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		350,000

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Clark County Skills Center (00-4-100)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section must be matched by at least \$1,300,000 from other sources.

(2) The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$	350,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		350,000

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Holly Park Education Center (00-4-101)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for education space in the Holly Park housing development for South Seattle Community College.

(2) The reappropriation in this section must be matched by an equal amount from other sources.

(3) The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$	500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		500,000

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

County Public Facility Construction (00-2-010)

The reappropriations in this section shall be used solely for financial assistance to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial

expansion of an existing business facility in the county. The entire reappropriation from the state building construction account shall be provided as a grant to support the Grays Harbor water system project and is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$	3,500,000	
Distressed County Facilities Construction Loan Account--State .....	\$	2,619,000	
.....Subtotal Reappropriation	\$		6,119,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		6,119,000

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization (CERB) (86-1-001)

Reappropriation:

Public Works Assistance Account--State .....	\$	655,517	
Public Facility Construction Loan Revolving Account--State .....	\$	4,868,347	
.....Subtotal Reappropriation	\$		5,523,864
Prior Biennia (Expenditures) .....	\$	7,433,892	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		12,957,756

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization (CERB)(00-2-001)

The reappropriation in this section from the public facilities construction loan revolving account is subject to the following conditions and limitations:

(1) The department shall ensure that all funds transferred from the public works assistance account into the public facility construction loan revolving account during the 1999-2001 biennium are used only for loans to local governments.

(2) The department shall ensure that all principal and interest payments from these loans are paid into the public works assistance account.

Reappropriation:

Public Facility Construction Loan Revolving Account--State .....	\$	5,519,054	
Prior Biennia (Expenditures) .....	\$	1,121,946	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		6,641,000

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization (CERB) (02-4-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) Appropriations from the public facility construction loan revolving account shall be used solely to provide loans to eligible local governments and grants to the extent permissible by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

(2) By December 15, 2002, the office of financial management shall make recommendations to the appropriate fiscal committees of the legislature on a permanent funding source for the CERB program.

Appropriation:

Public Facility Construction Loan Revolving Account--State .....	\$	2,275,000	
State Building Construction Account--State .....	\$	3,000,000	

.....	Subtotal Appropriation	\$	5,275
Prior Biennia (Expenditures) .....		\$	0
Future Biennia (Projected Costs).....		\$	0
.....	TOTAL	\$	5,275

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water Assistance Program (98-2-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funding from the state public works trust fund program shall be matched with federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2002, on the progress of the program, including administrative and technical assistance procedures, the application process and funding priorities.

Reappropriation:

Drinking Water Assistance Account--State.....	\$	3,926,937	
Prior Biennia (Expenditures) .....	\$	13,722,063	
Future Biennia (Projected Costs).....	\$	0	
.....	TOTAL	\$	17,64

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water Assistance Program (00-2-007)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funding from the state public works trust fund program shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2002, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Reappropriation:

Drinking Water Assistance Account--State.....	\$	7,700,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....	TOTAL	\$	7,700

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water Assistance Program (02-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding from the state public works trust fund program shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2002, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Appropriation:

Drinking Water Assistance Account--State.....	\$	7,700,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	30,800,000	



..... TOTAL \$ 38,50

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (94-2-001)

Reappropriation:

Public Works Assistance Account--State .....	\$	75,159,028
Prior Biennia (Expenditures) .....	\$	68,460,146
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	143,6

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (00-2-002)

Reappropriation:

Public Works Assistance Account--State .....	\$	143,971,288
Prior Biennia (Expenditures) .....	\$	59,178,712
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	203,1

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (01-H-001)

Reappropriation:

Public Works Assistance Account--State .....	\$	93,593,068
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	93,59

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (02-4-013)

The appropriation in this section is subject to the following conditions and limitations:

\$20,000,000 of the general fund federal appropriation is provided solely for infrastructure projects that will improve water quality and benefit salmon. Projects should be designed to have immediate benefits to water quality and salmon as alternatives to habitat acquisition and improvements. The public works board is authorized and directed to seek funding through the Northwest power planning council, the conservation and reinvestment act, and other federal funding sources to supplement existing loan programs with grants or loans for water quality projects. The public works board shall utilize existing programs within chapter 43.155 RCW to distribute these additional grants or loans, with an emphasis on projects providing immediate benefits to water quality and salmon habitat. For the purposes of this section, the public works board may utilize federal funds as grants in conjunction with loans from chapter 43.155 RCW.

Appropriation:

Public Works Assistance Account--State .....	\$	230,300,000
General Fund--Federal .....	\$	20,000,000
Subtotal Appropriation .....	\$	250,300,000
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	1,215,700,000
..... TOTAL	\$	1,466

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND**

**ECONOMIC DEVELOPMENT**

Seattle Center Redevelopment (01-S-001)

Appropriation:

State Building Construction Account--State .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,000,000

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Fort Vancouver National Historic Reserve (01-S-002)

Appropriation:

State Building Construction Account--State .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,000,000

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Chewelah Peak Environmental Learning Center (01-S-003)

Appropriation:

State Building Construction Account--State .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,000,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Cancer Research Facility Grant (01-S-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided as a grant for equipment and facilities improvements for a prostate cancer research project at the University of Washington medical center. The appropriation shall be matched by an equal amount from nonstate sources.

Appropriation:

State Building Construction Account--State .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,000,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Fox Theater Project (01-S-006)

Appropriation:

State Building Construction Account--State .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,000,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Des Moines Beach Park - Structure Relocation (01-S-010)

Appropriation:

State Building Construction Account--State .....	\$	250,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		250,000

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Upper Kittitas County, Emergency Management Service Facility (01-S-16)

The appropriation in this section is subject to the following conditions and limitations: Funds are provided as a matching grant for enhanced emergency services related to highway travel and incidental local needs. The funds shall be retained in allotment reserve until the office of financial management approves a plan submitted by the recipient organization for the generation of matching funds and the provision for emergency services needs on Interstate 90. The office of financial management shall identify the recipient entity or organization that is best suited to provide enhanced emergency services for the Cle Elum, I-90 region.

Appropriation:

State Building Construction Account--State .....	\$	920,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		920,000

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Republic Baseball and Softball Fields (01-H-002)

Appropriation:

State Building Construction Account--State .....	\$	30,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		30,000

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Nevitt Pool Renovation (01-H-003)

Appropriation:

State Building Construction Account--State .....	\$	70,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		70,000

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Lake Forest Park Elementary School - Americans with Disabilities Act Equipment (01-S-015)

Appropriation:

State Building Construction Account--State .....	\$	25,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		25,000

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

West Central Community Center (01-S-016)

Appropriation:

State Building Construction Account--State .....	\$	100,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		100,000

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Milton Skate Park (01-H-016)

Appropriation:

State Building Construction Account--State .....	\$	117,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		117,000

**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Pierce County Fairgrounds (01-H-017)

Appropriation:

State Building Construction Account--State .....	\$	150,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		150,000

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Clark Lake Park (01-S-013)

Appropriation:

State Building Construction Account--State .....	\$	250,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		250,000

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Coastal Erosion Grants (01-S-019)

The appropriation in this section is subject to the following conditions and limitations: Funds are provided for coastal erosion grants in southwest Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.

Appropriation:

State Building Construction Account--State .....	\$	1,250,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,250,000

**NEW SECTION. Sec. 147. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Budget System Improvements (02-1-004)

The appropriation in this section is subject to the following conditions and limitations:

Funds are provided solely for the following studies and activities:

- (1) Budget evaluation study team reviews of project proposals;
- (2) The compilation of benchmarking data and the development of standards for construction costs;

(3) Contracts associated with a higher education facility financial responsibility study to be conducted in conjunction with the higher education coordinating board and the state board for community and technical colleges that shall provide guidelines for project cost sharing between state and federal funds, institutional funds, student fees and charges, and private donations; and

(4) Other studies and system improvements planned in consultation with the house capital budget committee and the senate committee on ways and means.

Appropriation:

State Building Construction Account--State .....	\$	200,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	1,200,000	
..... TOTAL	\$		1,400,000

**NEW SECTION. Sec. 148. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Residential Habilitation Study (01-S-002)**

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall enter into a contract with the joint legislative audit and review committee to conduct a study of the possible alternative uses of the land and facilities currently used by state operated residential habilitation centers and nursing facilities for persons with developmental disabilities.

Appropriation:

Charitable, Educational, Penal and Reformatory Institutions

..... Account--State	\$	100,000
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	100,000

**NEW SECTION. Sec. 149. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Higher Education Condition Assessment (01-H-019)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management shall contract with the joint legislative audit and review committee to conduct a study of higher education facility conditions, maintenance, repair, and renovation. The study shall assess the relationship between facility management and health and safety requirements, educational program delivery priorities, operating costs, and long-term capital costs. The study shall evaluate, and make recommendations on, the following topics:

(a) The capability and reliability of current management systems and controls, including facility condition assessment processes and their results;

(b) Current maintenance, repair, and renovation planning and budgeting processes;

(c) Comparable methods across institutions for developing maintenance, repair, and renovation backlog lists and setting priorities for associated budget requests;

(d) Appropriate operating and capital budgeting processes to provide both means and incentives for effective facility stewardship; and

(e) Options for statewide, long-term facility maintenance, repair, and renovation investment strategies that are linked to anticipated future demands for public higher education enrollments and associated educational program delivery priorities.

(2) In conducting the study under this section, the joint legislative audit and review committee shall work closely with the appropriate legislative policy and fiscal committees and shall consult with the office of financial management, the higher education coordinating board, the state board for community and technical colleges, and, as necessary, with individual public institutions of higher education. The committee may contract for consulting services in conducting this study. The committee shall provide a preliminary report to the appropriate legislative committees by December 15, 2001, and a final report by September 15, 2002.

Appropriation:

Eastern Washington Capital Projects Account--State .....	\$	35,000
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The Evergreen State College Capital Projects Account--State .....	\$	35,000	
The Western Washington University Capital Projects Account--State.....	\$	35,000	
The Central Washington University Capital Projects Account--State .....	\$	35,000	
Washington State University Building Account--State .....	\$	55,000	
University of Washington Building Account--State.....	\$	55,000	
State Building Construction Account--State .....	\$	250,000	
..... Subtotal Appropriation	\$		500,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		500,000

**NEW SECTION. Sec. 150. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Merrill Hall Fire Repairs - Horticulture Building (01-H-020)

The appropriation in this section is subject to the following conditions and limitations: In addition to the funds provided in this section, the University of Washington may utilize appropriated funds for minor works allotted under section 905 of this act to address emergent needs for Merrill Hall.

Appropriation:

State Building Construction Account--State .....	\$	3,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,000,000

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

East Plaza Repairs (96-1-002)

The appropriations in this section are subject to the following conditions and limitations: \$16,000,000 of the appropriation from the state vehicle parking account--state is subject to the approval of a reimbursable bond for this project in a bond bill; if the bond bill is not enacted by June 30, 2001, authorizing bonds for this project, the appropriation from the state vehicle parking account--state in this section shall lapse.

Reappropriation:

Capitol Building Construction Account--State.....	\$	900,000	
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Appropriation:

State Vehicle Parking Account--State .....	\$	19,000,000	
Prior Biennia (Expenditures) .....	\$	21,667,150	
Future Biennia (Projected Costs).....	\$	14,200,000	
..... TOTAL	\$		55,767,150

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Transportation Building Preservation (98-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State.....	\$	350,000	
Prior Biennia (Expenditures) .....	\$	1,884,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,234,000

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Transportation Building Preservation - Elevator (02-1-008)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Thurston County Capital Facilities Account--State.....	\$	1,001,250	
Prior Biennia (Expenditures) .....	\$	0	

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Future Biennia (Projected Costs).....	\$	19,098,000	
..... TOTAL		\$	20,09

**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Heritage Park/Capitol Lake (00-1-007)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Capitol Building Construction Account--State.....	\$	250,000	
State Building Construction Account--State .....	\$	700,000	
..... Subtotal Reappropriation		\$	950,0
Prior Biennia (Expenditures) .....	\$	2,650,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL		\$	3,600

**NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Heritage Park Development (01-H-004)

Appropriation:

Capitol Building Construction Account--State.....	\$	2,100,000	
Prior Biennia (Expenditures) .....	\$	10,765,000	
Future Biennia (Projected Costs).....	\$	6,358,000	
..... TOTAL		\$	19,22

**NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building: Safety and Infrastructure (98-1-005)

Reappropriation:

Capitol Building Construction Account--State.....	\$	660,000	
Thurston County Capital Facilities Account--State.....	\$	440,000	
..... Subtotal Reappropriation		\$	1,100
Prior Biennia (Expenditures) .....	\$	4,210,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL		\$	5,310

**NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building: Rehabilitation (01-1-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

(2) The department of general administration, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;

(b) The goal shall be to reoccupy the building in time for the 2005 legislative session;

(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pritchard building, the Cherberg building, and the Newhouse building, and may use modular space. Decisions on the use of space for the Pritchard building will be made by legislative leadership by July 1, 2001, to make it available for use by the legislature by April 1, 2002;

(d) The department shall temporarily move the state library from the Pritchard building by October 1, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

- (i) The office of the insurance commissioner shall be temporarily moved to leased space in Thurston county;
- (ii) The office of the governor shall be moved to the Insurance building;
- (iii) The primary office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus; and
- (iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;
- (f) The state legislative building shall be completely vacated by the office of the governor, the office of the secretary of state, the office of treasurer, and the office of the state auditor by November 1, 2001, and by the legislature fourteen days after the end of the 2002 legislative session to make it available for renovation by the contractor; and

(g) State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(3) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall periodically advise the department regarding the rehabilitation, the receipt and use of private funds, and other issues that may arise.

(4) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and November 15, 2001, and shall consult with the legislature and governor on major decisions including placement of the cafeteria and exiting stairs in the legislative building by August 31, 2001.

(5) In the event of any conflicts between the conditions and limitations in this section and section 3, chapter 123, Laws of 2001, the conditions and limitations of this section shall apply.

Reappropriation:

Capitol Building Construction Account--State.....	\$	2,000,000	
Thurston County Capital Facilities Account--State.....	\$	2,500,000	
.....Subtotal Reappropriation		\$	4,500,000

Appropriation:

Capitol Historic District Construction Account--State.....	\$	81,681,000	
Thurston County Capital Facilities Account--State.....	\$	1,300,000	
..... Subtotal Appropriation		\$	82,981,000
Prior Biennia (Expenditures) .....	\$	1,000,000	
Future Biennia (Projected Costs).....	\$	2,300,000	
..... TOTAL		\$	90,781,000

**NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Buildings - O'Brien and Newhouse Building Improvements (01-H-021)

Appropriation:

Capitol Building Construction Account--State.....	\$	1,000,000	
Thurston County Capital Facilities Account--State.....	\$	1,000,000	
..... Subtotal Appropriation		\$	2,000,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL		\$	2,000,000

**NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Emergency/Small Repairs and Improvements (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of



this act.

Appropriation:

Capitol Building Construction Account--State.....	\$	100,000	
State Building Construction Account--State .....	\$	400,000	
Thurston County Capital Facilities Account--State.....	\$	900,000	
..... Subtotal Appropriation	\$		1,400,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	6,500,000	
..... TOTAL	\$		7,900,000

**NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County Facilities: Preservation (00-1-009)

Reappropriation:

Thurston County Capital Facilities Account--State.....	\$	250,000	
Prior Biennia (Expenditures) .....	\$	1,450,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,700,000

**NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County Facilities: Preservation (02-1-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of

this act.

Appropriation:

Capitol Building Construction Account--State.....	\$	1,110,000	
State Building Construction Account--State .....	\$	1,860,000	
Thurston County Capital Facilities Account--State.....	\$	3,861,000	
..... Subtotal Appropriation	\$		6,831,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	35,636,000	
..... TOTAL	\$		42,467,000

**NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Campus Facilities: Preservation (00-1-003)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of

this act.

Reappropriation:

Capitol Building Construction Account--State.....	\$	900,000	
State Building Construction Account--State .....	\$	75,000	
Thurston County Capital Facilities Account--State.....	\$	1,025,000	
..... Subtotal Reappropriation	\$		2,000,000
Prior Biennia (Expenditures) .....	\$	4,140,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		6,140,000

**NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Campus Infrastructure Preservation (02-1-003)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of

this act.

Appropriation:

Capitol Building Construction Account--State.....	\$	75,000	
State Building Construction Account--State .....	\$	1,750,000	

.....	Subtotal Appropriation	\$	1,825,000
Prior Biennia (Expenditures) .....		\$	0
Future Biennia (Projected Costs).....		\$	24,050,000
.....	TOTAL	\$	25,875,000

**NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

North Cascades Gateway Center: Preservation (00-1-010)

Reappropriation:

General Fund--Private/Local .....	\$	210,000	
Prior Biennia (Expenditures) .....	\$	397,000	
Future Biennia (Projected Costs).....	\$	0	
.....	TOTAL	\$	607,000

**NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

North Cascades Gateway Center Minor Works (02-1-004)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund/Private/Local.....	\$	500,000	
State Building Construction Account--State .....	\$	850,000	
.....	Subtotal Appropriation	\$	1,350,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	6,685,000	
.....	TOTAL	\$	8,035,000

**NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Cherberg Building: Rehabilitation (02-1-005)

Appropriation:

Thurston County Capital Facilities Account--State.....	\$	695,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	7,000,000	
.....	TOTAL	\$	7,695,000

**NEW SECTION. Sec. 167. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Pritchard Library: Rehabilitation (02-1-006)

Appropriation:

Thurston County Capital Facilities

.....	Account--State	\$	300,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	1,000,000	
.....	TOTAL	\$	1,300,000

**NEW SECTION. Sec. 168. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Infrastructure Project: Savings (02-1-999)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State .....	\$	1	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....	TOTAL	\$	1

**NEW SECTION. Sec. 169. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Campus Chiller Plant and Loop (02-2-006)

Appropriation:

Capitol Building Construction Account--State.....	\$	50,000	
State Building Construction Account--State .....	\$	550,000	
..... Subtotal Appropriation	\$		600,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	21,220,000	
..... TOTAL	\$		21,820,000

**NEW SECTION. Sec. 170. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Engineering and Architectural Services (02-2-012)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects including projects financed with alternative financing or for services above core services as described as optional and extra services in the task list.

Appropriation:

Capitol Building Construction Account--State.....	\$	220,700	
Charitable, Educational, Penal, and Reformatory .....			
..... Institutions Account--State	\$		772,700
State Building Construction Account--State .....	\$	8,057,800	
Thurston County Capital Facilities .....			
..... Account--State	\$		386,000
..... Subtotal Appropriation	\$		9,437,500
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	43,049,325	
..... TOTAL	\$		52,480,000

**NEW SECTION. Sec. 171. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Isabella Bush Records Center: Expansion (02-3-001)

Appropriation:

Thurston County Capital Facilities Account--State.....	\$	344,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		344,000

**NEW SECTION. Sec. 172. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Tumwater Office Building 1 (01-S-003)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided to lease/develop a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration.

The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense.

Appropriation:

State Building Construction Account--State .....	\$	200,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		200,000

**NEW SECTION. Sec. 173. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Office Building Two Rehabilitation (98-1-007)

Reappropriation:

Thurston County Capital Facilities Account--State.....	\$	2,000,000	
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Appropriation:

Thurston County Capital Facilities Account--State.....	\$	5,850,000	
Prior Biennia (Expenditures) .....	\$	9,250,000	
Future Biennia (Projected Costs).....	\$	5,310,000	
..... TOTAL	\$		22,410,000

**NEW SECTION. Sec. 174. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Administration Building Renovation or Redevelopment (00-1-004)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--			
..... State	\$		150,000
Prior Biennia (Expenditures) .....	\$	850,000	
Future Biennia (Projected Costs).....	\$	7,635,000	
..... TOTAL	\$		8,635,000

**NEW SECTION. Sec. 175. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Americans with Disabilities Act: Pool (00-1-011)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The moneys provided in this section shall be solely allocated to agencies and institutions, except for the state community and technical colleges, for improvements to state-owned facilities for program access enhancements.

(2) No money appropriated in this section or in any section specifically referencing this section shall be expended unless the department of general administration has reviewed and approved the cost estimates for the project. The department of general administration shall implement an agency request and evaluation procedure similar to the one adopted in the 1999-2001 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Reappropriation:

State Building Construction Account--State .....	\$	150,000	
Prior Biennia (Expenditures) .....	\$	2,850,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,000,000

**NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT**

Minor Works to Support Federal Construction Projects (98-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

General Fund--Federal.....	\$	280,913	
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State Building Construction Account--State .....	\$ 305,193	
..... Subtotal Reappropriation	\$	586,1
Prior Biennia (Expenditures) .....	\$ 5,766,394	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	6,352

**NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT**

Minor Works to Support Federal Construction Projects (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal .....	\$ 10,248,000	
State Building Construction Account--State .....	\$ 2,277,000	
..... Subtotal Appropriation	\$	12,52
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 62,340,000	
..... TOTAL	\$	74,86

**NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT**

Yakima Readiness Center: Construction (98-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) Funds expended on this project for off-site utility infrastructure that may include the provision of electricity, natural gas service, water service, or sewer service shall be for the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The department shall develop policies and procedures to ensure that this reimbursement occurs.

(2) The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

(3) No money shall be committed or expended from the state building construction account until the general fund--federal construction funds are received and allotted in accordance with section 903 of this act.

(4) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department will file quarterly project progress reports with the office of financial management. These reports will contain local, state, and federal funding reconciliations and balance sheets for this project and will detail any federal intentions on future readiness center projects.

Reappropriation:

General Fund--Federal .....	\$ 1,523,000	
State Building Construction Account--State .....	\$ 1,520,966	
..... Subtotal Reappropriation	\$	3,043

Appropriation:

General Fund--Federal .....	\$ 6,522,000	
State Building Construction Account--State .....	\$ 653,000	
..... Subtotal Appropriation	\$	7,175
Prior Biennia (Expenditures) .....	\$ 11,737,876	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	21,95

**NEW SECTION. Sec. 179. FOR THE MILITARY DEPARTMENT**

Centralia Readiness Center: Preservation (00-1-030)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$ 350,000	
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Prior Biennia (Expenditures) .....	\$	700,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,050

**NEW SECTION. Sec. 180. FOR THE MILITARY DEPARTMENT**

Preservation Projects-Statewide (02-1-006)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	1,478,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	7,116,000	
..... TOTAL	\$		8,594

**NEW SECTION. Sec. 181. FOR THE MILITARY DEPARTMENT**

Infrastructure Projects-Savings (02-1-009)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State .....	\$	1	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1

**NEW SECTION. Sec. 182. FOR THE MILITARY DEPARTMENT**

Spokane Combined Public Safety Training Center (02-2-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

(2) No money shall be committed or expended from the state building construction account until the general fund--federal construction funds are received and allotted in accordance with section 903 of this act.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department will file quarterly project progress reports with the office of financial management. These reports will contain local, state, and federal funding reconciliations and balance sheets for this project and will detail any federal intentions on future readiness center projects.

Appropriation:

General Fund--Federal .....	\$	9,996,000	
State Building Construction Account--State .....	\$	5,267,000	
..... Subtotal Appropriation	\$		15,263
Prior Biennia (Expenditures) .....	\$	7,899,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		23,162

**NEW SECTION. Sec. 183. FOR THE MILITARY DEPARTMENT**

Bremerton Readiness Center (02-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

(2) No money shall be committed or expended from the state building construction account until the general fund--federal construction funds are received and allotted in accordance with section 903 of this act.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department

will file quarterly project progress reports with the office of financial management. These reports will contain local, state, and federal funding reconciliations and balance sheets for this project and will detail any federal intentions on future readiness center projects.

Appropriation:

General Fund--Federal .....	\$	5,446,000	
State Building Construction Account--State .....	\$	4,728,000	
..... Subtotal Appropriation	\$		10,17
Prior Biennia (Expenditures) .....	\$	1,000,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		11,17

**NEW SECTION. Sec. 184. FOR THE MILITARY DEPARTMENT**

Fort Lewis Readiness Center (02-2-010)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

General Fund--Federal .....	\$	19,941,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		19,94

**NEW SECTION. Sec. 185. FOR THE MILITARY DEPARTMENT**

Combined Support Maintenance Shop (02-2-011)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

General Fund--Federal .....	\$	17,032,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		17,03

**NEW SECTION. Sec. 186. FOR THE MILITARY DEPARTMENT**

Combined Regional Training Institute (02-2-012)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

General Fund--Federal .....	\$	14,712,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		14,71

**NEW SECTION. Sec. 187. FOR THE MILITARY DEPARTMENT**

Phase 2 Yakima Maneuver and Training Equipment Site (02-2-013)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

General Fund--Federal .....	\$	11,304,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		11,30

**NEW SECTION. Sec. 188. FOR THE STATE CONVENTION AND TRADE CENTER**

Seattle Convention Center: Replacement Housing (00-2-002)

Reappropriation:

State Convention and Trade Center Account--State.....	\$	2,745,000	
Prior Biennia (Expenditures) .....	\$	2,255,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,000,000

**NEW SECTION. Sec. 189. FOR THE STATE CONVENTION AND TRADE CENTER**

Repairs and Improvements (01-S-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$545,000 is provided for payment to the department of transportation for fire control and other improvements to the I-90 tunnel.
- (2) \$2,650,000 is provided for chiller and window replacement and roof repairs.

Appropriation:

State Convention and Trade Center Account--State.....	\$	3,195,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,195,000

**PART 2  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Site Improvements - Minor Works (02-1-005)

Appropriation:

State Building Construction Account--State .....	\$	200,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	600,000	
..... TOTAL	\$		800,000

**NEW SECTION. Sec. 202. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Building Omnibus Minor Works (02-1-007)

Appropriation:

State Building Construction Account--State .....	\$	150,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	600,000	
..... TOTAL	\$		750,000

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

Facilities Preservation and Improvement (02-1-001)

Appropriation:

Accident Account--State.....	\$	325,000	
Medical Aid Account--State .....	\$	325,000	
..... Subtotal Appropriation	\$		650,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	2,700,000	
..... TOTAL	\$		3,350,000

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School: Wastewater Treatment Plant (94-1-201)



Reappropriation:

State Building Construction Account--State .....	\$	339,945	
Prior Biennia (Expenditures) .....	\$	3,767,109	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		4,107,054

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Crisis Residential Centers (96-1-900)**

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	350,000	
Prior Biennia (Expenditures) .....	\$	2,450,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,800,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Echo Glen Children's Center - Site: Infrastructure Improvements (96-2-229)**

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,215,229	
Prior Biennia (Expenditures) .....	\$	1,312,523	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,527,752

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Green Hill School Redevelopment: 416 Bed Institution (96-2-230)**

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,853,668	
Prior Biennia (Expenditures) .....	\$	14,995,479	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		16,849,147

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Medical Lake Wastewater Treatment Facility (96-1-301)**

Reappropriation:

State Building Construction Account--State .....	\$	921,597	
Prior Biennia (Expenditures) .....	\$	8,459,550	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		9,381,147

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Eastern State Hospital: Legal Offender Unit (98-2-002)**

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	2,365,463	
Prior Biennia (Expenditures) .....	\$	15,330,537	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		17,696,000

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen Children's Center - Vocational Education: Construction (98-2-211)

Reappropriation:

State Building Construction Account--State ..... \$ 298,838

Appropriation:

State Building Construction Account--State ..... \$ 2,916,667

Prior Biennia (Expenditures) ..... \$ 156,162

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$ 3,371,667

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Legal Offender Unit (98-2-052)

Reappropriation:

State Building Construction Account--State ..... \$ 25,829,040

Appropriation:

State Building Construction Account--State ..... \$ 2,059,000

Prior Biennia (Expenditures) ..... \$ 22,406,301

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$ 50,294,341

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane: 124 Bed Housing (98-2-216)

Reappropriation:

State Building Construction Account--State ..... \$ 126,545

Prior Biennia (Expenditures) ..... \$ 1,620,021

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$ 1,746,566

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Security Improvements (99-1-001)

Reappropriation:

State Building Construction Account--State ..... \$ 487,963

Prior Biennia (Expenditures) ..... \$ 166,037

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$ 654,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Americans with Disabilities Act (00-9-036)

Reappropriation:

State Building Construction Account--State ..... \$ 103,348

Prior Biennia (Expenditures) ..... \$ 14,852

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$ 118,200

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study and Treatment Center - Cottages: Modifications (00-1-015)

Reappropriation:

State Building Construction Account--State ..... \$ 1,376,682

Appropriation:

State Building Construction Account--State ..... \$ 1,500,000

Prior Biennia (Expenditures) ..... \$ 23,318

Future Biennia (Projected Costs)..... \$ 2,678,262

..... TOTAL \$ 5,578

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Campus Renovation, Phase 5 (00-2-002)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State ..... \$ 677,100

Appropriation:

State Building Construction Account--State ..... \$ 9,154,750

Prior Biennia (Expenditures) ..... \$ 268,150

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$ 10,10

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen Children's Center - Eleven Cottages: Renovation (00-1-041)

Appropriation:

State Building Construction Account--State ..... \$ 700,000

Prior Biennia (Expenditures) ..... \$ 75,000

Future Biennia (Projected Costs)..... \$ 16,131,000

..... TOTAL \$ 16,90

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Emergency and Small Repairs (00-1-006)

Reappropriation:

State Building Construction Account--State ..... \$ 400,000

Prior Biennia (Expenditures) ..... \$ 475,165

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$ 875,1

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Statewide: Emergency and Small Repair Projects (02-1-042)

Appropriation:

State Building Construction Account--State ..... \$ 750,000

Prior Biennia (Expenditures) ..... \$ 0

Future Biennia (Projected Costs)..... \$ 3,609,000

..... TOTAL \$ 4,359

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Lakeland Village: Cottage Renovation (00-1-002)

Reappropriation:

State Building Construction Account--State ..... \$ 425,057

Prior Biennia (Expenditures) ..... \$ 24,943

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$ 450,0

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School - Multi-Services Building: Renovation (00-1-003)

Reappropriation:

State Building Construction Account--State ..... \$ 640,000

Appropriation:

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State Building Construction Account--State .....	\$	300,000	
Prior Biennia (Expenditures) .....	\$	60,000	
Future Biennia (Projected Costs).....	\$	5,550,000	
..... TOTAL	\$		6,550,000

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Preservation (00-1-018)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Charitable, Educational, Penal, and Reformatory .....	Institutions Account--State	\$	3,200,000
State Building Construction Account--State .....		\$	3,700,000
..... Subtotal Reappropriation		\$	6,900,000
Prior Biennia (Expenditures) .....		\$	3,459,966
Future Biennia (Projected Costs).....		\$	0
..... TOTAL		\$	10,359,966

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Statewide: Omnibus Preservation Projects (02-1-069)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State .....	\$	2,700,000	
State Building Construction Account--State .....	\$	2,800,000	
..... Subtotal Appropriation	\$		5,500,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	42,253,000	
..... TOTAL	\$		47,753,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Program (00-2-019)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,000,000	
Prior Biennia (Expenditures) .....	\$	148,725	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,148,725

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Statewide: Omnibus Programmatic Projects (02-2-070)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State .....	\$	500,000	
State Building Construction Account--State .....	\$	500,000	
..... Subtotal Appropriation	\$		1,000,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	4,812,000	
..... TOTAL	\$		5,812,000

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Mission Creek Youth Camp - Main Building: Renovation Phase 2 (00-1-010)

Reappropriation:

State Building Construction Account--State .....	\$	1,642,973	
Prior Biennia (Expenditures) .....	\$	357,027	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,000

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center - Secure Facility: Construction (00-2-001)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act. To the extent that the department projects savings and efficiencies through design or scope changes, funds appropriated in this section may be transferred to the statewide omnibus preservation project (02-1-069) for expenditure for minor works projects in accordance with the provisions of section 905 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	13,100,000	
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Appropriation:

State Building Construction Account--State .....	\$	47,665,000	
Prior Biennia (Expenditures) .....	\$	3,400,000	
Future Biennia (Projected Costs).....	\$	5,970,000	
..... TOTAL	\$		70,135

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center - Less Restrictive Alternative (02-2-075)

Appropriation:

State Building Construction Account--State .....	\$	3,207,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,207,000

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital - Activity Therapy Building: Renovation (02-1-060)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	150,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	5,765,000	
..... TOTAL	\$		5,915,000

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Green Hill School - Entry/Security/Visitation: Addition (02-2-064)

Appropriation:

State Building Construction Account--State .....	\$	400,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	3,000,000	
..... TOTAL	\$		3,400,000

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Green Hill School - Health Center Building: Renovation (02-1-061)

Appropriation:

State Building Construction Account--State .....	\$	400,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	4,000,000	
..... TOTAL	\$		4,400,000

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Green Hill School - Intensive Management Unit: Renovation (02-1-054)

Appropriation:

State Building Construction Account--State .....	\$	3,200,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,200,000

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Infrastructure Project: Savings (00-1-053)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	563,057	
Prior Biennia (Expenditures) .....	\$	436,944	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,000,001

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Infrastructure Project: Savings (02-1-053)

Projects that are completed in accordance with section 915 of this act, may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State .....	\$	1	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Capital Project Management (02-1-041)

Appropriation:

Charitable, Penal, Educational, and .....Reformatory Institutions Account--State	\$		2,000,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	9,625,800	
..... TOTAL	\$		11,625,800

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Rainier School - Laundry: Equipment (00-1-001)

Reappropriation:

State Building Construction Account--State .....	\$	435,602	
Prior Biennia (Expenditures) .....	\$	14,398	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		450,000

**NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Statewide: Facilities Condition Assessment and Preservation Plan (02-1-047)

Appropriation:

Charitable, Educational, Penal, and Reformatory

..... Institutions Account--State	\$	185,0
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	800,000
..... TOTAL	\$	985,0

**NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Statewide: Hazardous Materials Abatement (02-1-043)

Appropriation:

State Building Construction Account--State .....	\$	300,000
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	1,430,000
..... TOTAL	\$	1,730,000

**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Care Facilities for Students and State Employees (01-S-003)

Funds are provided to recapitalize child care facilities grant programs. These funds may be used by state agencies and higher education institutions to provide child care facilities for employees and students. Grants to state agencies will be provided and administered per chapter 41.04 RCW. The department shall develop guidelines for grant application for student child care facilities at institutions of higher education in conjunction with the office of financial management, the higher education coordinating board, and the state board for community and technical colleges. Grants for higher education child care facilities will be transferred into accounts administered through chapter 28B.135 RCW.

Appropriation:

State Building Construction Account--State .....	\$	4,000,000
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	4,000,000

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF HEALTH**

Referendum 38 (86-2-099)

Reappropriation:

State and Local Improvements Revolving Account

..... (Water Supply Facilities)--State	\$	
Prior Biennia (Expenditures) .....	\$	541,483
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	699,4

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory: Repairs and Improvements (96-1-001)

Reappropriation:

State Building Construction Account--State .....	\$	1,292,693
Prior Biennia (Expenditures) .....	\$	1,203,406
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	2,496,099

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratories: Consolidation of Facilities (96-2-001)

Reappropriation:

State Building Construction Account--State .....	\$	1,228,332	
Prior Biennia (Expenditures) .....	\$	4,444,719	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,673,051

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory: Wastewater Treatment Systems (00-1-008)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$	208,802	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		208,802

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory: Chiller Plant Upgrade (02-1-004)

Appropriation:

State Building Construction Account--State .....	\$	2,355,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,355,000

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory: Repairs and Improvements (02-1-005)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	172,400	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	2,944,200	
..... TOTAL	\$		3,116,600

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory: Biosafety Level 3 Facility (02-2-001)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	2,231,485	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,231,485

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory: C-Wing Remodel (02-2-002)

Appropriation:

State Building Construction Account--State .....	\$	295,900	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		295,900



**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory: E-Wing Remodel (02-2-003)

Appropriation:

State Building Construction Account--State .....	\$	295,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		295,000

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF HEALTH**

Drinking Water Assistance Program (97-2-001)

The reappropriation in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account--Federal.....	\$	5,000,000	
Prior Biennia (Expenditures) .....	\$	30,086,024	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		35,086,024

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF HEALTH**

Drinking Water Assistance Program (02-4-004)

The appropriation in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal.....	\$	24,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	77,000,000	
..... TOTAL	\$		101,000,000

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF VETERANS' AFFAIRS**

Retsil Veterans' Home: Minor Works Mechanical/Electrical/HVAC (02-1-001)

Appropriation:

Charitable, Educational, Penal, and Reformatory

..... Institutions Account--State	\$		1,070,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	777,750	
..... TOTAL	\$		1,847,750

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF VETERANS' AFFAIRS**

Orting Soldiers' Home: Minor Works Mechanical/Electrical/HVAC (02-1-002)

Appropriation:

Charitable, Educational, Penal, and Reformatory

..... Institutions Account--State	\$		127,750
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	1,060,835	
..... TOTAL	\$		1,188,585

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF VETERANS' AFFAIRS**

Orting Soldiers' Home: Minor Works Buildings (02-1-004)

Appropriation:

Charitable, Educational, Penal, and Reformatory

.....	Institutions Account--State	\$	140,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	1,813,590	
.....	TOTAL	\$	1,953,590

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF VETERANS' AFFAIRS**

Emergency Funds (02-1-007)

Appropriation:

Charitable, Educational, Penal, and Reformatory

.....	Institutions Account--State	\$	500,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....	TOTAL	\$	500,000

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS' AFFAIRS**

Retsil Veterans' Home: Steam Plant Seismic Upgrade (02-1-010)

Appropriation:

Charitable, Educational, Penal, and Reformatory

.....	Institutions Account--State	\$	1,391,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....	TOTAL	\$	1,391,000

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS' AFFAIRS**

240 Bed Nursing Facility (02-2-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section, combined with the authorities granted in section 907(5) of this act, for a total of \$16.5 million, are authorized to apply for a matching grant from the federal department of veterans' affairs.

(2) The department shall not commit or expend funds from these authorities until the federal construction grant has been certified and is available to Washington state for the purpose of constructing replacement nursing care beds.

(3) By September 1, 2002, the department shall submit recommendations to the appropriate committees of the legislature on a transition plan and program for the Orting soldiers' home, including costs and funding assumptions.

Appropriation:

Charitable, Educational, Penal, and Reformatory

.....	Institutions Account--State	\$	3,000,000
State Building Construction Account--State .....	\$	1,500,000	
.....	Subtotal Appropriation	\$	4,500,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	30,477,200	
.....	TOTAL	\$	34,977,200

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF CORRECTIONS**

Expand Coyote Ridge Corrections Center (98-2-011)

Reappropriation:

SIXTEENTH DAY, JUNE 19, 2001

2409

State Building Construction Account--State ..... \$ 447,348

Appropriation:

State Building Construction Account--State ..... \$ 1,150,000  
 Prior Biennia (Expenditures) ..... \$ 802,069  
 Future Biennia (Projected Costs)..... \$ 227,763,000  
 ..... TOTAL \$ 230,1

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center - Youthful Offender Facility Improvements (97-2-005)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State ..... \$ 1,170,000  
 Prior Biennia (Expenditures) ..... \$ 3,330,000  
 Future Biennia (Projected Costs)..... \$ 0  
 ..... TOTAL \$ 4,500

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF CORRECTIONS**

Stafford Creek Corrections Center Construction (98-2-001)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

General Fund--Federal ..... \$ 7,648,233  
 State Building Construction Account--State ..... \$ 16,389,590  
 ..... Subtotal Reappropriation \$ 24,037,823  
 Prior Biennia (Expenditures) ..... \$ 172,988,377  
 Future Biennia (Projected Costs)..... \$ 0  
 ..... TOTAL \$ 197,026,199

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center - Expand Special Offender Unit (98-2-010)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State ..... \$ 5,436,000  
 Prior Biennia (Expenditures) ..... \$ 37,499,280  
 Future Biennia (Projected Costs)..... \$ 0  
 ..... TOTAL \$ 42,935,280

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women - Special Needs and Reception Unit (96-2-006)

The reappropriation in this section is subject to the following conditions and limitations: To the extent that funds appropriated in this section are not needed to complete the project, up to \$3,000,000 may be transferred to the statewide omnibus preservation project (02-1-015) for minor work projects in accordance with the provisions of section 905 of this act.

Reappropriation:

State Building Construction Account--State ..... \$ 18,336,885  
 Prior Biennia (Expenditures) ..... \$ 6,463,115  
 Future Biennia (Projected Costs)..... \$ 0  
 ..... TOTAL \$ 24,800,000

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Infrastructure Evaluation (99-2-005)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	310,438	
Prior Biennia (Expenditures) .....	\$	39,562	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		350,000

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS**

Violent Offender/Truth in Sentencing Grant Administration (99-2-004)

Reappropriation:

General Fund--Federal .....	\$	359,000	
Charitable, Educational, Penal, and Reformatory .....			
..... Institutions Account--State	\$		55,000
..... Subtotal Reappropriation	\$		414,000

Appropriation:

General Fund--Federal .....	\$	386,536	
Charitable, Educational, Penal, and Reformatory .....			
..... Institutions Account--State	\$		42,500
..... Subtotal Appropriation	\$		429,036
Prior Biennia (Expenditures) .....	\$	194,514	
Future Biennia (Projected Costs).....	\$	214,743	
..... TOTAL	\$		1,252,000

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS**

Americans with Disabilities Act (00-1-011)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	66,500	
Prior Biennia (Expenditures) .....	\$	20,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		86,500

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**

Local Criminal Justice Facilities (99-2-003)

The appropriations in this section are subject to the following conditions and limitations: \$3,000,000 of the state building construction account--state appropriation is provided solely for grants to local jurisdictions for jail capacity expansion projects. Grants provided in this section shall be limited to up to \$500,000 per jurisdiction.

Reappropriation:

General Fund--Federal .....	\$	2,952,091	
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Appropriation:

General Fund--Federal .....	\$	1,335,619	
State Building Construction Account--State .....	\$	3,000,000	
..... Subtotal Appropriation	\$		4,335,619
Prior Biennia (Expenditures) .....	\$	1,193,270	
Future Biennia (Projected Costs).....	\$	966,338	
..... TOTAL	\$		9,447,000

**NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island - Special Commitment Center (00-2-005)

Reappropriation:

SIXTEENTH DAY, JUNE 19, 2001

	2411	
State Building Construction Account--State .....	\$ 259,665	
Prior Biennia (Expenditures) .....	\$ 2,240,335	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	2,500

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Underground Storage Tank (00-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$ 377,896	
Prior Biennia (Expenditures) .....	\$ 414,415	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	792,3

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center: Kitchen Consolidations/Modifications (00-2-011)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$ 952,109	
Prior Biennia (Expenditures) .....	\$ 147,891	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	1,100

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center - Hazardous Materials (00-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$ 52,950	
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	52,95

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center - 100 Bed Intensive Management and Segregation Units (00-2-008)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$ 40,665	
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Appropriation:

General Fund--Federal .....	\$ 18,162,205	
State Building Construction Account--State .....	\$ 2,521,795	
..... Subtotal Appropriation	\$	20,68
Prior Biennia (Expenditures) .....	\$ 149,335	
Future Biennia (Projected Costs).....	\$ 17,727,000	
..... TOTAL	\$	38,60

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary - Intensive Management Unit Improvements (00-1-025)

Reappropriation:

State Building Construction Account--State .....	\$	3,199,502	
Appropriation:			
State Building Construction Account--State .....	\$	852,462	
Prior Biennia (Expenditures) .....	\$	300,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		4,351,964

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS**

Correctional Industries Space Statewide (98-2-005)

Reappropriation:			
State Building Construction Account--State .....	\$	327,206	
Appropriation:			
State Building Construction Account--State .....	\$	4,500,000	
Prior Biennia (Expenditures) .....	\$	2,972,794	
Future Biennia (Projected Costs).....	\$	4,652,000	
..... TOTAL	\$		12,451,900

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works: Preservation (00-1-020)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:			
State Building Construction Account--State .....	\$	15,530,719	
Prior Biennia (Expenditures) .....	\$	4,479,281	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		20,010,000

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works: Omnibus Preservation (02-1-015)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:			
State Building Construction Account--State .....	\$	619,247	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	20,000,000	
..... TOTAL	\$		20,619,247

**NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works: Program (00-2-010)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:			
State Building Construction Account--State .....	\$	3,933,797	
Prior Biennia (Expenditures) .....	\$	1,066,203	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,000,000

**NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works: Omnibus Program (02-2-030)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	1,525,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	8,000,000	
..... TOTAL	\$		9,525,000

**NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center: Regional Training Center (02-2-016)

Appropriation:

State Building Construction Account--State .....	\$	2,955,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,955,000

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS**

Statewide: Department of Corrections Emergency Funds (02-1-028)

Appropriation:

Charitable, Educational, Penal, and Reformatory .....	Institutions Account--State	\$	1,700,000
.....		\$	901,000
Prior Biennia (Expenditures) .....		\$	7,800,000
Future Biennia (Projected Costs).....		\$	
..... TOTAL		\$	10,401,000

**NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS**

Statewide: Intensive Management Unit Repairs (02-1-040)

Appropriation:

State Building Construction Account--State .....	\$	1,612,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,612,000

**NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center - Building Water Pipe Replacement Phase 2 (02-1-008)

Appropriation:

State Building Construction Account--State .....	\$	2,694,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,694,000

**NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center - Domestic Water Systems Improvements (02-1-007)

Appropriation:

State Building Construction Account--State .....	\$	3,531,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,531,000

**NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center - Replace Steam and Condensate Piping (02-1-006)

Appropriation:

State Building Construction Account--State .....	\$	6,170,000	
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Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		6,170

**NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary - Replace Old Sanitary and Domestic Water Lines (02-1-026)

Appropriation:

State Building Construction Account--State .....	\$	1,070,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	2,640,000	
..... TOTAL	\$		3,710

**NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary - Replace Electrical Supply System (02-1-024)

Appropriation:

State Building Construction Account--State .....	\$	4,061,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	2,655,000	
..... TOTAL	\$		6,716

**NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS**

Olympic Corrections Center - Replace Telecommunications Systems (02-1-041)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	2,406,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,406

**NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS**

Pine Lodge - Replace Telecommunications System (02-1-009)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	1,139,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,139

**NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS**

Statewide: Emergency Funds (R) (00-1-021)

Reappropriation:

Charitable, Educational, Penal and Reformatory			
..... Institutions Account--State	\$		742,0
Prior Biennia (Expenditures) .....	\$	13,723,016	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		14,46

**NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS**

Tacoma: Design 400 Bed Prerelease Facility (98-2-003)



The reappropriation in this section is subject to the following conditions and limitations: To the extent that funds reappropriated in this section are not needed to complete the project, funds may be utilized for design of the McNeil Island water storage project.

Reappropriation:

State Building Construction Account--State .....	\$	250,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		250,000

**PART 3  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**

Referendum 26 Waste Disposal Facilities (74-2-004)

Reappropriation:

State and Local Improvements Revolving Account (Waste Facilities)--State .....	\$	398,083	
Prior Biennia (Expenditures) .....	\$	3,810,539	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		4,208,622

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

Referendum 39 Waste Disposal Facilities (82-2-005)

Reappropriation:

State and Local Improvements Revolving Account - Waste Facilities 1980--State.....	\$	500,000	
Prior Biennia (Expenditures) .....	\$	9,928,221	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		10,428,221

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

Local Toxics Grants to Locals for Cleanup and Prevention (88-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contract on or before June 30, 2001. Reappropriated funds not associated with contracted projects shall lapse on June 30, 2001. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(2) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2001, listing all projects funded from this section.

(3) The department of ecology shall offer the port of Ridgefield a funding package totaling \$8,400,000 to conduct an emergency cleanup action on port-owned property. A portion of the appropriation in this section shall be combined with funds from the appropriation to the department from the state toxics control account in the omnibus operating budget for the 2001-2003 biennium to provide a funding package consisting of sixty-five percent grant and thirty-five percent loan. The terms of the loan shall provide for repayment by the port of Ridgefield commencing ten years from the effective date of this section and is contingent upon an independent financial audit conducted at the direction of the department to determine the port's ability to repay the loan. It is the intent of the legislature to support necessary action by the port of Ridgefield to protect public health and the environment without jeopardizing the port's financial standing.

Reappropriation:

Local Toxics Control Account--State .....	\$	20,749,772	
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Appropriation:

Local Toxics Control Account--State .....	\$	50,000,000	
Prior Biennia (Expenditures) .....	\$	84,103,008	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		154,8

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**

Methow Basin Water Conservation (92-2-009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for projects under contract on or before June 30, 2001. Reappropriated funds not associated with contracted projects shall lapse on June 30, 2001.

Reappropriation:

State Building Construction Account--State .....	\$	87,689	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		87,68

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**

Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)

Reappropriation:

Site Closure Account--State .....	\$	5,292,009	
Prior Biennia (Expenditures) .....	\$	1,045,451	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		6,337

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**

Water Rights Purchase/Lease (99-1-005)

The appropriation in this section is provided for the purchase or lease of water rights under the trust water rights program under chapters 90.42 and 90.38 RCW, for the purpose of improving stream and river flows in fish critical basins.

Appropriation:

State Building Construction Account--State .....	\$	1,000,000	
General Fund--Federal .....	\$	6,000,000	
..... Subtotal Appropriation	\$		7,000
Prior Biennia (Expenditures) .....	\$	1,000,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		8,000

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**

Minor Works (02-1-003)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act and is limited to projects that protect the health and safety of the public and agency employees.

Appropriation:

State Building Construction Account--State .....	\$	865,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	12,291,745	
..... TOTAL	\$		13,15

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**

Padilla Bay (02-2-006)

Appropriation:

General Fund--Federal .....	\$	1,885,800	
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SIXTEENTH DAY, JUNE 19, 2001

	2417	
State Building Construction Account--State .....	\$	808,200
..... Subtotal Appropriation	\$	2,694,000
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	2,694,000

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY**

Local Hazardous Waste Liability (02-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants to local governmental agencies named as potentially liable persons or potentially responsible parties when those agencies have conducted a moderate risk waste or similar program, and have become financially liable for clean-up and corrective action due to circumstances at a facility they used for hazardous waste treatment, storage, recycling, or disposal services.

(2) The department shall adopt rules for this financial assistance program. For the purposes of this grant program, the department may offer grants up to one hundred percent of total eligible costs. Eligible costs may include retroactive costs and legal fees associated with facility cleanup or corrective action.

Appropriation:

Local Toxics Control Account--State .....	\$	2,000,000
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	2,000,000

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Account (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--		
..... State	\$	0
Water Pollution Control Revolving Account--		
..... Federal	\$	44,790,000
..... Subtotal Reappropriation	\$	44,790,000
Prior Biennia (Expenditures) .....	\$	169,901,509
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	214,681,509

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Account (02-4-002)

Appropriation:

Water Pollution Control Revolving Account--		
..... State	\$	113,800,000
Water Pollution Control Revolving Account--		
..... Federal	\$	45,270,000
..... Subtotal Appropriation	\$	159,070,000
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	467,108,040
..... TOTAL	\$	626,178,040

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF ECOLOGY**

Referendum 38 Water Supply Facilities (74-2-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for projects under contracts on or before June 30, 2001.

Reappropriated funds not associated with contracted projects shall lapse on June 30, 2001.

(2) The office of financial management may grant waivers from this lapse requirement for specific

projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2001, listing all projects funded from this section.

(4) \$2,500,000 of the reappropriation from the state drought preparedness account is provided solely to purchase or lease water pursuant to section 306 of this act.

Reappropriation:

State Drought Preparedness--State .....	\$	5,525,000	
State and Local Improvements Revolving Account			
..... (Water Supply Facilities)--State	\$		6,000,000
..... Subtotal Reappropriation	\$		11,525,000
Prior Biennia (Expenditures) .....	\$	6,029,098	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		17,554,100

**NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF ECOLOGY**

Referendum 38 Water Supply Facilities (02-4-006)

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the appropriation is provided solely to study the development of the Lake Wenatchee water storage project.

Appropriation:

State and Local Improvements Revolving Account (Water Supply			
.....Facilities)--State	\$		6,000,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	12,000,000	
..... TOTAL	\$		18,000,000

**NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Fund (86-2-007)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contract on or before June 30, 2001. Reappropriated funds not associated with contracted projects shall lapse on June 30, 2001.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2001, listing all projects funded from this section.

(4) The entire public works assistance account reappropriation is provided for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

Reappropriation:

Public Works Assistance Account--State .....	\$	7,013,151	
Water Quality Account--State .....	\$	27,318,809	
..... Subtotal Reappropriation	\$		34,331,960
Prior Biennia (Expenditures) .....	\$	131,764,921	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		166,095,841

**NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Fund (02-4-007)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Up to \$15,097,000 of the water quality account appropriation is provided for the extended grant payment to Metro/King county.
- (2) Up to \$10,000,000 of the water quality account appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- (3) \$2,000,000 of the water quality account--state appropriation is provided for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.
- (4) \$250,000 is provided solely for a water reclamation project for the city of Pullman and Washington State University; the appropriation in this subsection (4) does not imply a commitment of future funding for this project to either the city of Pullman or Washington State University.
- (5) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

Appropriation:

Water Quality Account--State .....	\$	50,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	208,000,000	
.....	TOTAL	\$	258,000,000

**NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF ECOLOGY**

Water Irrigation Efficiencies (01-H-010)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.
- (2) By February 1, 2003, the state conservation commission shall submit a progress report to the appropriate standing committees of the legislature on: (1) The amount of public funds expended from this section; and (2) the location and amount of water placed in the trust water rights program pursuant to this section.
- (3) \$1,000,000 of the water quality account appropriation is provided for water leases or projects in the Yakima River basin for aquifer recharge necessary to allow the use of drought wells to meet essential irrigation needs. Essential irrigation needs is defined as eighty percent of the amount of water a farmer would ordinarily receive from the irrigation district, less the water that is actually delivered and regardless of crops grown.

Appropriation:

State and Local Improvements Revolving Account

..... (Water Supply Facilities)--State	\$	4,000,000	
Water Quality Account--State .....	\$	5,000,000	
.....	Subtotal Appropriation	\$	9,000,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....	TOTAL	\$	9,000,000

**NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF ECOLOGY**

Water Measuring Devices and Gauges (01-H-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife fish screens and cooperative compliance programs.

Appropriation:

State Building Construction Account--State .....	\$	3,400,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,400,000

**NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION**

Spokane Centennial Trail (89-5-112)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

General Fund--Federal .....	\$	206,534	
Prior Biennia (Expenditures) .....	\$	89,888	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		296,422

**NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Recreation Development Program (98-2-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) \$33,881 of the general fund--federal reappropriation is provided for the continuation of the United States national park service and the United States department of energy grants as described in section 325, chapter 379, Laws of 1999.

(3) \$647,240 of the general fund--federal reappropriation is provided for the continuation of the United States forest service grant as described in section 325, chapter 379, Laws of 1999.

Reappropriation:

General Fund--Federal .....	\$	868,255	
General Fund--Private/Local .....	\$	29,294	
State Building Construction Account--State .....	\$	1,502,376	
..... Subtotal Reappropriation	\$		2,399,925
Prior Biennia (Expenditures) .....	\$	2,154,673	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		4,554,600

**NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION**

Recreation Development (02-2-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 is provided solely for Grayland Beach state park development, including expanding campsites, installing yurts, adding comfort stations, and related park infrastructure development.

(2) \$164,000 of this appropriation is provided as state match to federal funds for the Iron Horse depot.

Appropriation:

State Building Construction Account--State .....	\$	664,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	8,000,000	

..... TOTAL \$ 8,664

**NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**

Cama Beach State Park Development (99-2-001)

Reappropriation:

Parks Renewal and Stewardship Account--State .....	\$	310,000	
Prior Biennia (Expenditures) .....	\$	690,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,000

**NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**

Major Park Renovation - Cama Beach (02-1-022)

The appropriation in this section is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

Appropriation:

State Building Construction Account--State .....	\$	4,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		4,000

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**

Coastal Facility Relocation (00-1-005)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,500,000	
Prior Biennia (Expenditures) .....	\$	500,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,000

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**

Coastal Facility Relocation (02-1-017)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

(2) The commission shall ensure that all funds transferred from the public works assistance account to the parks renewal and stewardship account during the 2001-2003 biennium are used only for this project.

(3) Funds expended on this project for off-site utility infrastructure that may include the provision of electricity, water service, or sewer service shall be for the benefit of the state. Entities that subsequently connect to or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The commission, in consultation with the public works board, shall develop policies and procedures to ensure this reimbursement occurs.

(4) The commission shall ensure that all reimbursement recovered as specified in subsection (3) of this section is paid into the public works assistance account.

(5) Ownership of the off-site sewer and water utility infrastructure constructed in this section shall transfer to the city of Ilwaco.

Appropriation:

Parks Renewal and Stewardship Account--State .....	\$	5,700,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,700

**NEW SECTION. Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION**

Historic Structure and Land Use Program (00-1-007)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	2,477,393	
Prior Biennia (Expenditures) .....	\$	4,022,607	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$ 6,500,000

**NEW SECTION. Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION**

Lewis and Clark Trail Bicentennial (00-1-010)

The appropriation in this section is provided solely to renovate facilities and enhance exhibits at Lewis and Clark trail interpretive centers located at Sacajawea state park and Fort Canby state park.

Reappropriation:

State Building Construction Account--State .....	\$	1,250,000	
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Appropriation:

State Building Construction Account--State .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	250,000	
Future Biennia (Projected Costs).....	\$	1,000,000	
..... TOTAL			\$ 4,500,000

**NEW SECTION. Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION**

Park Housing (00-1-014)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	250,000	
Prior Biennia (Expenditures) .....	\$	250,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$ 500,000

**NEW SECTION. Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION**

Park Housing (02-2-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) The appropriation in this section is provided solely to replace existing substandard housing or construct new housing at park locations that presently do not have a full-time, on-site ranger.

Appropriation:

State Building Construction Account--State .....	\$	500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	2,000,000	
..... TOTAL			\$ 2,500,000

**NEW SECTION. Sec. 329. FOR THE STATE PARKS AND RECREATION COMMISSION**

Americans with Disabilities Act (00-9-036)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.



(2) The department shall minimize the expenditure of these funds for staff and administrative purposes or for other operational expenses.

Reappropriation:

State Building Construction Account--State .....	\$	226,845	
Prior Biennia (Expenditures) .....	\$	195,887	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		422,7

**NEW SECTION. Sec. 330. FOR THE STATE PARKS AND RECREATION COMMISSION**

Facilities Preservation: Statewide (98-1-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) \$399,000 of the reappropriation and \$50,000 of the new appropriation from the state building construction account--state are provided solely to transfer Mukilteo state park to the city of Mukilteo.

Reappropriation:

State Building Construction Account--State .....	\$	5,700,000	
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Appropriation:

State Building Construction Account--State .....	\$	50,000	
Prior Biennia (Expenditures) .....	\$	3,934,532	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		9,684

**NEW SECTION. Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Facility Preservation and Deferred Maintenance (99-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,300,000	
Prior Biennia (Expenditures) .....	\$	2,700,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		4,000

**NEW SECTION. Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Facility Preservation (02-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) The appropriation in this section is provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Appropriation:

State Building Construction Account--State .....	\$	10,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	40,000,000	
..... TOTAL	\$		50,000

**NEW SECTION. Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden State Park Preservation and Multi-Purpose Facilities (02-1-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) The appropriation in this section is provided solely for park preservation and for development of the multi-purpose dining and meeting facility.

Appropriation:

State Building Construction Account--State .....	\$	6,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	8,000,000	
..... TOTAL	\$		14,500,000

**NEW SECTION. Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION**

Emergency and Unforseen Needs (02-1-004)

Appropriation:

State Building Construction Account--State .....	\$	500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	3,200,000	
..... TOTAL	\$		3,700,000

**NEW SECTION. Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION**

Natural/Historic Stewardship (02-1-006)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	1,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	7,000,000	
..... TOTAL	\$		8,000,000

**NEW SECTION. Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION**

Environmental Learning Centers (02-1-010)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Seahurst environmental learning center.

Appropriation:

State Building Construction Account--State .....	\$	250,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		250,000

**NEW SECTION. Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION**

Facilities Assessment Program (02-2-005)

The appropriation in this section shall lapse on June 30, 2003.

Appropriation:

State Building Construction Account--State .....	\$	200,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		200,000

**NEW SECTION. Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION**

Parkland Acquisition Account (02-2-016)

Appropriation:

Parkland Acquisition Account--State .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	8,000,000	

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..... TOTAL \$ 10,000

**NEW SECTION. Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Boat Pumpouts Federal Clean Vessel Act (02-2-020)

Appropriation:

General Fund--Federal .....	\$	1,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	4,000,000	
..... TOTAL	\$		5,000,000

**NEW SECTION. Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION**

Beacon Rock State Park: Pierce Trust Donation (02-3-018)

Appropriation:

Parks Renewal Stewardship Account--State.....	\$		200,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	800,000	
..... TOTAL	\$		1,000,000

**NEW SECTION. Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION**

Facility Improvements (01-S-005)

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the appropriation is provided solely for funding of the twin tunnels bridge on the Iron Goat trail.

Appropriation:

State Building Construction Account--State .....	\$	3,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,500,000

**NEW SECTION. Sec. 342. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms Range Program (FARR) (98-2-004)

Reappropriation:

Firearms Range Account--State .....	\$	256,120	
Prior Biennia (Expenditures) .....	\$	1,021,638	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,277,758

**NEW SECTION. Sec. 343. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Facilities Projects (98-2-001)

Reappropriation:

Recreation Resources Account--State .....	\$	13,331,774	
Prior Biennia (Expenditures) .....	\$	9,825,791	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		23,157,565

**NEW SECTION. Sec. 344. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Facilities Projects (02-4-001)

Appropriation:

Recreation Resources Account--State .....	\$	8,318,013	
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Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	40,300,368
..... TOTAL	\$	48,610,716

**NEW SECTION. Sec. 345. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR**

**RECREATION**

Nonhighway Road and Off-Road Vehicle Activities (NOVA) (98-2-002)

Reappropriation:

NOVA Program Account--State .....	\$	7,273,884
Prior Biennia (Expenditures) .....	\$	7,682,997
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	14,956,881

**NEW SECTION. Sec. 346. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR**

**RECREATION**

Nonhighway Road and Off-Road Vehicle Activities (NOVA) (02-4-002)

(1) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(i) is subject to the following conditions and limitations: Fifty percent of the new appropriation is provided solely for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off-road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(ii) is subject to the following conditions and limitations: The portion of the new appropriation that applies to grants for capital facilities is provided solely for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the new appropriation that applies to grants for management, maintenance, and operation of existing off-road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(iii) is subject to the following conditions and limitations: \$175,000 is provided solely for the interagency committee for outdoor recreation to contract with an independent entity to study the source and make recommendations on the distribution and use of funds provided to off-road vehicle and nonhighway road recreational activities under RCW 46.09.170. The study shall determine the relative portion of the motor vehicle fuel tax revenues that are attributable to vehicles operating off-road or on nonhighway roads for recreational purposes as provided in RCW 46.09.170. The study shall include the types of vehicles and location of their use, the types of recreational activities, the types of recreational facilities used, and the recreational use of forest roads relative to other, nonrecreational uses. The interagency committee for outdoor recreation shall review the analysis and submit a report to the standing committees of the legislature, including recommendations regarding amendments to RCW 46.09.170 to: (a) Allocate revenues consistent with the relative proportion of the uses generating such revenues, and (b) ensure funding for existing off-road vehicle facilities operated by the state parks and recreation commission and local governments. The report shall be submitted no later than December 1, 2002.

Appropriation:

NOVA Program Account--State .....	\$	5,527,551
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	23,559,218
..... TOTAL	\$	29,086,769

**NEW SECTION. Sec. 347. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR**

**RECREATION**

Washington Wildlife and Recreation Program (98-2-003)

The reappropriation in this section is subject to the following conditions and limitations: Reappropriated

funds that are not obligated to a specific project may be used to fund projects from the list of alternate projects in biennia succeeding the biennium in which the funds were originally appropriated.

Reappropriation:

State Building Construction Account--State .....	\$	3,663,227	
Outdoor Recreation Account--State .....	\$	28,237,251	
Habitat Conservation Account--State .....	\$	37,205,932	
..... Subtotal Reappropriation	\$		69,106,410
Prior Biennia (Expenditures) .....	\$	247,993,590	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		317,100,000

**NEW SECTION. Sec. 348. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Washington Wildlife and Recreation Program (02-4-003)

The appropriation in this section for the wildlife and recreation program under chapter 43.99A RCW and RCW 43.99A.040 is subject to the following conditions and limitations:

(1) The new appropriation is provided for the approved list of projects included in LEAP capital document No. 2001-24, as developed on June 7, 2001.

(2) The department of natural resources shall manage lands acquired through project No. 00-1427 "North Bay NAP" as a natural resources conservation area under chapter 79.71 RCW.

Appropriation:

Outdoor Recreation Account--State .....	\$	22,500,000	
Habitat Conservation Account--State .....	\$	22,500,000	
..... Subtotal Appropriation	\$		45,000,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	180,000,000	
..... TOTAL	\$		225,000,000

**NEW SECTION. Sec. 349. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Land and Water Conservation Fund (LWCF) (98-2-005)

Reappropriation:

Outdoor Recreation Account--Federal .....	\$	975,325	
Prior Biennia (Expenditures) .....	\$	849,761	
Future Biennia (Projected Costs).....	\$	1	
..... TOTAL	\$		1,825,087

**NEW SECTION. Sec. 350. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Land and Water Conservation Fund (LWCF) (02-4-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,500,000 of the recreation resources account--federal is appropriated for projects chosen by the interagency committee for outdoor recreation.

(2) By January 1, 2002, the interagency committee for outdoor recreation shall provide a report to the legislature that:

(a) Describes those projects funded subject to subsection (1) of this section; and

(b) Recommends legislation creating a competitive process for the selection of projects that will result in a list of projects to be submitted to the legislature for its approval.

Appropriation:

Recreation Resources Account--Federal .....	\$	2,500,000	
Prior Biennia (Expenditures) .....	\$	0	

Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,500

**NEW SECTION. Sec. 351. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR**

**RECREATION**

National Recreation Trails (NRTP) (98-2-006)

Reappropriation:

Recreation Resources Account--Federal .....	\$	1,768,874	
Prior Biennia (Expenditures) .....	\$	782,443	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,551

**NEW SECTION. Sec. 352. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR**

**RECREATION**

National Recreation Trails (NRTP) (02-4-006)

Appropriation:

Recreation Resources Account--Federal .....	\$	2,132,936	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	977,000	
..... TOTAL	\$		3,109

**NEW SECTION. Sec. 353. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR**

**RECREATION**

Salmon Recovery (00-2-001)

Reappropriation:

General Fund--Federal .....	\$	56,200,530	
State Building Construction Account--State .....	\$	3,121,243	
Salmon Recovery Account--State.....	\$	24,285,080	
..... Subtotal Reappropriation	\$		83,606
Prior Biennia (Expenditures) .....	\$	36,321,147	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		119,933

**NEW SECTION. Sec. 354. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR**

**RECREATION**

Salmon Recovery (02-4-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) Activities funded through grants provided in this section shall be consistent with the salmon recovery funding board's goals, mission, and responsibilities.

(2) Jobs for the environment projects submitted by lead entities are eligible to receive funding, including wages for jobs for the environment participants.

(3) \$1,000,000 is provided solely for a grant to the people for salmon organization to coordinate and implement volunteer salmon recovery efforts.

Appropriation:

General Fund--Federal .....	\$	27,642,000	
State Building Construction Account--State .....	\$	28,000,000	
..... Subtotal Appropriation	\$		55,642
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	264,000,000	
..... TOTAL	\$		318,119

**NEW SECTION. Sec. 355. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR**

**RECREATION**

Hatchery Management (02-4-009)

Appropriation:

General Fund--Federal .....	\$	11,200,000	
Prior Biennia (Expenditures) .....	\$	440,627	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		11,640,627

**NEW SECTION. Sec. 356. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR**

**RECREATION**

Boating Infrastructure Grant (BIG) Program (02-4-010)

Appropriation:

Recreation Resources Account--Federal .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,000,000

**NEW SECTION. Sec. 357. FOR THE STATE CONSERVATION COMMISSION**

Water Quality Grants Program (98-2-001)

Reappropriation:

Water Quality Account--State .....	\$	1,227,740	
Prior Biennia (Expenditures) .....	\$	14,272,260	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		15,500,000

**NEW SECTION. Sec. 358. FOR THE STATE CONSERVATION COMMISSION**

Conservation Reserve Enhancement Program (00-2-004)

Reappropriation:

State Building Construction Account--State .....	\$	4,100,000	
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Appropriation:

State Building Construction Account--State .....	\$	1,000,000	
Prior Biennia (Expenditures) .....	\$	6,053,148	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		11,153,148

**NEW SECTION. Sec. 359. FOR THE STATE CONSERVATION COMMISSION**

Water Quality Grants Program (02-4-001)

Appropriation:

Water Quality Account--State .....	\$	3,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	20,000,000	
..... TOTAL	\$		23,500,000

**NEW SECTION. Sec. 360. FOR THE STATE CONSERVATION COMMISSION**

Dairy Waste Management Grants Program (98-2-002)

Reappropriation:

Water Quality Account--State .....	\$	971,830	
State Building Construction Account--State .....	\$	2,304,535	
..... Subtotal Reappropriation	\$		3,276,365
Prior Biennia (Expenditures) .....	\$	5,223,635	

Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		8,500

**NEW SECTION. Sec. 361. FOR THE STATE CONSERVATION COMMISSION**

Dairy Nutrient Management Grants Program (02-4-002)

Appropriation:

Water Quality Account--State .....	\$	5,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	22,000,000	
..... TOTAL	\$		27,500

**NEW SECTION. Sec. 362. FOR THE STATE CONSERVATION COMMISSION**

Puget Sound District Grants (02-4-003)

Appropriation:

Water Quality Account--State .....	\$	840,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	3,360,000	
..... TOTAL	\$		4,200

**NEW SECTION. Sec. 363. FOR THE STATE CONSERVATION COMMISSION**

Skykomish Flood Mitigation Project (01-H-013)

Appropriation:

State Building Construction Account--State .....	\$	618,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		618,000

**NEW SECTION. Sec. 364. FOR THE STATE CONSERVATION COMMISSION**

Water Irrigation System Improvements (01-S-001)

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided for irrigation district system enhancements.

Appropriation:

Water Quality Account--State .....	\$	750,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		750,000

**NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Tideland Acquisition (94-2-003)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

General Fund--Federal .....	\$	640,000	
Prior Biennia (Expenditures) .....	\$	4,360,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,000

**NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Nemah Hatchery Building and Incubation System Replacement (96-1-006)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.



Reappropriation:

General Fund--Federal.....	\$	110,000	
Prior Biennia (Expenditures).....	\$	1,590,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,700,000

**NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Shellfish Laboratory and Hatchery Upgrades (96-1-009)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

Aquatic Lands Enhancement Account--State.....	\$	120,000	
State Building Construction Account--State.....	\$	30,000	
..... Subtotal Reappropriation	\$		150,000
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		504,900

**NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works Preservation (98-1-001)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State.....	\$	1,030,000	
Prior Biennia (Expenditures).....	\$	2,998,572	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		4,028,572

**NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Facilities Renovation (98-1-005)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--			
..... State	\$		420,000
Prior Biennia (Expenditures).....	\$	1,831,201	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,251,201

**NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hatchery Renovation (98-1-006)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State.....	\$	1,227,000	
Prior Biennia (Expenditures).....	\$	6,165,326	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		7,392,326

**NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Recreational Access Redevelopment (98-1-007)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of

this act.

Reappropriation:

State Building Construction Account--State .....	\$	80,000	
Prior Biennia (Expenditures) .....	\$	5,357,787	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,437,787

**NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Coast and Puget Sound Wild Salmonid Habitat Restoration (98-1-009)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of

this act.

Reappropriation:

State Building Construction Account--State .....	\$	200,000	
Prior Biennia (Expenditures) .....	\$	3,300,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,500,000

**NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Coast and Puget Sound Wildstock Restoration: Hatcheries (98-1-010)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of

this act.

Reappropriation:

State Building Construction Account--State .....	\$	110,000	
Prior Biennia (Expenditures) .....	\$	890,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,000,000

**NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Statewide Fencing Renovation and Construction (98-1-012)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906

of this act.

(2) Expenditures of the reappropriation in this section for fencing shall comply with chapter 16.60 RCW.

Reappropriation:

State Building Construction Account--State .....	\$	185,000	
Prior Biennia (Expenditures) .....	\$	826,118	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,011,118

**NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

ADA Projects (01-S-003)

Reappropriation:

State Building Construction Account--State .....	\$	155,200	
Prior Biennia (Expenditures) .....	\$	63,800	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		219,000

**NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Wildlife Renovation (98-1-013)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this

act.

Reappropriation:

State Building Construction Account--State .....	\$	80,000	
Prior Biennia (Expenditures) .....	\$	170,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		250,000

**NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Issaquah Hatchery Improvements (98-1-015)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this

act.

Reappropriation:

State Building Construction Account--State .....	\$	2,150,000	
Prior Biennia (Expenditures) .....	\$	5,285,955	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		7,435,955

**NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Warm Water Game Fish Access Facilities (98-2-006)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this

act.

Reappropriation:

Warm Water Game Fish Account--State .....	\$	340,000	
Prior Biennia (Expenditures) .....	\$	7,095,955	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		7,435,955

**NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Recreational Fish Enhancement (98-2-007)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this

act.

Reappropriation:

Recreational Fisheries Enhancement--State .....	\$	400,000	
Prior Biennia (Expenditures) .....	\$	678,313	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,078,313

**NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitigation Projects and Dedicated Funds (98-2-008)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this

act.

Reappropriation:

Game Special Wildlife Account--State .....	\$	81,000	
Game Special Wildlife Account--Private/Local .....	\$	898,000	
..... Subtotal Reappropriation	\$		979,000
Prior Biennia (Expenditures) .....	\$	342,383	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,321,383

**NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Migratory Waterfowl Habitat Acquisition and Development (98-2-009)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this

act.

Reappropriation:

Wildlife Account--State .....	\$	200,000	
Prior Biennia (Expenditures) .....	\$	669,849	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		869,849

**NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Clam and Oyster Beach Enhancement (98-2-019)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this

act.

Reappropriation:

Aquatic Lands Enhancement Account--State .....	\$	35,000	
Prior Biennia (Expenditures) .....	\$	2,988,803	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,023,803

**NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Deep Water Slough Restoration (98-2-013)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this

act.

Reappropriation:

State Building Construction Account--State .....	\$	400,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		400,000

**NEW SECTION. Sec. 384. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Salmon Restoration (99-2-001)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this

act.

Reappropriation:

State Building Construction Account--State .....	\$	210,000	
Salmon Recovery Account--State.....	\$	500,000	
..... Subtotal Reappropriation	\$		710,000
Prior Biennia (Expenditures) .....	\$	1,040,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,750,000

**NEW SECTION. Sec. 385. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Upland Wildlife Habitat: Replacement (00-2-005)

Reappropriation:

Wildlife Account--State.....	\$	600,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		600,000

**NEW SECTION. Sec. 386. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Goldsborough Creek Restoration (00-2-008)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this

act.

Reappropriation:

State Building Construction Account--State .....	\$	63,000	
Prior Biennia (Expenditures) .....	\$	2,067,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,130,000

**NEW SECTION. Sec. 387. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hatchery Reform Facility Retrofits (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal .....	\$	10,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	60,000,000	
..... TOTAL	\$		70,000,000

**NEW SECTION. Sec. 388. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Forest and Fish Road Upgrade and Abandonment on Agency Lands (02-1-003)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal .....	\$	1,900,000	
State Building Construction Account--State .....	\$	500,000	
..... Subtotal Appropriation	\$		2,400,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	11,600,000	
..... TOTAL	\$		14,000,000

**NEW SECTION. Sec. 389. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Code Compliance and Protection (02-1-005)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal .....	\$	550,000	
General Fund--Private/Local .....	\$	1,250,000	
State Building Construction Account--State .....	\$	2,350,000	
..... Subtotal Appropriation	\$		4,150,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	28,500,000	
..... TOTAL	\$		32,650,000

**NEW SECTION. Sec. 390. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Facility and Infrastructure Standards and Renovations (02-1-009)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.
- (2) \$305,000 of the appropriation in this section shall be used to replace or renovate the caretaker residence and construct pheasant rearing pens at the Lewis county game farm.
- (3) The department shall expend the \$300,000 wildlife account--state appropriation to construct a capture and acclimation pond at Grandy Creek.
- (4) \$871,000 of the state building construction account--state appropriation is provided solely for

renovation and reconstruction of the Samish hatchery.

Appropriation:

General Fund--Federal .....	\$	3,100,000	
General Fund--Private/Local .....	\$	1,500,000	
Aquatic Lands Enhancement Account--State .....	\$	150,000	
State Building Construction Account--State .....	\$	7,571,000	
Wildlife Account--State .....	\$	300,000	
..... Subtotal Appropriation	\$		12,621,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	46,420,000	
..... TOTAL	\$		58,742,000

**NEW SECTION. Sec. 391. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Infrastructure Savings (02-1-010)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State .....	\$	1	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1

**NEW SECTION. Sec. 392. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Endangered Species Act Compliance on Agency Lands (02-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal .....	\$	8,800,000	
State Building Construction Account--State .....	\$	1,000,000	
..... Subtotal Appropriation	\$		9,800,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	39,200,000	
..... TOTAL	\$		49,000,000

**NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Diverse Fish and Wildlife Population Health and Protection (02-2-004)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	250,000	
Wildlife Account--State .....	\$	1,200,000	
..... Subtotal Appropriation	\$		1,450,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	5,800,000	
..... TOTAL	\$		7,250,000

**NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Commercial and Recreational Customer Satisfaction Improvements (02-2-006)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

SIXTEENTH DAY, JUNE 19, 2001

	2437	
Warm Water Game Fish Account--State .....	\$ 560,000	
Wildlife Account--State.....	\$ 500,000	
..... Subtotal Appropriation	\$	1,060,000
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 4,700,000	
..... TOTAL	\$	5,760,000

**NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Watchable Wildlife Program (00-2-007)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$ 42,000	
Prior Biennia (Expenditures) .....	\$ 58,000	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	100,000

**NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Watchable Fish and Wildlife and Recreation Sites (02-2-007)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Wildlife Account--State.....	\$ 1,000,000	
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 7,628,000	
..... TOTAL	\$	8,628,000

**NEW SECTION. Sec. 397. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Partnership Improvements with Internal and External Customers (02-2-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) Expenditures of the appropriation in this section for fencing shall comply with chapter 16.60 RCW.

Appropriation:

General Fund--Federal.....	\$ 4,000,000	
General Fund--Private/Local .....	\$ 2,000,000	
Aquatic Lands Enhancement Account--State .....	\$ 150,000	
State Building Construction Account--State .....	\$ 400,000	
Game Special Wildlife Account--State .....	\$ 50,000	
Game Special Wildlife Account--Federal .....	\$ 3,725,400	
Game Special Wildlife Account--Private/Local .....	\$ 50,000	
..... Subtotal Appropriation	\$	10,375,400
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 46,824,700	
..... TOTAL	\$	57,200,100

**NEW SECTION. Sec. 398. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Youth Sport Fishing Program (01-H-008)

Appropriation:

Wildlife Account--State.....	\$ 250,000	
Prior Biennia (Expenditures) .....	\$ 0	

Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		250,0

**NEW SECTION. Sec. 399. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Dole Property Acquisition (01-S-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be used solely to acquire property and the associated water rights adjacent to the Chelan fish hatchery.

Appropriation:

State Building Construction account--State.....	\$	786,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		786,0

**NEW SECTION. Sec. 400. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Fish Screens (01-H-011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the inventory, design, construction, and installation of fish screens and fishways. To the extent practicable and cost effective, the department shall contract for the design, construction, and installation of fish screens and fishways. Funds provided by this appropriation may be used to match federal funds appropriated under HR 1444, the Fisheries Restoration and Irrigation Mitigation Act of 2000.

Appropriation:

State Building Construction Account--State .....	\$	1,500,000	
General Fund--Federal .....	\$	3,500,000	
..... Subtotal Appropriation	\$		5,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,000

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Administrative Site Preservation (02-1-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Forest Development Account--State.....	\$	231,089	
Resources Management Cost Account--State.....	\$	375,535	
State Building Construction Account--State .....	\$	331,563	
Agricultural College Trust Management			
..... Account--State	\$		66,55
..... Subtotal Appropriation	\$		1,004
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	7,365,000	
..... TOTAL	\$		8,369

**NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Real Estate Repair, Maintenance, and Tenant Improvements (02-1-005)

Appropriation:

Resources Management Cost Account--State.....	\$	146,923	
Prior Biennia (Expenditures) .....	\$	911,220	
Future Biennia (Projected Costs).....	\$	3,065,000	
..... TOTAL	\$		4,123



**NEW SECTION. Sec. 403. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Hazardous Waste Removal (02-1-006)

Appropriation:

Forest Development Account--State.....	\$	25,000	
Resources Management Cost Account--State.....	\$	25,000	
..... Subtotal Appropriation	\$		50,000
Prior Biennia (Expenditures).....	\$	107,110	
Future Biennia (Projected Costs).....	\$	200,000	
..... TOTAL	\$		357,110

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Recreation Facilities Preservation (02-1-011)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	340,000	
Prior Biennia (Expenditures).....	\$	0	
Future Biennia (Projected Costs).....	\$	1,360,000	
..... TOTAL	\$		1,700,000

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Natural Area Facilities Preservation (02-1-016)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	508,000	
Prior Biennia (Expenditures).....	\$	0	
Future Biennia (Projected Costs).....	\$	2,032,000	
..... TOTAL	\$		2,540,000

**NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Agricultural Asset Preservation (02-1-017)

Appropriation:

Resources Management Cost Account--State.....	\$	53,041	
Prior Biennia (Expenditures).....	\$	154,000	
Future Biennia (Projected Costs).....	\$	1,620,000	
..... TOTAL	\$		1,827,041

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Communication Site Repairs (02-1-024)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Forest Development Account--State.....	\$	230,000	
Resources Management Cost Account--State.....	\$	169,730	
..... Subtotal Appropriation	\$		399,730
Prior Biennia (Expenditures).....	\$	202,750	
Future Biennia (Projected Costs).....	\$	1,220,000	
..... TOTAL	\$		1,822,480

**NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Minor Works - Programmatic (00-2-011)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

Forest Development Account--State.....	\$	119,610	
Resources Management Cost Account--State.....	\$	301,305	
State Building Construction Account--State .....	\$	212,695	
Agricultural College Trust Management			
..... Account--State	\$		31,000
..... Subtotal Reappropriation	\$		664,610
Prior Biennia (Expenditures).....	\$	631,480	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,296,090

**NEW SECTION. Sec. 409. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Minor Works - Programmatic (02-2-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Forest Development Account--State.....	\$	136,620	
Resources Management Cost Account--State.....	\$	181,161	
State Building Construction Account--State .....	\$	242,880	
Agricultural College Trust Management			
..... Account--State	\$		37,950
..... Subtotal Appropriation	\$		598,511
Prior Biennia (Expenditures).....	\$	0	
Future Biennia (Projected Costs).....	\$	7,289,000	
..... TOTAL	\$		7,887,461

**NEW SECTION. Sec. 410. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Small Timber Landowner Program (00-5-001)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$	2,500,000	
Prior Biennia (Expenditures).....	\$	2,500,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,000,000

**NEW SECTION. Sec. 411. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Small Timber Landowner Program (02-2-003)

Appropriation:

State Building Construction Account--State .....	\$	1,250,000	
Prior Biennia (Expenditures).....	\$	0	
Future Biennia (Projected Costs).....	\$	18,000,000	
..... TOTAL	\$		19,250,000

**NEW SECTION. Sec. 412. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Right-of-Way Acquisition (02-2-007)

Appropriation:

Forest Development Account--State.....	\$	321,400	
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SIXTEENTH DAY, JUNE 19, 2001

	2441	
Resources Management Cost Account--State.....	\$ 124,009	
..... Subtotal Appropriation	\$	445,4
Prior Biennia (Expenditures) .....	\$ 1,355,480	
Future Biennia (Projected Costs).....	\$ 5,248,000	
..... TOTAL	\$	7,048

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Mineral Resource Testing (02-2-008)

Appropriation:

Forest Development Account--State.....	\$ 11,900	
Resources Management Cost Account--State.....	\$ 6,100	
..... Subtotal Appropriation	\$	18,00
Prior Biennia (Expenditures) .....	\$ 18,000	
Future Biennia (Projected Costs).....	\$ 300,000	
..... TOTAL	\$	336,0

**NEW SECTION. Sec. 414. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Commercial Development/Local Improvement Districts (02-2-009)

Appropriation:

Resources Management Cost Account--State.....	\$ 90,000	
Prior Biennia (Expenditures) .....	\$ 245,120	
Future Biennia (Projected Costs).....	\$ 450,000	
..... TOTAL	\$	785,1

**NEW SECTION. Sec. 415. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Transfer Program (02-2-010)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

- (1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.
- (2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring real property of equal value to be managed as common school trust land.
- (3) Property subject to easement agreements under this section shall be appraised at fair market value both with and without the imposition of the easement. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.
- (4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.
- (5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.
- (6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to

replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers and easements such that 80 percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 80:20 ratio, the department may offset transfers of property with low timber-to-land ratios with easements on other properties.

(9) On June 30, 2003, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

(10) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2001-42, as developed on June 7, 2001.

Appropriation:

State Building Construction Account--State .....	\$	50,000,000	
Natural Resources Real Property Replacement			
..... Account--State	\$		10,000,000
..... Subtotal Appropriation	\$		60,000,000
Prior Biennia (Expenditures) .....	\$	66,000,000	
Future Biennia (Projected Costs).....	\$	320,000,000	
..... TOTAL	\$		446,000,000

**NEW SECTION. Sec. 416. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Land Bank (02-2-013)

Appropriation:

Resources Management Cost Account--State.....	\$	4,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	18,000,000	
..... TOTAL	\$		22,000,000

**NEW SECTION. Sec. 417. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Community and Technical College Trust Land Acquisition (02-2-014)

Appropriation:

Community and Technical College Forest Reserve			
..... Account--State	\$		200,000,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	3,500,000	
..... TOTAL	\$		3,700,000

**NEW SECTION. Sec. 418. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forest Legacy and Wetlands Conservation Grants (00-2-020)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

General Fund--Federal .....	\$	2,270,000	
Prior Biennia (Expenditures) .....	\$	6,517,480	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		8,787,480

**NEW SECTION. Sec. 419. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forest Legacy and Wetlands Conservation Grants (02-2-015)

Appropriation:

General Fund--Federal .....	\$	5,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	21,500,000	
..... TOTAL	\$		26,500,000

**NEW SECTION. Sec. 420. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Marine Station Public Access (02-2-019)

Appropriation:

Aquatic Lands Enhancement Account--State .....	\$	175,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	1,000,000	
..... TOTAL	\$		1,175,000

**NEW SECTION. Sec. 421. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Commencement Bay Freshwater Channel (02-2-020)

Appropriation:

Aquatic Lands Enhancement Account--State .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,000,000

**NEW SECTION. Sec. 422. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Mobile Radio System Upgrade (02-2-022)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Forest Development Account--State .....	\$	405,000	
Resources Management Cost Account--State.....	\$	776,000	
State Building Construction Account--State .....	\$	582,000	
..... Subtotal Appropriation	\$		1,763,000
Prior Biennia (Expenditures) .....	\$	783,500	
Future Biennia (Projected Costs).....	\$	2,273,700	
..... TOTAL	\$		4,820,200

**NEW SECTION. Sec. 423. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Riparian Open Space Program (02-2-023)

Appropriation:

State Building Construction Account--State .....	\$	1,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	4,000,000	
..... TOTAL	\$		5,000,000

**NEW SECTION. Sec. 424. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Aquatic Lands Enhancement Grants (00-2-014)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

Aquatic Lands Enhancement Account--State .....	\$	2,100,000	
Prior Biennia (Expenditures) .....	\$	10,422,070	

Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		12,52

**NEW SECTION. Sec. 425. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Aquatic Lands Enhancement Grants (02-4-018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2001-44, as developed on June 7, 2001.

(2) The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2003-2005 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a statewide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2002.

Appropriation:

Aquatic Lands Enhancement Account--State .....	\$	5,565,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	22,000,000	
..... TOTAL	\$		27,56

**NEW SECTION. Sec. 426. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Blanchard Mountain Asset Evaluation (01-S-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for an evaluation of the social, ecological, and financial values of forest board lands on Blanchard Mountain in Skagit county. The department may contract for the conduct of the evaluation.

(2) The evaluation shall be completed by June 30, 2002. The department shall provide a report to the legislature on the evaluation.

(3) For the duration of the study, the department shall defer timber sales in the project area that prescribe conifer harvest by clear cut.

(4) If the appropriation in this section is not matched equally by contributions of nonstate funds, these funds shall lapse.

Appropriation:

Forest Development Account--State.....	\$	25,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		25,00

**NEW SECTION. Sec. 427. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Larch Mountain Road Reconstruction (01-S-001)

The appropriation in this section is provided solely to reconstruct the Larch Mountain road to provide safe access to the Larch Mountain correction camp and department-managed state forest lands. Expenditure of the \$1,000,000 state building and construction account appropriation is contingent upon the department of natural resources utilizing the nonappropriated access road revolving fund to complete reconstruction of the Larch Mountain road. The expenditure of total state appropriated funds for this project shall not exceed \$1,000,000.

Appropriation:

Access Road Revolving Fund--Nonappropriated .....	\$	3,000,000	
State Building Construction Account--State .....	\$	1,000,000	
..... Subtotal Appropriation	\$		4,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	

..... TOTAL \$ 4,000

**PART 4  
TRANSPORTATION**

**NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL**

Seattle Crime Laboratory - New Forensic Laboratory (00-2-008)

The reappropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	9,100,000	
Death Investigations Account--State .....	\$	2,500,000	
County Criminal Justice Assistance Account--			
..... State	\$		350,000
Municipal Criminal Justice Assistance Account--			
..... State	\$		249,700
..... Subtotal Reappropriation	\$		12,199,700
Prior Biennia (Expenditures) .....	\$	300,205	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		12,500,000

**NEW SECTION. Sec. 502. FOR THE WASHINGTON STATE PATROL**

Fire Training Academy - Water System (00-2-009)

The reappropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	652,211	
Prior Biennia (Expenditures) .....	\$	1,192,789	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,845,000

**NEW SECTION. Sec. 503. FOR THE WASHINGTON STATE PATROL**

Boarding Home Fire Safety Program (00-4-010)

The reappropriation in this section is provided solely for grants for the installation or retrofit of fire sprinklers in boarding homes. The reappropriation in this section is subject to the following conditions and limitations:

- (1) The state fire marshal, in consultation with the department of social and health services, shall implement the grant program.
- (2) To be eligible for a grant under this section, the boarding home must be licensed with the department of social and health services.
- (3) Determination of grant eligibility and the percentage of grant funding shall be determined by the following formula:
  - (a) At the time of application for a grant, a boarding home with a resident ratio of fifteen percent or greater department of social and health services clients and/or low-income residents is eligible for one hundred percent of the difference between the cost of retrofitting and the cost of installing sprinklers during original construction.
  - (b) At the time of application for a grant, a boarding home with a resident ratio of less than fifteen percent department of social and health services clients and/or low-income residents is eligible for fifty percent of the difference between the cost of retrofitting and the cost of installing sprinklers during original construction.
  - (c) At the time of application for a grant, a boarding home with a resident ratio of seventy-five percent or greater department of social and health services clients and/or low-income residents is eligible for one hundred percent of the difference between the cost of retrofitting and the cost of installing sprinklers during original construction.

percent of the cost of installing fire sprinklers.

(4) Any boarding home receiving this grant, or that has previously entered into a contract to receive grant funding, shall complete the installation of the fire sprinklers by June 30, 2003.

Reappropriation:

State Building Construction Account--State .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,000,000

**NEW SECTION. Sec. 504. FOR THE WASHINGTON STATE PATROL**

Fire Training Academy - Preservation (02-1-006)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	200,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	1,000,000	
..... TOTAL	\$		1,200,000

**NEW SECTION. Sec. 505. FOR THE WASHINGTON STATE PATROL**

Spokane Crime Laboratory - Design (02-2-013)

Appropriation:

State Building Construction Account--State .....	\$	400,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	7,950,000	
..... TOTAL	\$		8,350,000

**NEW SECTION. Sec. 506. FOR THE WASHINGTON STATE PATROL**

Vancouver Crime Laboratory - Predesign (02-2-010)

Appropriation:

State Building Construction Account--State .....	\$	130,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	7,400,000	
..... TOTAL	\$		7,530,000

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 601. FOR THE STATE BOARD OF EDUCATION**

Public School Building Construction (00-2-001 and 00-2-002)

Reappropriation:

State Building Construction Account--State .....	\$	37,000	
Common School Construction Account--State.....	\$	150,000,000	
..... Subtotal Reappropriation	\$		150,037,000
Prior Biennia (Expenditures) .....	\$	588,570,973	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		738,607,973

**NEW SECTION. Sec. 602. FOR THE STATE BOARD OF EDUCATION**

State School Construction Assistance Grants (02-4-001)

The appropriation in this section is subject to the following conditions and limitations:



(1) \$200,000 from this appropriation is provided to fund up to two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) Of the fiscal year 2002 appropriation, \$80,000 is provided solely for skills centers study and survey.

(3) For state assistance grants starting July 1, 2001, for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(4) \$5,400,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2003, shall lapse.

(5)(a) \$30,530,000 of this appropriation is provided solely to enhance the state contribution as follows:

(i) For the state board to increase the eligible square feet allocation by 1.5 square feet for grades 1-12; and

(ii) For the state board to increase the area cost allowance by \$8 per square foot for grades K-12.

(b) If chapter . . . (House Bill No. 2173), Laws of 2001 2nd sp. sess. is not enacted by June 30, 2001, both the appropriation and the state board's authority to increase the eligible square feet and area cost allowance in this subsection (5) shall lapse.

Appropriation:

Common School Construction Account--State (FY 2002).....	\$	212,040,308	
Common School Construction Account--State (FY 2003).....	\$	226,846,421	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	1,831,522,031	
..... TOTAL	\$		2,269,408,760

**NEW SECTION. Sec. 603. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

State School Construction Assistance Program Staff (02-4-001)

Appropriation:

Common School Construction Account--State.....	\$	1,930,989	
Prior Biennia (Expenditures) .....	\$	3,457,312	
Future Biennia (Projected Costs).....	\$	9,554,976	
..... TOTAL	\$		14,943,277

**NEW SECTION. Sec. 604. FOR THE STATE SCHOOL FOR THE BLIND**

Old Main and Alsten Buildings, HVAC: Upgrade (00-1-002)

Reappropriation:

State Building Construction Account--State .....	\$	850,000	
Prior Biennia (Expenditures) .....	\$	1,064,160	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,914,160

**NEW SECTION. Sec. 605. FOR THE STATE SCHOOL FOR THE BLIND**

Irwin, Old Main, Kennedy, and Dry Building Preservation (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	1,981,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,981,000

**NEW SECTION. Sec. 606. FOR THE STATE SCHOOL FOR THE BLIND**

School for the Blind: Campus Preservation (02-1-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	600,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	3,060,000	
..... TOTAL	\$		3,660,000

**NEW SECTION. Sec. 607. FOR THE STATE SCHOOL FOR THE BLIND**

Alsten Material Center and Braille Production (02-2-003)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	2,341,278	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,341,278

**NEW SECTION. Sec. 608. FOR THE STATE SCHOOL FOR THE BLIND**

Distance Learning Center (02-2-004)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	2,789,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,789,000

**NEW SECTION. Sec. 609. FOR THE STATE SCHOOL FOR THE DEAF**

Clark Hall/Lloyd: Upgrade (00-1-006)

Reappropriation:

State Building Construction Account--State .....	\$	1,000,000	
Prior Biennia (Expenditures) .....	\$	400,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,400,000

**NEW SECTION. Sec. 610. FOR THE STATE SCHOOL FOR THE DEAF**

Clark Hall/Lloyd: Seismic Stabilization (02-1-008)

Reappropriation:

State Building Construction Account--State .....	\$	1,000,000	
Prior Biennia (Expenditures) .....	\$	400,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,400,000

**NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE DEAF**

School for the Deaf: Campus Preservation (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	1,760,000	
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SIXTEENTH DAY, JUNE 19, 2001

	2449	
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 1,759,000	
..... TOTAL	\$	3,519

**NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE DEAF**

School for the Deaf: Phase 2B (02-2-001)

The appropriation in this section shall be held in allotment reserve by the office of financial management until completion of the study of capacity planning and educational delivery systems to be performed by the institute for public policy and the joint legislative audit and review committee.

Appropriation:

State Building Construction Account--State .....	\$ 1,000,000	
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 17,616,000	
..... TOTAL	\$	18,616

**NEW SECTION. Sec. 613. FOR THE UNIVERSITY OF WASHINGTON**

UW CSE/EE Phase (90-2-013)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The appropriation in this section is subject to the University of Washington obtaining sufficient local funds to complete this project.

Reappropriation:

State Building Construction Account--State .....	\$ 7,300,000	
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Appropriation:

State Building Construction Account--State .....	\$ 2,700,000	
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	10,000

**NEW SECTION. Sec. 614. FOR THE UNIVERSITY OF WASHINGTON**

Power Plant Boiler No. 7 (96-2-020)

Reappropriation:

State Building Construction Account--State .....	\$ 486,000	
Prior Biennia (Expenditures) .....	\$ 3,325,384	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	3,811

**NEW SECTION. Sec. 615. FOR THE UNIVERSITY OF WASHINGTON**

Minor Works: Safety (98-1-001)

The reappropriation in this section is subject to the conditions and limitations of section 905 of this act.

Reappropriation:

University of Washington Building Account--State.....	\$ 500,000	
Prior Biennia (Expenditures) .....	\$ 2,174,684	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	2,674

**NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON**

Building Communications: Upgrade (98-2-009)

Reappropriation:

University of Washington Building Account--State.....	\$ 400,000	
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Prior Biennia (Expenditures) .....	\$	285,855	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		685,8

**NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON**

Bothell/Cascadia Community College Phase I (98-2-899)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State .....	\$	1,486,336	
Prior Biennia (Expenditures) .....	\$	43,126,889	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		44,61

**NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell/Cascadia Community College Future Phase (98-2-999)

No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State .....	\$	273,645	
Prior Biennia (Expenditures) .....	\$	1,085,268	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,358

**NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON**

Health Sciences Center BB Tower Elevators (96-1-007)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	5,740,000	
University of Washington Building Account--State.....	\$	93,100	
..... Subtotal Reappropriation	\$		5,833
Prior Biennia (Expenditures) .....	\$	715,910	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		6,549

**NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON**

Harborview Medical Research Center (94-2-013)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Higher Education Construction Account--State .....	\$	2,316,618	
State Building Construction Account--State .....	\$	2,613,678	
..... Subtotal Reappropriation	\$		4,930
Prior Biennia (Expenditures) .....	\$	6,851,453	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		11,78

**NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON**

New Law School Building (94-2-017)

The reappropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

Higher Education Construction Account--State .....	\$	44,801,500	
Higher Education Nonproprietary Local Capital Account--Private/Local.....	\$	24,186,000	
.....Subtotal Reappropriation	\$		68,98
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		68,98

**NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON**

Tacoma Branch Campus (94-2-500)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State .....	\$	4,456,934	
Prior Biennia (Expenditures) .....	\$	5,472,660	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		9,929

**NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON**

Classroom Improvements and Minor Works (00-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act. This reappropriation is a combination of section 616, chapter 379, Laws of 1999, and section 1036, chapter 1, Laws of 2000 2nd sp. sess.

Reappropriation:

State Building Construction Account--State .....	\$	1,773,674	
University of Washington Building Account--State.....	\$	23,760,694	
.....Subtotal Reappropriation	\$		25,53
Prior Biennia (Expenditures) .....	\$	1,252,792	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		26,78

**NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell 2A/Cascadia Community College (00-2-015)

The reappropriation in this section is subject to the conditions and limitations under sections 902 through 904 of this act. No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State .....	\$	29,123,099	
Prior Biennia (Expenditures) .....	\$	20,976,901	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		50,10

**NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON**

Tacoma Branch Campus Phase 2A (00-2-017)

The reappropriation in this section is subject to the conditions and limitations of sections 902, 903, 904, and 906 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State .....	\$	16,000,000	
Prior Biennia (Expenditures) .....	\$	21,635,933	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		37,635,933

**NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON**

Tacoma Branch Campus Phase 3 (00-2-021)

No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State .....	\$	100,000	
Prior Biennia (Expenditures) .....	\$	400,000	
Future Biennia (Projected Costs).....	\$	69,846,000	
..... TOTAL	\$		70,346,000

**NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma Land Acquisition (01-2-029)

Reappropriation:

Education Construction Account--State .....	\$	2,500,000	
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Appropriation:

Education Construction Account--State .....	\$	3,450,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,950,000

**NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON**

UW Wire Plant Upgrade (02-1-011)

Appropriation:

University of Washington Building Account--State.....	\$	2,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	10,000,000	
..... TOTAL	\$		12,500,000

**NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON**

Special Projects - Code Requirements (02-1-025)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	8,000,000	
..... TOTAL	\$		10,000,000

**NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON**

Minor Repairs Programs (02-1-026)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) The University of Washington shall provide \$19,000,000 in local nonappropriated funds for this project.

Appropriation:

State Building Construction Account--State .....	\$	1,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	4,000,000	
..... TOTAL	\$		5,000,000

**NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON**

Deferred Renewal/Modernization/Current Access (02-1-031)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

University of Washington Building Account--State.....	\$	3,500,000	
Education Construction Account--State .....	\$	6,500,000	
..... Subtotal Appropriation	\$		10,000,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	48,000,000	
..... TOTAL	\$		58,000,000

**NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Technology Institute (02-1-150)

This appropriation is being made as part of an assumed \$4,550,000 total equipment capitalization plan.

The state share will be released once at least \$3,000,000 in nonstate matching contributions have been raised.

Appropriation:

Education Construction Account--State .....	\$	550,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		550,000

**NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell Phase 2B Offramp (02-2-014)

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) If funds are appropriated in the 2001-03 omnibus transportation budget for this project, the appropriation in this section shall lapse.

Appropriation:

State Building Construction Account--State .....	\$	2,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	9,650,000	
..... TOTAL	\$		12,150,000

**NEW SECTION. Sec. 634. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma Phase 2B (02-2-027)

The appropriation in this section is subject to the conditions and limitations of sections 902, 903, and 904 of this act. No money may be expended that would be inconsistent with the recommendations of the higher

education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Appropriation:

State Building Construction Account--State .....	\$	40,899,000	
University of Washington Building Account--State.....	\$	1,000,000	
..... Subtotal Appropriation	\$		41,899,000
Prior Biennia (Expenditures) .....	\$	3,450,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		45,349,000

**NEW SECTION. Sec. 635. FOR THE UNIVERSITY OF WASHINGTON**

UW Bioengineering Research (02-2-028)

The appropriation in this section is subject to the University of Washington providing sufficient evidence to the office of financial management of local revenue to support issuance of bonded debt and accompanying debt service associated with this project.

Appropriation:

Higher Education Construction Account--State .....	\$	29,025,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		29,025,000

**NEW SECTION. Sec. 636. FOR THE UNIVERSITY OF WASHINGTON**

Suzzallo Library Renovation (94-1-015)

The appropriations in this section are subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	24,000,000	
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Appropriation:

State Building Construction Account--State .....	\$	1,563,375	
University of Washington Building Account--State.....	\$	3,000,000	
..... Subtotal Appropriation	\$		4,563,375
Prior Biennia (Expenditures) .....	\$	17,415,445	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		45,978,720

**NEW SECTION. Sec. 637. FOR THE UNIVERSITY OF WASHINGTON**

UW Emergency Power Expansion - Phase I (02-1-009)

Appropriation:

University of Washington Building Account--State.....	\$	11,700,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		11,700,000

**NEW SECTION. Sec. 638. FOR THE UNIVERSITY OF WASHINGTON**

UW Medical Center Improvements (99-2-010)

Reappropriation:

Higher Education Construction Account--State .....	\$	30,000,000	
Prior Biennia (Expenditures) .....	\$	50,000,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		80,000,000

**NEW SECTION. Sec. 639. FOR WASHINGTON STATE UNIVERSITY**



WSU Pullman - Minor Works: Safety and Environmental Projects (00-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	250,000	
Prior Biennia (Expenditures) .....	\$	1,750,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,000,000

**NEW SECTION. Sec. 640. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Minor Capital Safety/Environmental (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Education Construction Account--State .....	\$	1,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	4,000,000	
..... TOTAL	\$		5,000,000

**NEW SECTION. Sec. 641. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Minor Works - Preservation (00-1-004)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	275,000	
Washington State University Building Account--State .....	\$	1,300,000	
..... Subtotal Reappropriation	\$		1,575,000
Prior Biennia (Expenditures) .....	\$	4,425,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		6,000,000

**NEW SECTION. Sec. 642. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Americans with Disabilities Act Projects (00-1-011)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	25,000	
Prior Biennia (Expenditures) .....	\$	72,374	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		97,374

**NEW SECTION. Sec. 643. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Child Care Facility: Renovation (00-1-039)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Washington State University Building Account--State .....	\$	2,100,000	
Prior Biennia (Expenditures) .....	\$	1,000,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,100,000

**NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Scholars Hall/White Hall Renovation: Renovation (00-1-078)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,750,000	
Prior Biennia (Expenditures) .....	\$	5,000,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		6,750,000

**NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY**

WSU Branch Campuses - Minor Works: Branch Campuses (00-1-901)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Washington State University Building Account--State .....	\$	550,000	
Prior Biennia (Expenditures) .....	\$	450,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,000,000

**NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY**

WSU Branch Campuses - Minor Capital Projects (02-1-901)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Washington State University Building Account--State .....	\$	1,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	4,000,000	
..... TOTAL	\$		5,000,000

**NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Minor Works Program (00-2-002)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Washington State University Building Account--State .....	\$	2,800,000	
Prior Biennia (Expenditures) .....	\$	2,200,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,000,000

**NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Minor Capital Improvements (02-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Washington State University Building Account--State .....	\$	6,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	28,000,000	
..... TOTAL	\$		34,000,000

**NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Equipment Omnibus Acquisition (00-2-003)

Reappropriation:

Washington State University Building Account--State .....	\$	100,000	
Prior Biennia (Expenditures) .....	\$	3,400,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,500,000

**NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Equipment Omnibus Appropriation (02-2-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the purchase of equipment to improve, upgrade, or replace necessary instructional and research apparatus throughout the university.

(2) At least \$1,000,000 of the appropriation shall be used by the college of veterinary medicine for equipment.

Appropriation:

Washington State University Building Account--State .....	\$	6,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	16,000,000	
..... TOTAL	\$		22,000,000

**NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Johnson Hall Addition-Plant BioScience Building: New (00-2-007)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

Washington State University Building Account--State .....	\$	96,500	
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Appropriation:

State Building Construction Account--State .....	\$	3,500,000	
Prior Biennia (Expenditures) .....	\$	203,500	
Future Biennia (Projected Costs).....	\$	45,200,000	
..... TOTAL	\$		49,000,000

**NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Shock Physics Building: New Facility (00-2-080)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,000,000	
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Appropriation:

State Building Construction Account--State .....	\$	3,540,000	
Washington State University Building Account--State .....	\$	5,875,000	
Education Construction Account--State .....	\$	1,225,000	
..... Subtotal Appropriation	\$		10,640,000
Prior Biennia (Expenditures) .....	\$	760,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		12,400,000

**NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver - Engineering and Life Sciences Building: New Facility (00-2-904)

The reappropriation in this section is subject to the conditions and limitations of sections 903, 904, and 906 of this act. No money from the reappropriation may be expended that would be inconsistent with the

recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State .....	\$	7,000,000	
Prior Biennia (Expenditures) .....	\$	22,470,650	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		29,470,650

**NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver - Student Services Center: New Facility (00-2-905)

The appropriations in this section are subject to the conditions and limitations of sections 903, 904, and 906 of this act. No money from the appropriations may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State .....	\$	55,213	
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Appropriation:

State Building Construction Account--State .....	\$	1,500,000	
Prior Biennia (Expenditures) .....	\$	194,787	
Future Biennia (Projected Costs).....	\$	14,001,000	
..... TOTAL	\$		15,695,787

**NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Minor Capital Preservation/Renewal (02-1-004)

The appropriation in this section is subject to the conditions and limitations of section 905 of this act.

Appropriation:

Washington State University Building Account--State .....	\$	3,000,000	
Education Construction Account--State .....	\$	3,000,000	
..... Subtotal Appropriation	\$		6,000,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	28,000,000	
..... TOTAL	\$		34,000,000

**NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Campus Infrastructure: Preservation (98-1-073)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Washington State University Building Account--State .....	\$	2,044,984	
Prior Biennia (Expenditures) .....	\$	1,505,016	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,550,000

**NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Campus Infrastructure: Preservation (02-1-073)

The appropriation in this section is subject to the conditions and limitations of section 905 of this act.

Appropriation:

Washington State University Building Account--State .....	\$	2,019,300	
State Building Construction Account--State .....	\$	9,460,000	
..... Subtotal Appropriation	\$		11,479,300
Prior Biennia (Expenditures) .....	\$	0	

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Future Biennia (Projected Costs).....	\$ 24,000,000	
..... TOTAL	\$	35,47

**NEW SECTION. Sec. 658. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Energy Plant - Heat: Renovation (02-1-501)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

(2)(a) Any agreement or contract for the modernization or replacement of the existing steam generation plant currently located on the Pullman campus must comply with chapter 39.35C RCW. Prior to entering into an agreement or contract obligating itself on this project, the university shall have the project reviewed by the appropriate staff of the energy division of the department of community, trade, and economic development and the department of general administration, and shall consider any comments and suggestions made by these departments. If the project involves a private energy development firm, the following issues shall be considered in the development and implementation of the project:

- (i) Regional and local utility needs for power;
- (ii) Cost and certainty of fuel supplies;
- (iii) Value of electricity produced and options for sale of surplus electricity;
- (iv) The capability of the university to own and operate the facility should the private party terminate its involvement;
- (v) Costs associated with interconnection with the local electric utility's transmission system;
- (vi) Capability of the local electric utility to wheel electricity generated by the facility and the costs associated with wheeling;
- (vii) Potential financial risks to the state or the university and measures to mitigate any risks; and
- (viii) Benefits to the state and the university from the project including design configuration, ownership arrangement, operations, and financial arrangements for the project based on the selection of project participants.

(b) The university shall report to the office of financial management and the energy and fiscal committees of the legislature on the development and implementation of this project, including consideration of the issues and the agency suggestions under subsection (2)(a) of this section, in December of 2001 and 2002.

Appropriation:

State Building Construction Account--State .....	\$ 23,000,000	
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	23,00

**NEW SECTION. Sec. 659. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - WSUnet Infrastructure (98-2-074)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Washington State University Building Account--State .....	\$ 100,000	
Prior Biennia (Expenditures) .....	\$ 6,975,000	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	7,075

**NEW SECTION. Sec. 660. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - WSUnet Infrastructure (02-2-074)

Appropriation:

Washington State University Building Account--State .....	\$ 4,000,000	
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 18,000,000	
..... TOTAL	\$	22,00

**NEW SECTION. Sec. 661. FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver - Multimedia/Electronic Communication Classroom Building: (02-2-907)

The appropriation in this section is subject to the conditions and limitations of sections 902 through 904 of this act. No money from the appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Appropriation:

State Building Construction Account--State .....	\$	12,900,000	
Washington State University Building Account--State .....	\$	3,000,000	
..... Subtotal Appropriation	\$		15,900,000
Prior Biennia (Expenditures) .....	\$	600,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		16,500,000

**NEW SECTION. Sec. 662. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Bohler Renovation: Renovation (94-1-010)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Washington State University Building Account--State .....	\$	98,845	
Prior Biennia (Expenditures) .....	\$	1,249,412	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,348,257

**NEW SECTION. Sec. 663. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Kimbrough Hall Renovation/Addition: Renovation (94-2-019)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	89,475	
Washington State University Building Account--State .....	\$	121,875	
..... Subtotal Reappropriation	\$		211,350
Prior Biennia (Expenditures) .....	\$	11,521,650	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		11,733,000

**NEW SECTION. Sec. 664. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Infrastructure: Savings (94-1-999)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	496,542	
Prior Biennia (Expenditures) .....	\$	214,924	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		711,466

**NEW SECTION. Sec. 665. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Hazardous Waste Facilities - Statewide: New (94-2-006)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Washington State University Building Account--State .....	\$	3,400,000	
Prior Biennia (Expenditures) .....	\$	1,100,001	
Future Biennia (Projected Costs).....	\$	0	

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..... TOTAL \$ 4,500

**NEW SECTION. Sec. 666. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Cleveland Hall Renovation/Addition (98-2-032)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,000,000
Prior Biennia (Expenditures) .....	\$	400,000
Future Biennia (Projected Costs).....	\$	10,210,000
..... TOTAL	\$	11,610,000

**NEW SECTION. Sec. 667. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Murrow Hall Addition: New Facility (98-2-008)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,250,000
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Appropriation:

State Building Construction Account--State .....	\$	10,910,000
Prior Biennia (Expenditures) .....	\$	400,000
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	12,560,000

**NEW SECTION. Sec. 668. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Teaching and Learning Center: New Facility (98-2-062)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	8,000,000
Prior Biennia (Expenditures) .....	\$	22,870,175
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	30,870,175

**NEW SECTION. Sec. 669. FOR WASHINGTON STATE UNIVERSITY**

WSU Spokane - Health Sciences Building: New Facility (98-2-903)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Higher Education Construction Account--State .....	\$	13,500,000
Prior Biennia (Expenditures) .....	\$	22,800,000
Future Biennia (Projected Costs).....	\$	0
..... TOTAL	\$	36,300,000

**NEW SECTION. Sec. 670. FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver - Phase 2 Construction (98-2-911)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State .....	\$	1,350,000	
Prior Biennia (Expenditures) .....	\$	11,715,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		13,065,000

**NEW SECTION. Sec. 671. FOR WASHINGTON STATE UNIVERSITY**

WSU Spokane Riverpoint - Academic Center Building: New Facility (00-2-906)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	2,000,000	
Prior Biennia (Expenditures) .....	\$	250,000	
Future Biennia (Projected Costs).....	\$	42,729,000	
..... TOTAL	\$		44,979,000

**NEW SECTION. Sec. 672. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Senior Hall Design (00-1-003)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	43,000	
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Appropriation:

State Building Construction Account--State .....	\$	1,211,000	
Prior Biennia (Expenditures) .....	\$	57,000	
Future Biennia (Projected Costs).....	\$	13,999,000	
..... TOTAL	\$		15,310,000

**NEW SECTION. Sec. 673. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Minor Works Programs (00-2-002)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Eastern Washington University Capital Projects Account--State .....	\$	1,210,000	
Prior Biennia (Expenditures) .....	\$	980,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,190,000

**NEW SECTION. Sec. 674. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Childcare Center (00-2-003)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	47,000	
Eastern Washington University Capital Projects Account--State .....	\$	546,000	
.....Subtotal Reappropriation	\$		593,000
Prior Biennia (Expenditures) .....	\$	546,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,139,000

**NEW SECTION. Sec. 675. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Cheney Hall - Design (00-2-009)



The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

Eastern Washington University Capital Projects Account--State .....	\$	225,000	
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Appropriation:

State Building Construction Account--State .....	\$	3,600,000	
Prior Biennia (Expenditures) .....	\$	75,000	
Future Biennia (Projected Costs).....	\$	24,000,000	
..... TOTAL	\$		27,900,000

**NEW SECTION. Sec. 676. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Infrastructure Preservation (98-1-007)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	725,000	
Prior Biennia (Expenditures) .....	\$	3,831,879	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		4,556,879

**NEW SECTION. Sec. 677. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Infrastructure Preservation (02-1-002)

The appropriation in this section is subject to the conditions and limitations of section 905 of this act.

Appropriation:

Education Construction Account--State .....	\$	5,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	21,000,000	
..... TOTAL	\$		26,000,000

**NEW SECTION. Sec. 678. FOR EASTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation (00-1-004)

The reappropriation in this section is subject to the conditions and limitations of section 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	74,000	
Eastern Washington University Capital Projects Account--State .....	\$	1,375,000	
..... Subtotal Reappropriation	\$		1,449,000
Prior Biennia (Expenditures) .....	\$	926,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,375,000

**NEW SECTION. Sec. 679. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Minor Works Preservation (02-1-003)

The appropriations in this section are subject to the conditions and limitations of section 905 of this act.

Appropriation:

State Building Construction Account--State .....	\$	2,000,000	
Eastern Washington University Capital Projects Account--State .....	\$	3,000,000	
..... Subtotal Appropriation	\$		5,000,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	21,000,000	
..... TOTAL	\$		26,000,000

**NEW SECTION. Sec. 680. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Roof Replacement (02-1-004)

Appropriation:

State Building Construction Account--State .....	\$	2,619,000	
Prior Biennia (Expenditures) .....	\$	2,425,000	
Future Biennia (Projected Costs).....	\$	6,000,000	
..... TOTAL	\$		11,044,000

**NEW SECTION. Sec. 681. FOR EASTERN WASHINGTON UNIVERSITY**

EWU HVAC Systems Upgrade (02-1-007)

Appropriation:

State Building Construction Account--State .....	\$	3,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	5,500,000	
..... TOTAL	\$		8,500,000

**NEW SECTION. Sec. 682. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Water System Preservation and Expansion (02-1-008)

Appropriation:

State Building Construction Account--State .....	\$	2,236,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	7,500,000	
..... TOTAL	\$		9,736,000

**NEW SECTION. Sec. 683. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Property Acquisition (02-2-001)

Appropriation:

Eastern Washington University Capital Projects Account--State .....	\$	650,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	1,000,000	
..... TOTAL	\$		1,650,000

**NEW SECTION. Sec. 684. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Campus Network Upgrade (02-2-004)

Appropriation:

State Building Construction Account--State .....	\$	2,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	4,000,000	
..... TOTAL	\$		6,500,000

**NEW SECTION. Sec. 685. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Classroom Renewal (96-2-001)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Eastern Washington University Capital Projects Account--State .....	\$	143,000	
Prior Biennia (Expenditures) .....	\$	801,838	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		944,838

**NEW SECTION. Sec. 686. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Classroom Renewal (02-2-007)

The appropriation in this section is subject to the conditions and limitations of section 905 of this act.

Appropriation:

State Building Construction Account--State .....	\$	1,566,000	
Eastern Washington University Capital Projects Account--State .....	\$	800,000	
..... Subtotal Appropriation	\$		2,366,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	13,400,000	
..... TOTAL	\$		15,766,000

**NEW SECTION. Sec. 687. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Minor Works Programs (02-2-008)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	515,000	
Eastern Washington University Capital Projects Account--State .....	\$	1,703,000	
..... Subtotal Appropriation	\$		2,218,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	10,800,000	
..... TOTAL	\$		13,018,000

**NEW SECTION. Sec. 688. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Monroe Hall Renovation (96-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	2,617,000	
Eastern Washington University Capital Projects Account--State .....	\$	125,000	
..... Subtotal Reappropriation	\$		2,742,000
Prior Biennia (Expenditures) .....	\$	5,514,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		8,256,000

**NEW SECTION. Sec. 689. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Water System Preservation and Expansion (98-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Eastern Washington University Capital Projects Account--State .....	\$	615,000	
Prior Biennia (Expenditures) .....	\$	265,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		880,000

**NEW SECTION. Sec. 690. FOR EASTERN WASHINGTON UNIVERSITY**

EWU Boiler Plant Expansion/Upgrade (98-1-011)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	4,695,000	
Prior Biennia (Expenditures) .....	\$	2,327,844	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		7,022,844

**NEW SECTION. Sec. 691. FOR EASTERN WASHINGTON UNIVERSITY**

**EWU Hargreaves Hall Renovation (02-1-005)**

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State .....	\$	75,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	11,337,000	
..... TOTAL	\$		11,412,000

**NEW SECTION. Sec. 692. FOR CENTRAL WASHINGTON UNIVERSITY**

**Electrical Utility: Upgrades (98-1-110)**

The reappropriation in this section is subject to the review and allotment procedures under sections 902, 903, and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	2,200,000	
Prior Biennia (Expenditures) .....	\$	2,842,824	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,042,824

**NEW SECTION. Sec. 693. FOR CENTRAL WASHINGTON UNIVERSITY**

**Music Facility (00-2-001)**

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,200,000	
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Appropriation:

Education Construction Account--State .....	\$	14,000,000	
Prior Biennia (Expenditures) .....	\$	1,225,000	
Future Biennia (Projected Costs).....	\$	14,000,000	
..... TOTAL	\$		30,425,000

**NEW SECTION. Sec. 694. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor Works Program (00-2-110)**

The reappropriation in this section is subject to the conditions and limitations of section 905 and 906 of this act.

Reappropriation:

Central Washington University Capital Projects Account--State.....	\$	850,000	
Prior Biennia (Expenditures) .....	\$	2,150,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,000,000

**NEW SECTION. Sec. 695. FOR CENTRAL WASHINGTON UNIVERSITY**

**Fiber Optic Backbone Upgrade (00-2-130)**

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Central Washington University Capital Projects Account--State.....	\$	150,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		150,000

**NEW SECTION. Sec. 696. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor Works Preservation (00-1-120)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Central Washington University Capital Projects Account--State.....	\$	740,000	
Prior Biennia (Expenditures) .....	\$	2,260,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,000

**NEW SECTION. Sec. 697. FOR CENTRAL WASHINGTON UNIVERSITY**

Omnibus Preservation (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Central Washington University Capital Projects Account--State.....	\$	3,775,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	17,471,000	
..... TOTAL	\$		21,246

**NEW SECTION. Sec. 698. FOR CENTRAL WASHINGTON UNIVERSITY**

Infrastructure Savings (02-1-002)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State .....	\$	1	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1

**NEW SECTION. Sec. 699. FOR CENTRAL WASHINGTON UNIVERSITY**

Randall/Michaelsen Life Safety and Mechanical System Improvements (02-1-003)

The appropriation in this section is subject to the conditions and limitations of section 906 of this act.

Appropriation:

Education Construction Account--State .....	\$	3,800,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,800

**NEW SECTION. Sec. 700. FOR CENTRAL WASHINGTON UNIVERSITY**

McConnell Stage and Classroom Remodel (02-1-004)

The appropriation in this section is subject to the conditions and limitations of section 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	2,100,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		2,100

**NEW SECTION. Sec. 701. FOR CENTRAL WASHINGTON UNIVERSITY**

Omnibus - Program (02-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Central Washington University Capital Projects Account--State.....	\$	3,750,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	12,559,000	
..... TOTAL	\$		16,309,000

**NEW SECTION. Sec. 702. FOR CENTRAL WASHINGTON UNIVERSITY**

Steam/Electric/Chilled Water/Fiber Optic (98-1-120)

The appropriations in this section are subject to the conditions and limitations of section 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	6,000,000	
Education Construction Account--State .....	\$	2,000,000	
..... Subtotal Appropriation	\$		8,000,000
Prior Biennia (Expenditures) .....	\$	1,500,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		9,500,000

**NEW SECTION. Sec. 703. FOR CENTRAL WASHINGTON UNIVERSITY**

Lynnwood Higher Education Center (98-2-080)

The reappropriation in this section is subject to the conditions and limitations of sections 902, 903, and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	4,000,000	
Central Washington University Capital Projects Account--State.....	\$	1,000,000	
..... Subtotal Reappropriation	\$		5,000,000
Prior Biennia (Expenditures) .....	\$	875,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		5,875,000

**NEW SECTION. Sec. 704. FOR CENTRAL WASHINGTON UNIVERSITY**

CWU/Highline Higher Education Center (02-2-101)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	2,500,000	
Prior Biennia (Expenditures) .....	\$	75,000	
Future Biennia (Projected Costs).....	\$	10,000,000	
..... TOTAL	\$		12,575,000

**NEW SECTION. Sec. 705. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Safety and Code (00-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	226,000	
Prior Biennia (Expenditures) .....	\$	1,674,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1,900,000

**NEW SECTION. Sec. 706. FOR THE EVERGREEN STATE COLLEGE**

Infrastructure Project: Savings (00-1-004)

Reappropriation:

State Building Construction Account--State .....	\$	249,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		249,000

**NEW SECTION. Sec. 707. FOR THE EVERGREEN STATE COLLEGE**

Minor Works Preservation (00-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

The Evergreen State College Capital Projects Account--State .....	\$	832,630	
Prior Biennia (Expenditures) .....	\$	2,767,370	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		3,600,000

**NEW SECTION. Sec. 708. FOR THE EVERGREEN STATE COLLEGE**

Minor Works Preservation (02-1-014)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

The Evergreen State College Capital Projects Account--State .....	\$	2,200,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	22,000,000	
..... TOTAL	\$		24,200,000

**NEW SECTION. Sec. 709. FOR THE EVERGREEN STATE COLLEGE**

Emergency Repairs (02-1-003)

Appropriation:

The Evergreen State College Capital Projects Account--State .....	\$	560,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	2,700,000	
..... TOTAL	\$		3,260,000

**NEW SECTION. Sec. 710. FOR THE EVERGREEN STATE COLLEGE**

Life Safety/Code Compliance (02-1-013)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

The Evergreen State College Capital Projects Account--State .....	\$	2,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	13,000,000	
..... TOTAL	\$		15,500,000

**NEW SECTION. Sec. 711. FOR THE EVERGREEN STATE COLLEGE**

Minor Works Program (02-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

The Evergreen State College Capital Projects Account--State .....	\$	450,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	1,800,000	

..... TOTAL \$ 2,250

**NEW SECTION. Sec. 712. FOR THE EVERGREEN STATE COLLEGE**

Seminar Building Phase 2 - Construction (02-2-004)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	37,550,000	
Education Construction Account--State .....	\$	2,750,000	
The Evergreen State College Capital Projects Account--State .....	\$	700,000	
..... Subtotal Appropriation	\$		41,000
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		41,000

**NEW SECTION. Sec. 713. FOR THE EVERGREEN STATE COLLEGE**

COM Building Renovation and Expansion (02-2-011)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

The Evergreen State College Capital Projects Account--State .....	\$	100,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	15,750,000	
..... TOTAL	\$		15,850,000

**NEW SECTION. Sec. 714. FOR WESTERN WASHINGTON UNIVERSITY**

Infrastructure Projects: Savings (94-1-999)

Reappropriation:

State Building Construction Account--State .....	\$	249,801	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		249,801

**NEW SECTION. Sec. 715. FOR WESTERN WASHINGTON UNIVERSITY**

Infrastructure Savings (02-1-999)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State .....	\$	1	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		1

**NEW SECTION. Sec. 716. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation (00-1-068)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,500,000	
Prior Biennia (Expenditures) .....	\$	3,000,000	
Future Biennia (Projected Costs).....	\$	0	



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..... TOTAL \$ 4,500

**NEW SECTION. Sec. 717. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation - Infrastructure (02-1-070)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	3,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	20,000,000	
..... TOTAL	\$		23,000,000

**NEW SECTION. Sec. 718. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation - Safety (02-1-071)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	3,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	20,000,000	
..... TOTAL	\$		23,000,000

**NEW SECTION. Sec. 719. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works: Program (00-2-069)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Western Washington University Capital Projects Account--State .....	\$	3,000,000	
Prior Biennia (Expenditures) .....	\$	3,730,000	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		6,730,000

**NEW SECTION. Sec. 720. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works: Program (02-2-072)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Western Washington University Capital Projects Account--State .....	\$	6,831,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	40,000,000	
..... TOTAL	\$		46,831,000

**NEW SECTION. Sec. 721. FOR WESTERN WASHINGTON UNIVERSITY**

Campus Services Facility (96-2-025)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	8,300,000	
Prior Biennia (Expenditures) .....	\$	2,887,050	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		11,187,050

**NEW SECTION. Sec. 722. FOR WESTERN WASHINGTON UNIVERSITY**

Integrated Signal Distribution (96-2-056)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,700,000	
Prior Biennia (Expenditures) .....	\$	11,548,250	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		13,24

**NEW SECTION. Sec. 723. FOR WESTERN WASHINGTON UNIVERSITY**

Campus Infrastructure Development (98-2-024)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,200,000	
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Appropriation:

State Building Construction Account--State .....	\$	11,000,000	
Western Washington University Capital Projects Account--State .....	\$	669,000	
..... Subtotal Appropriation	\$		11,66
Prior Biennia (Expenditures) .....	\$	1,250,000	
Future Biennia (Projected Costs).....	\$	8,780,000	
..... TOTAL	\$		22,89

**NEW SECTION. Sec. 724. FOR WESTERN WASHINGTON UNIVERSITY**

Communications Facility (98-2-053)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	2,500,000	
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Appropriation:

State Building Construction Account--State .....	\$	27,519,000	
Education Construction Account--State .....	\$	5,000,000	
..... Subtotal Appropriation	\$		32,51
Prior Biennia (Expenditures) .....	\$	1,454,400	
Future Biennia (Projected Costs).....	\$	4,000,000	
..... TOTAL	\$		40,47

**NEW SECTION. Sec. 725. FOR WESTERN WASHINGTON UNIVERSITY**

Academic Instructional Center (02-2-026)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State .....	\$	115,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	40,665,000	
..... TOTAL	\$		40,78

**NEW SECTION. Sec. 726. FOR THE HIGHER EDUCATION COORDINATING BOARD**

NSIS Consortium Development (00-2-001)

Reappropriation:

State Building Construction Account--State .....	\$	1,000,000	
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Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	1,000

**NEW SECTION. Sec. 727. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Stadium Way Facility: Seismic (96-1-102)

Reappropriation:

State Building Construction Account--State .....	\$ 120,000	
Prior Biennia (Expenditures) .....	\$ 4,545,000	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	4,665

**NEW SECTION. Sec. 728. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

State Capital Museum: Preservation (98-1-001)

Reappropriation:

State Building Construction Account--State .....	\$ 69,000	
Prior Biennia (Expenditures) .....	\$ 415,000	
Future Biennia (Projected Costs).....	\$ 0	
..... TOTAL	\$	484,0

**NEW SECTION. Sec. 729. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Olympia - State Capital Museum Preservation (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$ 238,679	
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 129,423	
..... TOTAL	\$	368,1

**NEW SECTION. Sec. 730. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Tacoma - State History Museum Preservation Projects (02-1-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$ 373,016	
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 1,738,605	
..... TOTAL	\$	2,111

**NEW SECTION. Sec. 731. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Tacoma - Stadium Way Research Center Preservation Projects (02-1-004)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$ 339,847	
Prior Biennia (Expenditures) .....	\$ 0	
Future Biennia (Projected Costs).....	\$ 527,721	
..... TOTAL	\$	867,5

**NEW SECTION. Sec. 732. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Lewis and Clark Trail Interpretive Infrastructure Grant Program (02-4-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for development of station camp 1805 as a national historic park in conjunction with the projected relocation of highway 101 in Pacific county. If full capitalization of this project is not accomplished by federal/state/local and private partners by June 30, 2002, the Lewis and Clark bicentennial advisory committee may distribute this sum to other priority projects along the trail using criteria they may establish.

Appropriation:

State Building Construction Account--State .....	\$	1,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	1,000,000	
..... TOTAL	\$		2,000,000

**NEW SECTION. Sec. 733. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Washington Heritage Projects (98-2-004)

The reappropriation in this section shall support the projects as listed in section 748, chapter 379, Laws of 1999.

Reappropriation:

State Building Construction Account--State .....	\$	1,200,000	
Prior Biennia (Expenditures) .....	\$	8,978,904	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL	\$		10,178,904

**NEW SECTION. Sec. 734. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Washington Heritage Projects (02-4-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided for the following list of projects:

<b>Organization</b>	<b>Total Amount Project Recommended</b>	<b>Cost</b>
Jefferson County Historical Society - Bell Tower	\$ 100,000	386,083
Spokane Parks and Recreation - Corbin and Moore-Turner Heritage Gardens	54,437	266,831
Clallam County Historical Society - Lincoln School	83,500	250,000
Orcas Island Historical Society - Museum	54,136	167,604
Gig Harbor Peninsula Historical Society - Heritage and Arts Center	400,000	7,301,518
Vashon-Maury Island Historical Society - Heritage Museum	175,000	526,879
Loon Lake Historical Society - Old Schoolhouse	8,292	29,896
Northwest School of Wooden Boatbuilding - Port Hadlock	97,500	463,832
Drayton Harbor Maritime Group - Dock Restoration and Replacement	216,790	650,372
Historic Seattle PDA - Dearborn House	200,000	2,131,227
Vancouver National Historic Reserve - American Red Cross House	400,000	2,195,000
Maritime Heritage Foundation - Historic Ship Wharf	400,000	2,031,000
Cowlitz County Museum - Museum Expansion and Remodel	350,000	1,059,152
Mansfield Museum and Historical Society - Museum Renovation		10,916

2,000,000

10,178,904

35,750,000

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Fox Island Chapel - Chapel on Echo Bay	49,665	149,000	
Kirkman House Museum - Museum Repair and Stabilization	20,000	64,080	
City of Mount Vernon - Lincoln Theatre	250,000	1,535,082	
Squaxin Island Tribe - Tu Ha'Buts Cultural Center - Phase 2	225,000	1,734,000	
Western Forest Industries Museum - Train Shed and Baldwin Locomotive	150,000	450,000	
Steamer Virginia V Foundation - Restoration of Virginia V	100,000	4,077,663	
Ferry County Fair Association - Carousel Restoration	60,000	190,500	
White River Valley Museum - Olson Farm	200,000	1,647,750	
Alderwood Manor Heritage Association - Superintendent's Cottage	24,000	150,000	
Kitsap County Historical Society Museum - Storage Systems for Artifacts	70,000	516,422	
Kalakala Foundation - Dry-dock and Renovation Phase	100,000	2,321,550	
Museum of Flight	50,000	5,009,667	
Friends of Skamokawa	9,900	30,199	
City of Raymond	239,000	719,000	
City of Morton		100,000	301,2
Total		\$ 4,198,136	35,86
Appropriation:			
State Building Construction Account--State .....		\$ 4,198,136	
Prior Biennia (Expenditures) .....		\$ 0	
Future Biennia (Projected Costs).....		\$ 16,000,000	
..... TOTAL			\$

**NEW SECTION. Sec. 735. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Cheney Cowles Museum: Preservation (02-1-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$ 250,000
Prior Biennia (Expenditures) .....	\$ 0
Future Biennia (Projected Costs).....	\$ 1,000,000
..... TOTAL	\$

**NEW SECTION. Sec. 736. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Cheney Cowles Museum: Addition and Remodel (98-2-001)

The reappropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$ 8,150,774
Prior Biennia (Expenditures) .....	\$ 11,033,406
Future Biennia (Projected Costs).....	\$ 0
..... TOTAL	\$

**NEW SECTION. Sec. 737. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Project Artwork Consolidation Account (96-2-400)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	92,634	
Prior Biennia (Expenditures) .....	\$	71,788	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 738. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Community College - Vocational/Child Care Building: Construction (96-2-651)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	877,226	
Prior Biennia (Expenditures) .....	\$	7,016,077	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 739. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College - Instructional Technical Center: Construction (96-2-652)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	931,266	
Prior Biennia (Expenditures) .....	\$	941,435	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 740. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Seattle Community College - Integrated Learning Assistance Resource Center: Construction (96-2-653)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	520,099	
Prior Biennia (Expenditures) .....	\$	3,928,519	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 741. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic College - Poulsbo Center: Construction (96-2-654)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	12,932,340	
Prior Biennia (Expenditures) .....	\$	114,335	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 742. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park - Transportation Trade: Construction (96-2-662)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

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State Building Construction Account--State .....	\$	955,049	
Appropriation:			
State Building Construction Account--State .....	\$	16,784,000	
Prior Biennia (Expenditures) .....	\$	306,351	
Future Biennia (Projected Costs).....	\$	0	
.....		TOTAL	\$

**NEW SECTION. Sec. 743. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park Technical College - Aviation Trades Complex: Construction (96-2-998)

The reappropriation in this section is subject to the conditions and limitations under section 906 of this

act.

Reappropriation:

State Building Construction Account--State .....	\$	2,497,614	
Community and Technical College Capital Projects Account--State.....	\$		1,338
.....		Subtotal Reappropriation	\$ 3,836
Prior Biennia (Expenditures) .....	\$	6,021,159	
Future Biennia (Projected Costs).....	\$	0	
.....		TOTAL	\$

**NEW SECTION. Sec. 744. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Underground Storage Tanks (98-1-003)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of

this act.

Reappropriation:

State Building Construction Account--State .....	\$	132,055	
Prior Biennia (Expenditures) .....	\$	77,950	
Future Biennia (Projected Costs).....	\$	0	
.....		TOTAL	\$

**NEW SECTION. Sec. 745. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates Technical College: Renovation (98-1-190)

Reappropriation:

State Building Construction Account--State .....	\$	78,915	
Prior Biennia (Expenditures) .....	\$	6,815,502	
Future Biennia (Projected Costs).....	\$	0	
.....		TOTAL	\$

**NEW SECTION. Sec. 746. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic College - Library: Replacement (98-2-500)

Reappropriation:

State Building Construction Account--State .....	\$	89,666	
Prior Biennia (Expenditures) .....	\$	2,480,944	
Future Biennia (Projected Costs).....	\$	0	
.....		TOTAL	\$

**NEW SECTION. Sec. 747. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	4,748,626	
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Education Construction Account--State .....	\$	1,315,000	
.....Subtotal Reappropriation	\$		6,063
Prior Biennia (Expenditures) .....	\$	1,151,374	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 748. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Community College - Allied Health Building: Addition (98-2-661)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	5,203,134	
Prior Biennia (Expenditures) .....	\$	5,833,641	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 749. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bellingham Technical College - Health/Business Building: New Facility (98-2-672)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	661,660	
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Appropriation:

State Building Construction Account--State .....	\$	8,086,600	
Prior Biennia (Expenditures) .....	\$	188,339	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Lake Washington - Phase 3: New Facility (98-2-673)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	642,251	
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Appropriation:

State Building Construction Account--State .....	\$	15,840,000	
Prior Biennia (Expenditures) .....	\$	522,749	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Renton Technical College - Technology Resource Center (98-2-674)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	663,699	
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Appropriation:

State Building Construction Account--State .....	\$	10,591,000	
Prior Biennia (Expenditures) .....	\$	516,301	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$



**NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Skagit Valley College - Whidbey Higher Education Center (98-2-675)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State ..... \$ 455,201

Appropriation:

State Building Construction Account--State ..... \$ 9,175,300

Prior Biennia (Expenditures) ..... \$ 289,112

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$

**NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Cascadia Community College/University of Washington Bothell: Construction (98-2-999)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act. No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State ..... \$ 1,664,903

Prior Biennia (Expenditures) ..... \$ 28,384,506

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$

**NEW SECTION. Sec. 754. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Centralia College - Instructional Building: Replacement (99-2-001)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State ..... \$ 7,262,736

Prior Biennia (Expenditures) ..... \$ 7,137,264

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$

**NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Columbia Basin College - Electrical Substation (99-H-004)

Reappropriation:

State Building Construction Account--State ..... \$ 770,134

Prior Biennia (Expenditures) ..... \$ 229,866

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$

**NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Repair and Minor Improvements (98-1-001)

Reappropriation:

State Building Construction Account--State ..... \$ 367,779

Prior Biennia (Expenditures) ..... \$ 2,037,224

Future Biennia (Projected Costs)..... \$ 0

..... TOTAL \$

**NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

HVAC Repairs (98-1-040)

Reappropriation:

State Building Construction Account--State .....	\$	289,513	
Prior Biennia (Expenditures) .....	\$	1,178,354	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Mechanical Repairs (98-1-070)

Reappropriation:

State Building Construction Account--State .....	\$	322,215	
Prior Biennia (Expenditures) .....	\$	128,190	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Electrical Repairs (98-1-090)

Reappropriation:

State Building Construction Account--State .....	\$	807,423	
Prior Biennia (Expenditures) .....	\$	1,070,769	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Exterior Repairs (98-1-110)

Reappropriation:

State Building Construction Account--State .....	\$	1,131,342	
Prior Biennia (Expenditures) .....	\$	1,310,007	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Interior Repairs (98-1-130)

Reappropriation:

State Building Construction Account--State .....	\$	592,634	
Prior Biennia (Expenditures) .....	\$	256,037	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Statewide Minor Works: Preservation (00-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Community and Technical College Capital Projects Account--State.....	\$		5,060
Prior Biennia (Expenditures) .....	\$	6,639,855	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs (98-1-010)

The reappropriation in this section is provided for Corbert Hall at Centralia College, subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,800,360	
Prior Biennia (Expenditures) .....	\$	1,477,124	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Statewide Roof Repairs: Infrastructure Improvements (00-1-010)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Community and Technical College Capital Projects Account--State.....	\$		2,064
Prior Biennia (Expenditures) .....	\$	2,532,690	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Statewide Facility Repairs (00-1-050)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	12,964,850	
Community and Technical College Capital Projects Account--State.....	\$	2,285,563	
.....Subtotal Reappropriation	\$		15,250
Prior Biennia (Expenditures) .....	\$	12,149,587	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Statewide Site Repairs (00-1-090)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the conditions and limitations set forth in section 753, chapter 379, Laws of 1999.

(2) The reappropriation is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	2,209,931	
Prior Biennia (Expenditures) .....	\$	1,632,069	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Improvements (98-2-200)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	1,278,167	
Prior Biennia (Expenditures) .....	\$	3,025,487	
Future Biennia (Projected Costs).....	\$	0	

..... TOTAL \$

**NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Statewide Minor Works: Program (00-1-130)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	5,285,830	
Community and Technical College Capital Projects Account--State.....	\$	531,792	
.....Subtotal Reappropriation	\$		5,817
Prior Biennia (Expenditures) .....	\$	11,032,378	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College - Portable Buildings: Replacement (00-1-223)

The reappropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Reappropriation:

Community and Technical College Capital Projects Account--State.....	\$	5,327,170	
Prior Biennia (Expenditures) .....	\$	312,830	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College - Relocatable Buildings: Replacement (00-1-236)

The reappropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Reappropriation:

Community and Technical College Capital Projects Account--State.....	\$	5,371,732	
Prior Biennia (Expenditures) .....	\$	1,028,268	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College - Portable Buildings Replacement (00-1-237)

Reappropriation:

Community and Technical College Capital Projects Account--State.....	\$	4,364,576	
Prior Biennia (Expenditures) .....	\$	247,824	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College - General Education Complex (00-2-679)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	24,046	
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Appropriation:

State Building Construction Account--State .....	\$	1,781,000	
Prior Biennia (Expenditures) .....	\$	99,954	

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Future Biennia (Projected Costs).....	\$	16,937,000	
.....		TOTAL	\$

**NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic College - Physical Plant Building: Replacement (00-2-002)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Education Construction Account--State .....	\$	5,086,600	
Prior Biennia (Expenditures) .....	\$	1,029,000	
Future Biennia (Projected Costs).....	\$	0	
.....		TOTAL	\$

**NEW SECTION. Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue Community College - Robinswood School: Replacement (00-2-005)

The reappropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	10,197,017	
Prior Biennia (Expenditures) .....	\$	5,609,583	
Future Biennia (Projected Costs).....	\$	0	
.....		TOTAL	\$

**NEW SECTION. Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Shoreline Community College - Library/Technical Center: New Facility (00-2-319)

The reappropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	6,708,051	
Prior Biennia (Expenditures) .....	\$	541,949	
Future Biennia (Projected Costs).....	\$	0	
.....		TOTAL	\$

**NEW SECTION. Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College - Drama/Music Class/Laboratories: Renovation (00-2-322)

Reappropriation:

State Building Construction Account--State .....	\$	3,336,754	
Prior Biennia (Expenditures) .....	\$	93,246	
Future Biennia (Projected Costs).....	\$	0	
.....		TOTAL	\$

**NEW SECTION. Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark Community College - Applied Arts 4 Building Renovation (00-2-326)

Reappropriation:

State Building Construction Account--State .....	\$	759,936	
Prior Biennia (Expenditures) .....	\$	1,780,064	
Future Biennia (Projected Costs).....	\$	0	
.....		TOTAL	\$

**NEW SECTION. Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College/WSU Vancouver - Classroom/Laboratories: Design (00-2-680)

The appropriations in this section are subject to the review and allotment procedures under sections 902 through 904 of this act. No money from the appropriations may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State .....	\$	11,997	
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Appropriation:

State Building Construction Account--State .....	\$	1,644,000	
Prior Biennia (Expenditures) .....	\$	108,003	
Future Biennia (Projected Costs).....	\$	17,712,900	
..... TOTAL			\$

**NEW SECTION. Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee Valley College - Sexton Hall Computer Laboratories: Renovation (00-2-327)

Reappropriation:

State Building Construction Account--State .....	\$	104,395	
Prior Biennia (Expenditures) .....	\$	595,605	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee Valley College - Omak Science Laboratory: New Facility (00-2-952)

Reappropriation:

State Building Construction Account--State .....	\$	59,366	
Prior Biennia (Expenditures) .....	\$	840,634	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Community College - Mechanics Complex: Renovation (00-2-328)

Reappropriation:

State Building Construction Account--State .....	\$	1,425,106	
Prior Biennia (Expenditures) .....	\$	289,894	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Community College - Building 5: Renovation (00-2-335)

Reappropriation:

State Building Construction Account--State .....	\$	1,492,736	
Prior Biennia (Expenditures) .....	\$	7,264	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellingham Technical College - Building B: Renovation (00-2-338)

Reappropriation:

State Building Construction Account--State .....	\$	482,087	
Prior Biennia (Expenditures) .....	\$	1,444,713	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Community College: Development (00-2-501)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904, and 906 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State .....	\$	26,581,595	
Prior Biennia (Expenditures) .....	\$	23,518,405	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Columbia Basin College - Emergency Roof: Replacement (00-2-600)

Reappropriation:

Education Construction Account--State .....	\$	92,792	
Prior Biennia (Expenditures) .....	\$	907,208	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Puyallup - Phase 3 Expansion: Design (00-2-676)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	1,743,000	
Prior Biennia (Expenditures) .....	\$	217,200	
Future Biennia (Projected Costs).....	\$	19,917,000	
..... TOTAL			\$

**NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Whatcom Community College - Design Classroom/Laboratory Building: New Facility (00-2-677)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	13,117	
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Appropriation:

State Building Construction Account--State .....	\$	891,900	
Prior Biennia (Expenditures) .....	\$	66,883	
Future Biennia (Projected Costs).....	\$	10,653,200	
..... TOTAL			\$

**NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College - Higher Education Center and Childcare (00-2-678)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	2,228,000	
Prior Biennia (Expenditures) .....	\$	117,000	
Future Biennia (Projected Costs).....	\$	20,991,000	

..... TOTAL \$

**NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Statewide Hazardous Material Pool (00-9-031)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$	256,373	
Prior Biennia (Expenditures) .....	\$	281,286	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Statewide Americans with Disabilities Pool (00-9-036)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State .....	\$	555,788	
Prior Biennia (Expenditures) .....	\$	381,583	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Preservation (Emergency Funds) (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	12,000,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	58,000,000	
..... TOTAL			\$

**NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs "A" (02-1-010)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Education Construction Account--State .....	\$	7,473,077	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	20,000,000	
..... TOTAL			\$

**NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs "A" (02-1-050)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Education Construction Account--State .....	\$	21,660,328	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	100,000,000	
..... TOTAL			\$



**NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Site Repairs "A" - Community and Technical College System (02-1-090)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) \$200,000 of the appropriation from the state building construction account--state is provided solely to South Seattle Community College for the Seattle Chinese gardens. The appropriation shall be matched by \$200,000 in additional contributions toward the project from local government.

Appropriation:

Education Construction Account--State .....	\$	8,343,232	
State Building Construction Account--State .....	\$	200,000	
..... Subtotal Appropriation	\$		8,543,232
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	24,000,000	
..... TOTAL			\$

**NEW SECTION. Sec. 795. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Minor Works - Program - Community and Technical College System (02-1-130)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding is provided from the education construction account as capital project matching funds to the following colleges: Olympic College-Shelton, \$500,000; Skagit Valley, \$500,000; Seattle Central, \$500,000; South Seattle, \$500,000; Yakima Valley, \$500,000; Spokane Falls, \$500,000; Whatcom, \$267,500; Tacoma, \$500,000; Clover Park, \$500,000; and Edmonds, \$500,000. Matching funds provided in this subsection do not imply commitments or guarantees that the legislature will provide future expenses of properties and facilities acquired, constructed, or improved. State funds shall be matched by an equal or greater amount of nonstate moneys.

(2) Following the allocation of funds for the projects in subsection (1) of this section, the appropriation in this section is subject to the requirements of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State .....	\$	15,732,500	
Education Construction Account--State .....	\$	5,535,000	
..... Subtotal Appropriation	\$		21,267,500
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	80,000,000	
..... TOTAL			\$

**NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Skagit Valley College - Office Space: Replacement (02-1-213)

Appropriation:

Community and Technical College Capital Projects Account--State.....	\$		762,600
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Seattle Central Community College - Portables: Replacement (02-1-215)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	6,897,400	
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Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Seattle Central Community College - Edison Hall: Renovation (02-1-315)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	5,809,200	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Seattle Community College - Building A: Replacement (02-1-217)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects Account--State.....	\$	5,477,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee Valley College - Greenhouse: Replacement (02-1-220)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Education Construction Account--State .....	\$	441,360	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee Valley College - Agriculture Program: Renovation (02-1-328)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	794,536	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College - International Program: Replacement (02-1-222)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects Account--State.....	\$	587,070	
Prior Biennia (Expenditures) .....	\$	0	

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Future Biennia (Projected Costs).....	\$	0	
.....			\$
..... TOTAL			

**NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Fort Steilacoom - Portables: Replacement (02-1-223)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects Account--State.....	\$	2,452,100	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lower Columbia College - Physical Science Portables: Replacement (02-1-226)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects Account--State.....	\$	1,959,800	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lower Columbia College - Vocational Building: Renovation/Addition (02-1-326)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Education Construction Account--State .....	\$	1,090,700	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Community College - Child Care: Replacement (02-1-229)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects Account--State.....	\$	969,900	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley College - Higher Education Center (00-2-954)

(1) The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The new appropriation in this section is subject to the conditions and limitations of section 911 of this act.

Reappropriation:

State Building Construction Account--State .....	\$	635,279	
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Appropriation:

State Building Construction Account--State .....	\$	16,500,000	
Prior Biennia (Expenditures) .....	\$	3,364,721	
Future Biennia (Projected Costs).....	\$	2,000,000	
..... TOTAL			\$

**NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls Community College - Fine Arts Building: Replacement (02-1-231)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects Account--State.....	\$	672,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls Community College - Library: Renovation (02-1-331)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	5,602,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bellingham Technical College - Replacement: New Facility (02-1-239)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	4,357,900	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Lake Washington Community College - Replacement: New Facility (02-1-240)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	6,915,300	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
..... TOTAL			\$

**NEW SECTION. Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Peninsula College - Buildings D and E: Renovation (02-1-310)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

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State Building Construction Account--State .....	\$	2,669,800	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL

\$

**NEW SECTION. Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor Community College - Library: Renovation (02-1-311)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects Account--State.....	\$	4,579,500	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL

\$

**NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Shoreline Community College - Building 800: Renovation (02-1-319)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	6,021,100	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL

\$

**NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue Community College - "A" Building: Renovation (02-1-320)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	5,566,100	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL

\$

**NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Columbia Basin Community College - Building A: Renovation (02-1-333)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	6,434,100	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL

\$

**NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park - Building 18 Machine Trades: New Facility (02-1-343)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	4,791,800	
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Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL
			\$

**NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Community College - Multicultural Student Service Center (02-2-230)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects Account--State.....	\$	235,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL
			\$

**NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 University of Washington - Bothell/Cascadia Phase 2B: Offramp (02-2-999)

(1) The appropriation in this section is provided solely for the south campus access and is subject to the review and allotment procedures under sections 902 through 904, and 906 of this act. No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) If funds are appropriated in the 2001-03 omnibus transportation budget for this project, the appropriation in this section shall lapse.

Appropriation:

State Building Construction Account--State .....	\$	2,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	17,476,750	
.....			TOTAL
			\$

**NEW SECTION. Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Big Bend Community College - Library Replacement: New Facility (02-1-232)

The appropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Appropriation:

Education Construction Account--State .....	\$	7,497,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL
			\$

**NEW SECTION. Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Walla Walla Community College - Parent/Child Center: Replacement (02-1-234)

Appropriation:

Community and Technical Colleges Capital Projects Account--State .....	\$	391,230	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL
			\$

**NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Tacoma Community College - Portable Buildings: Replacement (02-1-236)

The appropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Appropriation:

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Education Construction Account--State .....	\$	3,457,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL

\$

**NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College - Family Education/Child Center (02-1-238)

The appropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State .....	\$	7,132,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL

\$

**NEW SECTION. Sec. 824. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Technology Institute Partner College Computer Labs (01-S-003)

The appropriation in this section is provided to construct and equip three computer science and language labs, an approximate size being 1,200 square feet, one at each of the following college districts: Highline, Olympic, and South Puget Sound.

Appropriation:

State Building Construction Account--State .....	\$	1,500,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	0	
.....			TOTAL

\$

**NEW SECTION. Sec. 825. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Community College - Information Technology/Vocational Center: New Facility (02-2-683)

The appropriation in this section is for all design phases of the project described in this section. A predesign of the project shall be completed first, on or before September 1, 2001, in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submission of design documents, program, and related cost schedules on or before July 1, 2002.

Appropriation:

State Building Construction Account--State .....	\$	1,198,100	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	13,049,900	
.....			TOTAL

\$

**NEW SECTION. Sec. 826. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Seattle Community College - Instructional Technology Building (04-2-681)

The appropriation in this section is for all design phases of the project described in this section. A predesign of the project shall be completed first, on or before September 1, 2001, in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submission of design documents, program, and related cost schedules on or before July 1, 2002.

Appropriation:

State Building Construction Account--State .....	\$	1,624,400	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	16,587,400	
.....			TOTAL

\$

**NEW SECTION. Sec. 827. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College - Computer Laboratory Building (04-2-682)

The appropriation in this section is for all design phases of the project described in this section. A predesign of the project shall be completed first, on or before September 1, 2001, in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submission of design documents, program, and related cost schedules on or before July 1, 2002.

Appropriation:

State Building Construction Account--State .....	\$	1,014,700	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	9,287,500	
..... TOTAL			\$

**NEW SECTION. Sec. 828. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Science Building: New Facility (01-S-001)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State .....	\$	100,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	18,300,000	
..... TOTAL			\$

**NEW SECTION. Sec. 829. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College - Sciences Building: New Facility (01-S-002)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State .....	\$	100,000	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	18,300,000	
..... TOTAL			\$

**NEW SECTION. Sec. 830. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates Technical College - Phase III Expansion: New Facility (02-2-684)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State .....	\$	94,346	
Prior Biennia (Expenditures) .....	\$	0	
Future Biennia (Projected Costs).....	\$	16,965,108	
..... TOTAL			\$

**NEW SECTION. Sec. 831. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College - Instructional Lab: New Facility (02-2-685)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State .....	\$	68,838	
--	----	--------	--



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Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	15,159,624
.....	TOTAL	

\$

**NEW SECTION. Sec. 832. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Walla Walla Basic Skills Lab: New Addition (02-2-686)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State .....	\$	36,300
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs).....	\$	5,309,540
.....	TOTAL	

\$

**PART 6  
MISCELLANEOUS**

**NEW SECTION. Sec. 901.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$18,427,449 during the 2001-2003 fiscal period; \$106,954,937 during the 2003-2005 fiscal period; \$149,523,472 during the 2005-2007 fiscal period; \$149,899,611 during the 2007-2009 fiscal period; and \$149,899,611 during the 2009-2011 fiscal period.

**NEW SECTION. Sec. 902.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed and approved the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 903.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations referring to this section until the office of financial management has approved the allotment of the funds to be expended. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

**NEW SECTION. Sec. 904.** Appropriations for design and construction of facilities on higher education branch campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

**NEW SECTION. Sec. 905.** To ensure that minor works appropriations are carried out in accordance with legislative intent, funds shall not be allotted until project lists are on file at the office of financial management. No expenditure may be incurred or obligation entered into for appropriations referring to this section until the office of financial management has approved the allotment of the funds to be expended. When approving allotments for minor works, the office of financial management shall place a high priority on projects that provide improved accessibility to public building and public spaces. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

**NEW SECTION. Sec. 906.** (1) Agencies shall expedite the expenditure of reappropriations and appropriations in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(2) In order to meet the goals of this section, the following conditions apply to appropriations that reference this section: (a) To the extent feasible, agencies are directed to accelerate expenditure rates at the current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section; and (b) reappropriations that reference this subsection (2)(b) shall lapse on June 30, 2003.

(3) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 2003: (a) A listing of reappropriations in the governor's 2003-2005 capital budget recommendation that have been reappropriated one or more times and have ten percent or more of the original appropriation unexpended; and (b) an explanation of why the appropriation remains unexpended.

**NEW SECTION. Sec. 907. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract may be reimbursed from proceeds of the financial contract to the extent provided in the financing plan approved by the state finance committee.

The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Secretary of state:

(a) Enter into a financing contract in the amount of \$13,582,200 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a regional archives building in eastern Washington to be sited on the Eastern Washington University campus in Cheney.

(b) Enter into a financing contract in the amount of \$653,800 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase technology equipment and software for an electronic data archive, provided that authority to expend funding for acquisition of technology equipment and software associated with the electronic data archive is conditioned on compliance with section 902 of the 2001-2003 operating budget bill (information services projects).

(2) Department of general administration:

(a) Enter into a financing contract in the amount of \$3,956,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to expand the existing Isabella Bush records center in Tumwater for use by state agencies.

(b) Enter into a financing contract in the amount of \$35,656,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase two existing office buildings and associated land in Tacoma for use by the department of social and health services.

(c) Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (i) The project description and dollar amount; and (ii) that all requirements of this subsection (2)(c) have been met.

(3) Military department:

(a) Enter into a financing contract in the amount of \$653,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additional space at the Spokane combined public safety training center.

(b) Enter into a financing contract in the amount of \$807,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additional space at the Bremerton readiness center.

(4) Department of corrections:

Enter into a financing contract in the amount of \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

(5) Department of veterans affairs:

(a) Enter into a financing contract in the amount of \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a skilled nursing home in Retsil.

(b) Enter into a financing contract in an amount not to exceed \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase a state veterans' home in eastern Washington.

(6) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW in order to:

(a) Enter into financing contracts in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install cabins and yurts statewide.

(b) Enter into a financing contract in an amount not to exceed \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of a multi-purpose dining and meeting facility at Fort Worden state park.

(7) Community and technical colleges:

(a) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$4,106,300 plus financing expenses and reserves pursuant to chapter 39.94 RCW to renovate Lynnwood hall and Montlake Terrace hall.

(b) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$3,134,900 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct an addition to the student center building.

(c) Enter into a financing contract on behalf of Highline Community College in the amount of \$15,006,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the student

union building.

(d) Enter into a financing contract on behalf of Lower Columbia College in the amount of \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for up to \$2,500,000 to purchase the maple terrace apartments.

(e) Enter into a financing contract on behalf of Everett Community College in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for remodeling of the fitness center.

(f) Enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(g) Enter into a financing contract on behalf of Olympic College in the amount of \$900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of off-street student parking.

(h) Enter into a financing contract on behalf of Renton Technical College in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of approximately ten acres within the district boundary to support a future relocation of apprenticeship programs off the main campus.

(8) Central Washington University: Enter into a financing contract in the amount of \$5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.

(9) University of Washington:

(a) Enter into a financing contract in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Sand Point building 5.

(b) Enter into a financing contract in the amount of \$5,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Sand Point building 29.

**NEW SECTION. Sec. 908.** FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2001-2003 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

**NEW SECTION. Sec. 909.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

**NEW SECTION. Sec. 910.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2001, from the 1999-2001 biennial appropriations for each project.

**NEW SECTION. Sec. 911.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 912.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives capital budget committee.

**NEW SECTION. Sec. 913.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 914.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 915.** The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 916. NONTAXABLE AND TAXABLE BOND PROCEEDS.** Portions of the appropriation authority granted by this act from the state building construction account may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a

shift of appropriation authority from the state building construction account to the state taxable building construction account is necessary.

**NEW SECTION. Sec. 917.** The joint legislative audit and review committee shall study the following topics and shall submit a preliminary report to the appropriate legislative committees by December 1, 2001, and a final report, including recommendations by September 15, 2002:

(1) FTEs funded by the capital budget. There appears to be over four hundred fifty FTEs funded in the capital budget, many of these not directly related to specific capital projects, and many funded with state general obligation bonds. The committee, with assistance from the office of financial management, shall: (a) Estimate the number of FTEs funded in the capital budget by agency, including those who are partially funded by the capital budget, whether they are paid for through bonds or other sources, what their function is related to capital projects, and whether they work directly or indirectly on capital projects; and (b) estimate the extent to which overhead and administrative costs are paid for through the capital budget, and the extent to which other indirect costs such as rent are funded through the capital budget. The committee shall make recommendations regarding how these FTEs and indirect costs can be better accounted for in the budgeting process, and regarding the policy implications of funding personnel and indirect costs in the capital budget; and

(2) Deferred renewal in higher education institutions. According to higher education institutions, deferred renewal of their facilities, such as capital maintenance and minor works preservation projects needed but not done, runs in the hundreds of millions of dollars statewide. The committee shall: (a) Study the reasons for this extensive deferred renewal of facilities; (b) estimate, with the assistance of the office of financial management and the higher education coordinating board, the deferred renewal for each four year institution and for the community and technical college system, and to what extent this deferred renewal poses a health and safety threat to persons using the campus; (c) review how other states approach higher education facility capital maintenance; (d) make recommendations regarding how this deferred renewal problem could be addressed; and (e) develop options to better coordinate facility maintenance with the operating budget and other options to increase the useful life of these facilities.

**NEW SECTION. Sec. 918.** The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

**NEW SECTION. Sec. 919.** State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

**NEW SECTION. Sec. 920. FOR THE STATE TREASURER--TRANSFER**

Public Works Assistance Account: For transfer to the parks renewal/stewardship account on or before December 31, 2001, for the purpose of providing funds for the coastal facility relocation project in section 324 of this act..... \$

5,700

**NEW SECTION. Sec. 921.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 922.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Representative Alexander moved the adoption of the following amendment (387) to amendment (384):

On page 19, line 19, after "Interstate 90" insert ". The office of financial management shall identify the recipient entity or organization that is best suited to provide enhanced emergency services for the Cle Elum, I-90 region

Representatives Alexander and Murray spoke in favor of adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Schoesler moved the adoption of the following amendment (388) to amendment (384):

On page 27, line 18, after "building" insert ", and may use modular space"

On page 27, line 31, after "The" insert "primary"

Representatives Schoesler and Murray spoke in favor of adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The question before the House was the adoption of the amendment as amended.

Representative Alexander spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Murray, Marine, Linville, McIntire, Van Luven, Lantz, Clements, Dunshee, Mulliken, Kenney and Eickmeyer spoke in favor of passage of the bill.\*\*\*

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6155 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6155 as amended by the House and the bill passed the House by the following vote: Yeas - 84, Nays - 1, Absent - 0, Excused - 13.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 84.

Voting nay: Representative Dunn - 1.

Excused: Representatives Ahern, Boldt, B. Chandler, G. Chandler, Haigh, Hurst, Kessler, Mielke, Mitchell, Pennington, Quall, Schindler and Schmidt - 13.

Substitute Senate Bill No. 6155, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5990, By Senators Fairley, Spanel, B. Sheldon and Zarelli; by request of Office of Financial Management**

**Issuing general obligation bonds.**

The bill was read the second time.

Representative Alexander moved the adoption of the following amendment (390):

On page 1, line 10, after "sum of" strike "nine hundred thirty-eight million" and insert "nine hundred thirty-five million five hundred thousand"

On page 2, line 3, strike "Seven hundred eighty-seven million" and insert "Seven hundred seventy-four million two hundred thousand"

Representatives Alexander and Murray spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Alexander and Murray spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5990 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5990 as amended by the House and the bill passed the House by the following vote: Yeas - 85, Nays - 0, Absent - 0, Excused - 13.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 85.

Excused: Representatives Ahern, Boldt, B. Chandler, G. Chandler, Haigh, Hurst, Kessler, Mielke, Mitchell, Pennington, Quall, Schindler and Schmidt - 13.

Engrossed Senate Bill No. 5990 as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5237, By Senate Committee on Ways & Means**



(originally sponsored by Senators Rasmussen, Swecker, Sheahan, Honeyford, West, Fraser, Kastama, Regala, Hewitt, Hale, Parlette, Morton, Hochstatter and Franklin)

**Making annual transfers of money into the fair fund.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5237.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5237 and the bill passed the House by the following vote: Yeas - 85, Nays - 0, Absent - 0, Excused - 13.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Miloscia, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 85.

Excused: Representatives Ahern, Boldt, B. Chandler, G. Chandler, Haigh, Hurst, Kessler, Mielke, Mitchell, Pennington, Quall, Schindler and Schmidt - 13.

Engrossed Substitute Senate Bill No. 5237, having received the necessary constitutional majority, was declared passed.

**RESOLUTION**

HOUSE RESOLUTION NO. 2001-4665, By Representatives Veloria, Kagi, Linville, Sump, Woods, Lovick, Kenney, Rockefeller, Fromhold, Santos and McDermott

WHEREAS, The three most significant documents in United States history that exemplify America's passion for freedom are the Constitution, the Bill of Rights, and the Emancipation Proclamation; and

WHEREAS, Each has maintained its rightful place in the annals of American history, only the Constitution and the Bill of Rights have identifiable dates emphasizing their importance to the American People through celebration of the Fourth of July, Constitution Day, and Flag Day; and

WHEREAS, President Abraham Lincoln ended slavery in the United States with the Emancipation Proclamation, which became official January 1, 1863; and

WHEREAS, Slavery remained in the state of Texas for more than two years after the Emancipation Proclamation was signed by President Abraham Lincoln; and

WHEREAS, On June 19, 1865, Major General Gordon Granger of the Union Army led his troops into the city of Galveston, Texas and officially proclaimed freedom for slaves in that state; and

WHEREAS, General Granger's order reads in part: "The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute

equality of rights and rights of property between masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer"; and

WHEREAS, The celebration of "Juneteenth" - June 19th - is the oldest known celebration of the ending of slavery because it marks the day that slaves in the state of Texas were informed of the Emancipation Proclamation; and

WHEREAS, As African-Americans from Texas and other parts of the South began to migrate to other parts of the United States, they took with them the tradition of Juneteenth, spreading the word that African-American Freedom has roots in the celebration of Juneteenth; and

WHEREAS, In 1979, African-American lawmaker Al Edwards of Texas revitalized Juneteenth by sponsoring and pushing through legislation to make Juneteenth an official holiday in Texas; and

WHEREAS, Al Edwards has worked hard to spread the observance of Juneteenth across America; and

WHEREAS, Today, Juneteenth commemorates African-American freedom emphasizing education and achievement, through reflection, rejoicing, and planning for the future;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the efforts of Al Edwards and encourage the celebration of the end of slavery every June 19th; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to Al Edwards and all school districts in the state of Washington.

House Resolution No. 4665 was adopted.

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

#### MOTION

On motion of Representative Gombosky, the House adjourned until 10:00 a.m., June 20, 2001, the 17<sup>th</sup> Legislative Day of the Second Special Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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SEVENTEENTH DAY

---

House Chamber, Olympia, Wednesday, June 20, 2001

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bob Gorski and Edward Prince. Prayer was offered by Representative John Lovick.

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

**MESSAGES FROM THE SENATE**

June 19, 2001

Mr. Speakers:

The Senate has passed:

and the same is herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1926,

Tony M. Cook, Secretary

June 19, 2001

Mr. Speakers:

The Senate has passed:

and the same are herewith transmitted.

SENATE BILL NO. 5082,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5906,  
SECOND SUBSTITUTE SENATE BILL NO. 5947,  
ENGROSSED SENATE BILL NO. 6194,  
ENGROSSED SENATE BILL NO. 6198,  
SENATE JOINT MEMORIAL NO. 8001,  
SENATE JOINT MEMORIAL NO. 8014,

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 1926,

**MESSAGES FROM THE SENATE**

June 20, 2001

Mr. Speakers:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,

and the same are herewith transmitted.

Tony M. Cook, Secretary

June 20, 2001

Mr. Speakers:

The Senate has passed:

and the same is herewith transmitted.

HOUSE BILL NO. 2258,

Tony M. Cook, Secretary

### SIGNED BY THE SPEAKERS

The Speakers signed:

HOUSE BILL NO. 2258,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,  
SECOND ENGROSSED SENATE BILL NO. 5686,

There being no objection, the rules were suspended, the Committee on Appropriations was relieved of House Bill No. 2230, and the bill was placed on the Second Reading calendar.

### SECOND READING

**HOUSE BILL NO. 2230, By Representatives Cody, Pflug, Linville, G. Chandler, Quall and Morris**

**Revising state health and employment support benefits for incapacitated or disabled individuals.**

The bill was read the second time.

Representative Cody moved the adoption of the following amendment (282):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that individuals with disabilities face many barriers and disincentives to employment. Individuals with disabilities are often unable to obtain health insurance that provides the services and supports necessary to allow them to live independently and enter or rejoin the work force. The legislature finds that there is a compelling public interest in eliminating barriers to work by continuing needed health care coverage for individuals with disabilities who enter and maintain employment.

The legislature intends to strengthen the state's policy of supporting individuals with disabilities in leading fully productive lives by supporting the implementation of the federal ticket to work and work incentives improvement act of 1999, Public Law 106-170. This shall include improving incentives to work by continuing coverage for health care and support services by seeking federal funding for innovative programs, and by exploring options which provide individuals with disabilities a choice in receiving services needed to obtain and maintain employment.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

(1) It is the intent of the legislature to remove barriers to employment for individuals with disabilities by providing medical assistance to the working disabled through a buy-in program in accordance with section 1902(a)(10)(A)(ii) of the social security act and eligibility and cost-sharing requirements established by the department.

(2) The department shall establish income, resource, and cost-sharing requirements for the buy-in program in accordance with federal law and any conditions or limitations specified in the omnibus appropriations act. The department shall establish and modify eligibility and cost-sharing requirements in order to administer the program within available funds. The department shall make every effort to coordinate benefits with employer-sponsored coverage available to the working disabled receiving benefits under this chapter.

**Sec. 3.** RCW 74.09.510 and 1997 c 58 s 201 and 1997 c 59 s 14 are each reenacted and amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for temporary assistance for needy families, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) a nursing facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) categorically eligible individuals who meet the income and resource requirements of the cash assistance programs; (5) individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; (7) working individuals with disabilities authorized under section 1902(a)(10)(A)(ii) of the social security act for whom funding is appropriated; (8) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act; and ~~((8))~~ (9) persons allowed by section 1931 of the social security act for whom funding is appropriated.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Cody and Campbell spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Campbell and Cox spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed House Bill No. 2230.

#### MOTIONS

On motion of Representative Schoesler, Representatives Ahern, Ballasiotes, Boldt, B. Chandler, G. Chandler, Pennington and Schindler were excused. On motion of Representative Santos, Representatives Conway, Edmonds, Eickmeyer, Haigh, Hurst, O'Brien, Quall and Simpson were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2230 and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 0, Excused - 15.

Voting yea: Representatives Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 83.

Excused: Representatives Ahern, Ballasiotes, Boldt, B. Chandler, G. Chandler, Conway, Edmonds, Eickmeyer, Haigh, Hurst, O'Brien, Pennington, Quall, Schindler and Simpson - 15.

Engrossed House Bill No. 2230, having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

June 13, 2001

Mr. Speakers:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1906, with the following amendments(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 84.36 RCW to read as follows:

(1) All machinery and equipment owned by a farmer that is personal property is exempt from property taxes levied for any state purpose if it is used exclusively in growing and producing agricultural products during the calendar year for which the claim for exemption is made.

(2) "Farmer" has the same meaning as defined in RCW 82.04.213.

(3) A claim for exemption under this section shall be filed with the county assessor together with the verified statement required under RCW 84.40.190, for exemption from taxes payable the following year. The claim shall be made solely upon forms as prescribed and furnished by the department of revenue.

(4) This section applies to taxes levied for collection in 2003 through 2009."

On page 1, line 3 of the title, after "taxes;" strike the remainder of the title and insert "and adding a new section to chapter 84.36 RCW."

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1906 and asked the Senate to recede therefrom.

### INTRODUCTIONS AND FIRST READING

SSB 5496 by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Swecker and Honeyford)

AN ACT Relating to tax rate modifications for animal health products; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

SSB 5919 by Senate Committee on Environment, Energy & Water (originally sponsored by Senators Morton,

Fraser, Honeyford and Rasmussen)

AN ACT Relating to the assessment of potential site locations for water storage projects; amending RCW 90.82.070; and creating a new section.

2SSB 5947 by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Morton, Gardner and Honeyford)

AN ACT Relating to tax exemptions for dairy farmers and anaerobic digesters; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating a new section; and declaring an emergency.

ESB 6194 by Senators Snyder, Hargrove and T. Sheldon

AN ACT Relating to authorizing the provision of pilotage services in the Grays Harbor pilotage district by port districts; adding new sections to chapter 53.08 RCW; creating a new section; and declaring an emergency.

ESB 6198 by Senators Prentice, Deccio, B. Sheldon, Honeyford, T. Sheldon, Jacobsen and Rasmussen

AN ACT Relating to contracts concerning the sale of cigarettes; and amending RCW 43.06.---

There being no objection, Substitute Senate Bill No. 5496 was read the first time in full, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, Substitute Senate Bill No. 5919 was read the first time in full, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, Second Substitute Senate Bill No. 5947 was read the first time in full, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, Engrossed Senate Bill No. 6194 was read the first time in full, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, Engrossed Senate Bill No. 6198 was read the first time in full, the rules were suspended and the bill was placed on the Second Reading calendar.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5496, By Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Swecker and Honeyford)**

### **Modifying taxes on animal health products.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5496 and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 0, Excused - 15.

Voting yea: Representatives Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 83.

Excused: Representatives Ahern, Ballasiotes, Boldt, B. Chandler, G. Chandler, Conway, Edmonds, Eickmeyer, Haigh, Hurst, O'Brien, Pennington, Quall, Schindler and Simpson - 15.

Substitute Senate Bill No. 5496, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5947, By Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Morton, Gardner and Honeyford)**

**Providing tax relief to dairy farmers and anaerobic digesters.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5947.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5947 and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 0, Excused - 15.

Voting yea: Representatives Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 83.

Excused: Representatives Ahern, Ballasiotes, Boldt, B. Chandler, G. Chandler, Conway, Edmonds, Eickmeyer, Haigh, Hurst, O'Brien, Pennington, Quall, Schindler and Simpson - 15.

Second Substitute Senate Bill No. 5947, having received the necessary constitutional majority, was



declared passed.

**ENGROSSED SENATE BILL NO. 6194, By Senators Snyder, Hargrove and T. Sheldon**

**Authorizing port districts to provide pilots in Grays Harbor.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Buck spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Senate Bill No. 6194.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6194 and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 0, Excused - 15.

Voting yea: Representatives Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 83.

Excused: Representatives Ahern, Ballasiotes, Boldt, B. Chandler, G. Chandler, Conway, Edmonds, Eickmeyer, Haigh, Hurst, O'Brien, Pennington, Quall, Schindler and Simpson - 15.

Engrossed Senate Bill No. 6194, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6198, By Senators Prentice, Deccio, B. Sheldon, Honeyford, T. Sheldon, Jacobsen and Rasmussen**

**Allowing the governor to enter into cigarette sales contracts with certain Indian tribes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Dunshee spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Engrossed Senate Bill No. 6198.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6198 and the bill passed the House by the following vote: Yeas - 81, Nays - 2, Absent - 0, Excused - 15.

Voting yea: Representatives Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Ericksen, Esser, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 81.

Voting nay: Representatives Fisher, and Kirby - 2.

Excused: Representatives Ahern, Ballasiotes, Boldt, B. Chandler, G. Chandler, Conway, Edmonds, Eickmeyer, Haigh, Hurst, O'Brien, Pennington, Quall, Schindler and Simpson - 15.

Engrossed Senate Bill No. 6198, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5919, By Senate Committee on Environment, Energy & Water (originally sponsored by Senators Morton, Fraser, Honeyford and Rasmussen)**

**Providing for the assessment of potential site locations for water storage projects.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be the final passage of Substitute Senate Bill No. 5919.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5919 and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 0, Excused - 15.

Voting yea: Representatives Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Ogden, Pearson, Pflug, Poulsen, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, Speaker Ballard, and Speaker Chopp - 83.

Excused: Representatives Ahern, Ballasiotes, Boldt, B. Chandler, G. Chandler, Conway, Edmonds, Eickmeyer, Haigh, Hurst, O'Brien, Pennington, Quall, Schindler and Simpson - 15.

Substitute Senate Bill No. 5919, having received the necessary constitutional majority, was declared passed.

**MESSAGES FROM THE SENATE**

SEVENTEENTH DAY, JUNE 20, 2001

2513  
June 20, 2001

Mr. Speakers:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5236,  
SUBSTITUTE SENATE BILL NO. 6008,

and the same are herewith transmitted.

Tony M. Cook, Secretary

June 20, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bill(s) and passed the bill(s) as amended  
by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5937,

and the same is herewith transmitted.

Tony M. Cook, Secretary

June 20, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bill(s) and passed the bill(s) as amended  
by the House:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,

and the same is herewith transmitted.

Tony M. Cook, Secretary

June 20, 2001

Mr. Speakers:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 2230,

and the same is herewith transmitted.

Tony M. Cook, Secretary

June 20, 2001

Mr. Speakers:

The President has signed:

ENGROSSED SENATE BILL NO. 5990,  
SUBSTITUTE SENATE BILL NO. 6155,

and the same is herewith transmitted.

Tony M. Cook, Secretary

June 20, 2001

Mr. Speakers:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1926,

and the same is herewith transmitted.

Tony M. Cook, Secretary

June 20, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bill(s) and passed the bill(s) as amended by the House:

SUBSTITUTE SENATE BILL NO. 6155,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

June 20, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bill(s) and passed the bill(s) as amended by the House:

ENGROSSED SENATE BILL NO. 5990,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

ENGROSSED HOUSE BILL NO. 2230,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,  
ENGROSSED SENATE BILL NO. 5990,  
SUBSTITUTE SENATE BILL NO. 6155,

\*\*\* There being no objection, the comments by Representative Van Luven made during the prior day's debate on Substitute Senate Bill No. 6155 were spread upon the journal.

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

**MOTION**

On motion of Representative DeBolt, the House adjourned until 9:00 a.m., June 21, 2001, the 18<sup>th</sup> Legislative Day of the Second Special Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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EIGHTEENTH DAY

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House Chamber, Olympia, Thursday, June 21, 2001

The House was called to order at 9:00 a.m. by the Speaker (Representative Ogden presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alice Fiman and Lisa Hollingsworth. Prayer was offered by Representative Joe Marine.

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

**MESSAGE FROM THE SENATE**

June 20, 2001

Mr. Speakers:

The Senate has passed:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514,  
THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the Rules Committee was relieved of Engrossed Substitute Senate Bill No. 6167, and the bill was placed on the Second Reading calendar.

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6167, By Senate Committee on Ways & Means  
(originally sponsored by Senators Brown, Snyder, Spanel and B. Sheldon)**

**Ensuring sound actuarial funding of the state retirement systems.**

The bill was read the second time.

There being no objection, amendments (365), (383) and (375) were withdrawn.

**MOTIONS**

On motion of Representative Santos, Representatives Edmonds, Eickmeyer, Haigh and Quall were excused. On motion of Representative Schoesler, Representatives Boldt, Campbell, B. Chandler, G. Chandler, Pennington, Schmidt and Talcott were excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers, Sehlin, Conway and Sommers (again) spoke in favor of passage of the bill.

Representatives Lambert, Cox and Delvin spoke against passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6167.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6167 and the bill passed the House by the following vote: Yeas - 51, Nays - 36, Absent - 0, Excused - 11.

Voting yea: Representatives Ballasiotes, Berkey, Buck, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Fisher, Fromhold, Gombosky, Grant, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Simpson, Sommers, Tokuda, Veloria, and Wood, Speaker Ballard, and Speaker Chopp - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Bush, Cairnes, Carrell, Casada, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lambert, Marine, McMorris, Mielke, Mitchell, Morell, Mulliken, Pearson, Pflug, Roach, Schindler, Schoesler, Skinner, Sump, Van Luven, and Woods - 36.

Excused: Representatives Boldt, Campbell, B. Chandler, G. Chandler, Edmonds, Eickmeyer, Haigh, Pennington, Quall, Schmidt, and Talcott - 11.

Engrossed Substitute Senate Bill No. 6167, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 6167.

IDA BALLASIOTES, 41<sup>st</sup> District

There being no objection, the Rules Committee was relieved of Substitute House Bill No. 1502, and the bill was placed on the Third Reading calendar.

There being no objection, the rules were suspended and the bill was returned to Second Reading for purpose of amendment.

### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1502, By House Committee on Agriculture & Ecology (originally sponsored by Representatives G. Chandler, Grant, Schoesler and Mastin)**

**Revising provisions relating to conservation districts.**

Representative Linville moved the adoption of the following amendment 392 :

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 29.04 RCW to read as follows:

(1) Nothing in this title shall apply to conservation districts governed under chapter 89.08 RCW, unless a conservation district chooses to have its elections governed under this title.

(2) A conservation district choosing to have its elections governed under this title shall:

- (a) Still be governed by other nonelection provisions of chapter 89.08 RCW;
- (b) Still be governed by RCW 89.08.160(2); and
- (c) Remain solely responsible for the costs of holding elections under this title.

(3) Any conservation district choosing to have its elections governed under this title shall make the choice and provide notice to any affected county auditors by May 1st in the year in which the election is to be conducted.

(4) Candidates and conservation district supervisors in districts that choose to have their elections governed under this title are subject to chapter 42.17 RCW. Candidates and conservation district supervisors in districts whose elections are governed under chapter 89.08 RCW are exempted from the requirements of chapter 42.17 RCW.

**Sec. 2.** RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each amended to read as follows:

(1) If the commission finds the project practicable, it shall appoint two supervisors, one of whom shall be a landowner or operator of a farm, who shall be qualified by training and experience to perform the specialized skilled services required of them. They, with the three elected supervisors, two of whom shall be landowners or operators of a farm, shall constitute the governing board of the district.

(2) In all subsequent appointments, at least one appointed supervisor shall be a landowner or operator of a farm. In all subsequent elections, at least two elected supervisors shall be landowners or operators of farms.

(3) The two appointed supervisors shall file with the secretary of state a sworn application, reciting that a petition was filed with the commission for the creation of the district; that all required proceedings were had thereon; that they were appointed by the commission as such supervisors; and that the application is being filed to complete the organization of the district. It shall contain the names and residences of the applicants, a certified copy of their appointments, the name of the district, the location of the office of the supervisors and the term of office of each applicant.

(4) The application shall be accompanied by a statement of the commission, reciting that a petition was filed, notice issued, and hearing held thereon as required; that it determined the need for the district and defined the boundaries thereof; that notice was given and an election held on the question of creating the district; that a majority vote favored the district, and that the commission had determined the district practicable; and shall set forth the boundaries of the district.

**Sec. 3.** RCW 89.08.020 and 1999 c 305 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, as used in this chapter:

(1) "Commission" and "state conservation commission" mean((§)) the agency created hereunder. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission"((§)).

(2) "District", or "conservation district" means a governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of chapter 184, Laws of 1973 1st ex. sess., for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under chapter 184, Laws of 1973 1st ex. sess. shall be known as conservation districts and shall have all the powers and duties set out in chapter 184, Laws of 1973 1st ex. sess. All references in chapter 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts"((§)).

(3) "Board" and "supervisors" mean the board of supervisors of a conservation district((§)).

(4) "Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever which holds title to, or is in possession of, any lands lying within a district organized under the provisions of chapter 184, Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant, or otherwise((§)).

(5) "District elector" or "voter" means a registered voter in the county where the district is located who resides within the district boundary or in the area affected by a petition((§)).

(6) "Due notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication by posting at a reasonable number of public places within the area, where it is customary to post notices concerning county and

municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice((;)).

(7) "Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space((;)).

(8) "Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface waters.

(9) "Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

(10) "Elected supervisor" means a member of the board of supervisors who is not appointed by the conservation commission and who is elected under section 1 of this act or under this chapter.

**Sec. 4.** RCW 89.08.400 and 1992 c 70 s 1 are each amended to read as follows:

For those districts that have chosen to conduct elections of supervisors pursuant to this chapter:

(1) Special assessments are authorized to be imposed for conservation districts as provided in this section.

Activities and programs to conserve natural resources, including soil and water, are declared to be of special benefit to lands and may be used as the basis upon which special assessments are imposed.

(2)(a) Special assessments to finance the activities of a conservation district may be imposed by the county legislative authority of the county in which the conservation district is located for a period or periods each not to exceed ten years in duration.

The supervisors of a conservation district shall hold a public hearing on a proposed system of assessments prior to the first day of August in the year prior to which it is proposed that the initial special assessments be collected. At that public hearing, the supervisors shall gather information and shall alter the proposed system of assessments when appropriate, including the number of years during which it is proposed that the special assessments be imposed.

(b) On or before the first day of August in that year, the supervisors of a conservation district shall file the proposed system of assessments, indicating the years during which it is proposed that the special assessments shall be imposed, and a proposed budget for the succeeding year with the county legislative authority of the county within which the conservation district is located. The county legislative authority shall hold a public hearing on the proposed system of assessments. After the hearing, the county legislative authority may accept, or modify and accept, the proposed system of assessments, including the number of years during which the special assessments shall be imposed, if it finds that both the public interest will be served by the imposition of the special assessments and that the special assessments to be imposed on any land will not exceed the special benefit that the land receives or will receive from the activities of the conservation district. The findings of the county legislative authority shall be final and conclusive.

(c) Special assessments may be altered during this period on individual parcels in accordance with the system of assessments if land is divided or land uses or other factors change.

(d) Notice of the public hearings held by the supervisors and the county legislative authority shall be posted conspicuously in at least five places throughout the conservation district, and published once a week for two consecutive weeks in a newspaper in general circulation throughout the conservation district, with the date of the last publication at least five days prior to the public hearing.

(3) A system of assessments shall classify lands in the conservation district into suitable classifications



according to benefits conferred or to be conferred by the activities of the conservation district, determine an annual per acre rate of assessment for each classification of land, and indicate the total amount of special assessments proposed to be obtained from each classification of lands. Lands deemed not to receive benefit from the activities of the conservation district shall be placed into a separate classification and shall not be subject to the special assessments. An annual assessment rate shall be stated as either uniform annual per acre amount, or an annual flat rate per parcel plus a uniform annual rate per acre amount, for each classification of land. The maximum annual per acre special assessment rate shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars.

Public land, including lands owned or held by the state, shall be subject to special assessments to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the special assessments of a conservation district.

Forest lands used solely for the planting, growing, or harvesting of trees may be subject to special assessments if such lands benefit from the activities of the conservation district, but the per acre rate of special assessment on benefited forest lands shall not exceed one-tenth of the weighted average per acre assessment on all other lands within the conservation district that are subject to its special assessments. The calculation of the weighted average per acre special assessment shall be a ratio calculated as follows: (a) The numerator shall be the total amount of money estimated to be derived from the imposition of per acre special assessments on the nonforest lands in the conservation district; and (b) the denominator shall be the total number of nonforest land acres in the conservation district that receive benefit from the activities of the conservation district and which are subject to the special assessments of the conservation district. No more than ten thousand acres of such forest lands that is both owned by the same person or entity and is located in the same conservation district may be subject to the special assessments that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forest land parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forest landowner may be imposed on each owner of forest lands whose forest lands are subject to a per acre rate of assessment.

(4) A conservation district shall prepare an assessment roll that implements the system of assessments approved by the county legislative authority. The special assessments from the assessment roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of a special assessment shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest rate and penalty as for delinquent property taxes. The county treasurer shall deduct an amount, as established by the county legislative authority, from the collected special assessments ~~((as established by the county legislative authority,))~~ to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the special assessments, but not to exceed the actual costs of such work.

(5) The special assessments for a conservation district shall not be spread on the tax rolls and shall not be collected with property tax collections in the following year if, after the system of assessments has been approved by the county legislative authority but prior to the fifteenth day of December in that year, a petition has been filed with the county legislative authority objecting to the imposition of such special assessments, which petition has been signed by at least twenty percent of the owners of land that would be subject to the special assessments to be imposed for a conservation district.

**NEW SECTION. Sec. 5.** A new section is added to chapter 89.08 RCW to read as follows:

For those districts that have chosen to conduct elections of supervisors pursuant to Title 29 RCW:

(1) Special assessments are authorized to be imposed for conservation districts as provided in this section.

Activities and programs to conserve natural resources, including soil and water, are declared to be of special benefit to lands and may be used as the basis upon which special assessments are imposed.

(2)(a) Special assessments to finance the activities of a conservation district may be imposed by the board of supervisors for a period or periods each not to exceed ten years in duration.

The supervisors of a conservation district shall hold a public hearing on a proposed system of assessments prior to the first day of August in the year prior to which it is proposed that the initial special assessments be

collected. At that public hearing, the supervisors shall gather information and shall alter the proposed system of assessments when appropriate, including the number of years during which it is proposed that the special assessments be imposed.

(b) After the public hearing, if the board of supervisors finds that both the public interest will be served by the imposition of the special assessments and that the special assessments to be imposed on any land will not exceed the special benefit that the land receives or will receive from the activities of the conservation district, the board of supervisors shall impose the assessments.

(c) Special assessments may be altered during this period on individual parcels in accordance with the system of assessments if land is divided or land uses or other factors change.

(d) Notice of the public hearings held by the supervisors shall be posted conspicuously in at least five places throughout the conservation district, and published once a week for two consecutive weeks in a newspaper in general circulation throughout the conservation district, with the date of the last publication at least five days prior to the public hearing.

(3) A system of assessments shall classify lands in the conservation district into suitable classifications according to benefits conferred or to be conferred by the activities of the conservation district, determine an annual per acre rate of assessment for each classification of land, and indicate the total amount of special assessments proposed to be obtained from each classification of lands. Lands deemed not to receive benefit from the activities of the conservation district shall be placed into a separate classification and shall not be subject to the special assessments. An annual assessment rate shall be stated as either uniform annual per acre amount, or an annual flat rate per parcel plus a uniform annual rate per acre amount, for each classification of land. The maximum annual per acre special assessment rate shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars.

Public land, including lands owned or held by the state, shall be subject to special assessments to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the special assessments of a conservation district.

Forest lands used solely for the planting, growing, or harvesting of trees may be subject to special assessments if such lands benefit from the activities of the conservation district, but the per acre rate of special assessment on benefited forest lands shall not exceed one-tenth of the weighted average per acre assessment on all other lands within the conservation district that are subject to its special assessments. The calculation of the weighted average per acre special assessment shall be a ratio calculated as follows: (a) The numerator shall be the total amount of money estimated to be derived from the imposition of per acre special assessments on the nonforest lands in the conservation district; and (b) the denominator shall be the total number of nonforest land acres in the conservation district that receive benefit from the activities of the conservation district and which are subject to the special assessments of the conservation district. No more than ten thousand acres of such forest lands that is both owned by the same person or entity and is located in the same conservation district may be subject to the special assessments that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forest land parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forest landowner may be imposed on each owner of forest lands whose forest lands are subject to a per acre rate of assessment.

(4) A conservation district shall prepare an assessment roll that implements the system of assessments approved by the board of supervisors. The special assessments from the assessment roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of a special assessment shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest rate and penalty as for delinquent property taxes. The county treasurer shall deduct an amount, as established by the county legislative authority, from the collected special assessments to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the special assessments, but not to exceed the actual costs of such work.

(5) The special assessments for a conservation district shall not be spread on the tax rolls and shall not be collected with property tax collections in the following year if, after the system of assessments has been approved by the board of supervisors, but prior to the fifteenth day of December in that year, a petition has been filed with

the board of supervisors objecting to the imposition of such special assessments, which petition has been signed by at least twenty percent of the owners of land that would be subject to the special assessments to be imposed for a conservation district.

**Sec. 6.** RCW 89.08.200 and 1973 1st ex.s. c 184 s 21 are each amended to read as follows:

The term of office of each supervisor shall be ~~((three))~~ four years and until his or her successor is appointed or elected and qualified, except that the supervisors first appointed shall serve for ~~((one))~~ two and ~~((two))~~ four years respectively from the date of their appointments, as designated in their appointments.

In the case of elected supervisors, the term of office of each supervisor shall be ~~((three))~~ four years and until his or her successor is elected and qualified, except that for the first election, the one receiving the largest number of votes shall be elected for ~~((three))~~ four years; the next largest ~~((two))~~ three years; and the third largest ~~((one-year))~~ two years. Successors shall be elected for ~~((three-year))~~ four-year terms.

Vacancies in the office of appointed supervisors shall be filled by the state conservation commission. Vacancies in the office of elected supervisors shall be filled by appointment made by the remaining supervisors for the unexpired term.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority is required for any official action or determination.

Supervisors shall serve without compensation, but they shall be entitled to expenses, including traveling expenses, necessarily incurred in discharge of their duties. A supervisor may be removed by the state conservation commission upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The governing board shall designate a ~~((chairman))~~ chair from time to time.

For elected supervisors whose terms expire in 2001, a special election shall be in the last quarter of 2001, with election procedures as specified in RCW 89.08.190 (2) or (3).

For elected supervisors whose terms would expire in 2002 but for this act, the general election shall be in 2003, with election procedures as specified in RCW 89.08.190 (2) or (3).

For elected supervisors whose terms expire in 2003, the general election shall be in 2003, with election procedures as specified in RCW 89.08.190 (2) or (3). All incumbent supervisors whose terms would have expired but for this act shall remain in office until their successors are elected and qualified.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Linville and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Santos, Representatives Poulsen and Wood were excused.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1502.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1502 and the bill passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Tokuda, Van Luven, Veloria, Woods, Speaker Ballard, and Speaker Chopp - 86.

Excused: Representatives Boldt, B. Chandler, G. Chandler, Edmonds, Eickmeyer, Haigh, Pennington, Poulsen, Quall, Schmidt, Talcott, and Wood - 12.

Engrossed Substitute House Bill No. 1502, having received the necessary constitutional majority, was declared passed.

### RESOLUTION

#### HOUSE RESOLUTION NO. 2001-4667 by Representatives Hankins, Delvin, Mulliken and Armstrong

WHEREAS, It is the policy of the Washington state legislature to recognize and honor the contributions of individuals who have embraced and demonstrated the standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, It is the intent of the members of the fifty-seventh House of Representatives to recognize and honor the life and accomplishments of Walter Clore; and

WHEREAS, Walter Clore is a resident of Benton County and worked to improve and enhance the wine industry of Washington State; and

WHEREAS, Walter Clore was the first horticulturist at the Irrigated Agricultural Research and Extension Center; and

WHEREAS, Walter Clore worked at the Center from 1973 to 1976; and

WHEREAS, Walter Clore worked as a consultant to wineries and grape growers in Eastern Washington; and

WHEREAS, Walter Clore will be 90 years of age on July 1;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Walter Clore as the Father of the Washington Wine Industry;

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the family of Walter Clore.

House Resolution No. 4667 was adopted.

Speaker Chopp assumed the chair.

### MESSAGES FROM THE SENATE

June 21, 2001

Mr. Speakers:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1906, and passed the bill without said amendments, and the same is herewith transmitted.

Tony M. Cook, Secretary

June 21, 2001

Mr. Speakers:

The Senate has passed:  
and the same is herewith transmitted.

SUBSTITUTE SENATE BILL NO. 5841,

Tony M. Cook, Secretary

June 21, 2001

Mr. Speakers:

The Senate has passed:  
and the same is herewith transmitted.

ENGROSSED SENATE BILL NO. 6208,

Brad Hendrickson, Deputy Secretary

June 21, 2001

Mr. Speakers:

The President has signed:  
and the same is herewith transmitted.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6167,

Tony M. Cook, Secretary

June 21, 2001

Mr. Speakers:

The President has signed:  
and the same are herewith transmitted.

ENGROSSED HOUSE BILL NO. 2230,  
HOUSE BILL NO. 2258,

Tony M. Cook, Secretary

June 20, 2001

Mr. Speakers:

The President has signed:  
and the same are herewith transmitted.

SUBSTITUTE SENATE BILL NO. 5496,  
SUBSTITUTE SENATE BILL NO. 5919,  
SECOND SUBSTITUTE SENATE BILL NO. 5947,  
ENGROSSED SENATE BILL NO. 6194,  
ENGROSSED SENATE BILL NO. 6198,

Tony M. Cook, Secretary

June 21, 2001

Mr. Speakers:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5937,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### INTRODUCTION & FIRST READING

HB 2271 by Representative Clements

AN ACT Relating to appropriating moneys for a ground water study in the Yakima basin.

HB 2275 by Representative Fisher

AN ACT Relating to revising laws relating to transportation governance and projects.

Referred to Rules Committee.

HB 2276 by Representatives Hunt and DeBolt

AN ACT Relating to changing provisions relating to reclaimed water use.

Referred to Rules Committee.

HB 2277 by Representative Ogden

AN ACT Relating to providing for public financing of Public-Private Initiative Projects.

Referred to Rules Committee.

HB 2278 by Representative Mulliken, Mielke, McMorris, Buck, Cox, Lisk, Clements, Sump, Schindler, Delvin, Armstrong, Ericksen, Schoesler, Crouse, Benson, Ahern, Morell, Casada, DeBolt, Alexander, Mastin and B. Chandler

AN ACT Relating to revising provisions relating to land use planning.

Referred to Rules Committee.

3ESSB 5327 by Senate Committee on Transportation (originally sponsored by Senators Haugen, West and Gardner; by request of Governor Locke)

Funding transportation during the 2001-03 biennium.

3ESSB 6151 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long and Hargrove)

Revising provisions relating to high-risk sex offenders. (REVISED FOR ENGROSSED: Revising provisions relating to sex offenders.)

There being no objection, House Bill No. 2271 was read the first time, the rules were suspended and the

bill was placed on the Second Reading calendar.

There being no objection, Third Engrossed Substitute Senate Bill No. 5327 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, Third Engrossed Substitute Senate Bill No. 6151 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

## **SECOND READING**

### **HOUSE BILL NO. 2271, By Representative Clements**

#### **Appropriating moneys for a ground water study in the Yakima basin.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Linville spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 2271.

## **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2271 and the bill passed the House by the following vote: Yeas - 86, Nays - 1, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sump, Tokuda, Van Luven, Veloria, Woods, Speaker Ballard, and Speaker Chopp - 86.

Voting nay: Representative Sommers - 1.

Excused: Representatives Boldt, B. Chandler, G. Chandler, Edmonds, Eickmeyer, Haigh, Pennington, Poulsen, Quall, Talcott, and Wood - 11.

House Bill No. 2271, having received the necessary constitutional majority, was declared passed.

## **SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 1906,  
SUBSTITUTE SENATE BILL NO. 5496,  
SUBSTITUTE SENATE BILL NO. 5919,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5937,  
SECOND SUBSTITUTE SENATE BILL NO. 5947,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,

**THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Long and Hargrove)**

**Revising provisions relating to high-risk sex offenders. (REVISED FOR ENGROSSED: Revising provisions relating to sex offenders.)**

The bill was read the second time.

There being no objection, amendments (395) and (414) were withdrawn.

Representative Carrell moved the adoption of the following amendment (415):

On page 5, line 13, after "Washington" strike everything through "long-term beds" on line 14 and insert the following: ", up to a total of fifteen beds"

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Kagi spoke against adoption of the amendment.

The amendment was not adopted.

There being no objection, amendment (416) was withdrawn.

Representative Mastin moved the adoption of the following amendment (426):

On page 5, line 13, after "Washington." strike everything through "(2)" on line 21 and insert the following: "The total number of transitional beds shall be limited to fifteen. The residents occupying these beds shall be the only residents eligible for transitional services occurring in Pierce County. In no event shall more than fifteen residents of the secure community transition facility be participating in off-island transitional, educational, or employment activity at the same time in Pierce County. The department shall provide the Pierce County sheriff, or his or her designee, with a list of the fifteen residents so designated, along with their photographs and physical descriptions, and it shall be immediately updated whenever a residential change occurs. The Pierce County sheriff, or his or her designee, shall be provided an opportunity to confirm the residential status of each resident leaving McNeil Island.

(b) For purposes of this subsection, "transitional beds" means beds only for residents in halfway house status who are judged by a qualified expert to be suitable to leave the island for treatment, education, and employment.

(2)(a) The secretary is authorized to site, either within the secure community transition facility established pursuant to subsection (1) of this section, or within the special commitment center, up to nine pre-transitional beds.

(b) Residents assigned to pre-transitional beds shall not be permitted to leave McNeil Island for education, employment, treatment, or community activities in Pierce County.

(c) For purposes of this subsection, "pre-transitional beds" means beds for residents whose progress toward a less secure residential environment and transition into more complete community involvement is projected to take substantially longer than a typical resident of the special commitment center.

(3)"

Renumber remaining subsections consecutively and correct any internal references accordingly.



Representatives Mastin and Kagi spoke in favor of the adoption of the amendment.

Representative Carrell spoke against adoption of the amendment.

The amendment was adopted.

Representative Schoesler moved the adoption of the following amendment (420):

On page 5, after line 31, insert the following:

"(4) As of the effective date of this section, the state shall immediately cease any efforts in effect on such date to site secure community transition facilities, other than the facility authorized by subsection (1) of this section, and shall instead site such facilities in accordance with the provisions of this section."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Schoesler and Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Mastin moved the adoption of the following amendment (419):

On page 5, beginning on line 39, after "publish" strike "a notice of proposed rules containing criteria" and insert "policy guidelines"

Representative Mastin spoke in favor of the adoption of the amendment.

Representatives Dunshee and Kagi spoke against adoption of the amendment.

The amendment was adopted.

Representative Conway moved the adoption of the following amendment (411):

On page 7, line 6, after "such" strike everything through "facilities" on line 7 and insert the following: "facilities. In coordinating and deciding upon the siting of secure community transition facilities, great weight shall be given by the county and cities within the county to:

(a) The number and location of existing residential facility beds operated by the department of corrections or the mental health division of the department of social and health services in each jurisdiction in the county; and

(b) The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless residing in each jurisdiction in the county"

On page 8, line 11, after "facilities" strike everything through "county" on line 17

Representative Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Kagi moved the adoption of the following amendment (417):

On page 9, line 6, after "under" insert "subsection (4), (5), or (6) of"

Representatives Kagi and Mastin spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Mastin moved the adoption of the following amendment (422):

On page 9, line 25, after "requirements" strike "and rules"

On page 9, beginning on line 31, after "requirements" strike "and rules"

Representative Mastin spoke in favor of the adoption of the amendment.

Representatives Cody and Dunshee spoke against adoption of the amendment.

The amendment was adopted.

Representative Mastin moved the adoption of the following amendment (423):

On page 10, line 2, after "facilities." strike everything through "facilities." on line 3

Representatives Mastin and Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Carrell moved the adoption of the following amendment (409):

On page 11, line 24, after "facility." insert the following: "The emergency response team for McNeil Island shall be located at the special commitment center."

Representatives Carrell and Conway spoke in favor of the adoption of the amendment.

Representatives O'Brien, Hurst and Ballasiotes spoke against adoption of the amendment.

The amendment was not adopted.

Representative Carrell moved the adoption of the following amendment (407):

On page 12, beginning on line 22, after "(4)" delete everything through "with a" on line 26 and insert the following: "The department shall provide law enforcement agencies of communities affected by the secure community transition facility established in section 201(1) of this act with a general plan of each resident's planned activities in the community, and update it as needed, and a"

Representatives Carrell, Conway and Carrell (again) spoke in favor of the adoption of the amendment.

Representatives O'Brien and Kagi spoke against adoption of the amendment.

The amendment was not adopted.

Representative Mastin moved the adoption of the following amendment (418):

On page 13, line 6, after "shall" strike "adopt rules" and insert "develop policy guidelines"

On page 13, line 13, after "time the" strike "rule" and insert "policy guidelines"

On page 13, line 14, after "shall the" strike "rule" and insert "policy guidelines"

On page 13, line 20, after "The" strike "rule" and insert "policy guidelines"

On page 13, line 22, after "The" strike "rule" and insert "policy guidelines"

On page 13, line 25, after "The" strike "rule" and insert "policy guidelines"

On page 13, line 31, after "this act." insert the following:

"(6) Policy guidelines adopted by the secretary under this section shall be considered by counties and cities when providing for the siting of secure community transition facilities as required under RCW 36.70A.200."

Representatives Mastin, Carrell, Campbell, Bush spoke in favor of the adoption of the amendment.

Representatives Romero and Hurst spoke against adoption of the amendment.

The amendment was adopted.

Representative Mastin moved the adoption of the following amendment (424):

On page 13, line 34, after "establish" strike "criteria" and insert "policy guidelines"

On page 14, line 1, after "(1)" strike all material through "criteria" on line 3, and insert "The following criteria must be considered prior to any real property being listed for consideration for the location of or use as a secure community transition facility"

Representative Mastin spoke in favor of the adoption of the amendment.

Representative Cody spoke against adoption of the amendment.

The amendment was adopted.

Representative Carrell moved the adoption of the following amendment (410):

On page 17, line 8, after "escorting." insert the following:

"The escort may not be a relative of the resident."

Representatives Carrell and Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Carrell moved the adoption of the following amendment (406):

On page 21, beginning on line 17, strike everything through "person" on line 32 and insert the following:  
"An employer who hires a person who has been conditionally released to a less restrictive alternative"

Representatives Carrell and Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Conway moved the adoption of the following amendment (412):

On page 22, line 31, after "to" strike "the policy of" and insert "ensure"

On page 22, line 32, after "facilities" insert "throughout the state"

Representative Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Carrell moved the adoption of the following amendment (408):

On page 22, line 35, after "act;" strike "and"

On page 23, line 2, after "in a community" insert "; and

(d) Whether the security measures implemented by the department with respect to the secure community transition facility authorized pursuant to section 201(1) of this act are sufficient to adequately protect the community"

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Kagi spoke against adoption of the amendment.

The amendment was not adopted.

There being no objection, amendment (404) was withdrawn.

Representative Carrell moved the adoption of the following amendment (405):

On page 88, line 16, after "victims." insert "In addition to any other requirements to report violations, the sex offender treatment provider is obligated to report an offender's expressions of intent to harm or other predatory behavior, whether or not there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment."

Representatives Carrell and Darneille spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ballasiotes moved the adoption of the following amendment (398):

On page 90, line 14, after "501" insert "and 503"

Representatives Ballasiotes and Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Kagi and Mastin spoke in favor of passage of the bill.

Representatives Carrell and Conway spoke against passage of the bill.

### MOTION

On motion by Representative Schoesler, Representatives Casada, Crouse, Delvin, Lisk and Mielke were excused

Speaker Chopp stated the question before the House to be the final passage of Third Engrossed Substitute Senate Bill No. 6151 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Third Engrossed Substitute Senate Bill No. 6151 as amended by the House and the bill passed the House by the following vote: Yeas - 67, Nays - 14, Absent - 0, Excused - 17.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Buck, Cairnes, Clements, Cody, Cooper, Cox, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Ericksen, Esser, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jarrett, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pflug, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Tokuda, Van Luven, Voloria, Woods, Speaker Ballard, and Speaker Chopp - 67.

Voting nay: Representatives Benson, Bush, Campbell, Carrell, Conway, Darneille, Fisher, Hurst, Jackley, Kirby, Lantz, Miloscia, Morell, and Roach - 14.

Excused: Representatives Boldt, Casada, B. Chandler, G. Chandler, Crouse, Delvin, Edmonds, Eickmeyer, Haigh, Lisk, Mielke, Pennington, Poulsen, Quall, Schindler, Talcott, and Wood - 17.

Third Engrossed Substitute Senate Bill No. 6151 as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13c was suspended.

### SECOND READING

**THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, By Senate Committee on Transportation (originally sponsored by Senators Haugen, West and Gardner; by request of Governor Locke)**

#### **Funding transportation during the 2001-03 biennium.**

The bill was read the second time.

Representative Fisher moved the adoption of the following amendment (397):

Strike everything after the enacting clause and insert the following:

#### "2001-03 BIENNIUM

**NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state

agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2003.

(2) Legislation with fiscal impacts enacted in the 2001 legislative session not assumed in this act are not funded in the 2001-03 transportation budget.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2002" or "FY 2002" means the fiscal year ending June 30, 2002.

(b) "Fiscal year 2003" or "FY 2003" means the fiscal year ending June 30, 2003.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(g) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(h) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

GENERAL GOVERNMENT AGENCIES--OPERATING

**NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation ..... \$ 305,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

**NEW SECTION. Sec. 102. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Account--State Appropriation ..... \$ 1,676,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$1,188,000 of the motor vehicle account--state appropriation is provided for the implementation of House Bill No. 2269 in the form enacted by the legislature. If House Bill No. 2269 is not enacted in the form passed by the legislature by July 31, 2001, this funding will lapse.

**NEW SECTION. Sec. 103. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation ..... \$ 126,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The utilities and transportation commission shall develop a rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

**NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation ..... \$ 819,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The appropriation in this section is provided solely for road maintenance purposes.

**NEW SECTION. Sec. 105. FOR THE OFFICE OF STATE AUDITOR**

Motor Vehicle Account--State Appropriation ..... \$ 126,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The appropriation is a one-time appropriation for the development of the local government finance project.

**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

State Patrol Highway Account--State Appropriation ..... \$ 50,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

The entire appropriation is provided to the joint legislative audit and review committee for fiscal year 2002 solely for a study of the state patrol's communications systems planning process. The focus of the study is: A review of the planning process and analyses employed by the Washington state patrol in developing budget requests for its communications systems including the Meng Value Analysis as reported on March 22, 1999; an assessment of the adequacy of the information supporting the budget requests; and recommendations for any improvements to such information for present and future budget requests. The committee may contract for consulting services in conducting the study. The study final report shall be submitted to the appropriate committees of the legislature by December 31, 2001.

A joint workgroup of representatives from the state patrol, office of financial management, and department of information systems shall review future state patrol technology plans or budget reports for consistency with the recommendations identified by this study.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 107. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

Motor Vehicle Account--State Appropriation ..... \$ 763,000

The motor vehicle account--state appropriation is a one-time reappropriation and is provided solely for the projects specified in this section. Any of the appropriations not expended by June 30, 2003, shall revert to the motor vehicle account--state.

**TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation ..... \$ 1,638,000

Highway Safety Account--Federal Appropriation ..... \$ 5,671,000

School Zone Safety Account--State Appropriation ..... \$ 1,504,000

..... TOTAL APPROPRIATION \$

8,813

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The Washington traffic safety commission may oversee no more than four pilot projects implementing the use of traffic safety cameras at school zones, railroad crossings, construction zones or stoplights, and no more than one pilot project regarding the use of traffic safety cameras in residential neighborhoods, at school zones, railroad crossings, construction zones, or stoplights.

(1) In order to ensure adequate time in the 2001-03 biennium to evaluate the effectiveness of the pilot program, any programs authorized by the commission must be authorized by December 31, 2001.

(2) If the state, a county, or a city has established an authorized traffic safety camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used: Must be based upon the value of the equipment and services provided or rendered in support of the system; and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(3) The traffic safety commission shall use the following guidelines to administer the program:

(a) Traffic safety cameras may take pictures of the vehicle and vehicle license plate only;

(b) The law enforcement agency of the city or county government shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic enforcement system;

(c) Cities and counties using traffic safety cameras must provide periodic notice by mail to its citizens indicating the zones in which the traffic safety cameras will be used;

(d) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(e) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fifteen days after notification of the violation, furnishes the officials or agents of the municipality that issued the citation with:

(i) An affidavit made under oath, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner; or

(ii) Testimony in open court under oath that the person was not the operator of the vehicle at the time of the alleged violation;

(f) Infractions detected through the use of traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120; and

(g) By January 1, 2003, the traffic safety commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding traffic safety cameras demonstrated by the pilot projects.

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation..... \$ 305,000

**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation..... \$ 50,182,000

Motor Vehicle Account--State Appropriation ..... \$ 1,887,000

County Arterial Preservation Account--State Appropriation..... \$ 28,551,000

.....TOTAL APPROPRIATION \$ 80,620,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

It is the intent of the legislature that the county road administration board receive separate programmatic appropriations for the operating program and the capital program for the 2001-03 biennium, and thereafter. Agency administrative costs may not be charged against projects or funded from the capital program appropriations.

(1) \$1,540,000 of the motor vehicle account--state appropriation, \$870,000 of the county arterial preservation account--state appropriation, and \$917,000 of the rural arterial trust account--state appropriation are provided for the operations program. Of the motor vehicle account--state appropriation, \$368,000 is provided for county ferries as set forth in RCW 47.56.724(4).

(2) \$347,000 of the motor vehicle account--state appropriation, \$27,681,000 of the county arterial preservation account--state appropriation, and \$49,265,000 of the rural arterial trust account--state appropriation are provided for the capital program.

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation..... \$ 94,690,000

Transportation Improvement Account--State Appropriation..... \$ 118,605,000

.....TOTAL APPROPRIATION \$ 213,295,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

It is the intent of the legislature that the transportation improvement board receive separate programmatic appropriations for the operating program and the capital program for the 2001-03 biennium, and thereafter.



Agency administrative costs may not be charged against projects or funded from the capital program appropriations.

(1) \$1,551,000 of the transportation improvement account--state appropriation and \$1,552,000 of the urban arterial trust account--state appropriation are provided for the operations program.

(2) \$117,054,000 of the transportation improvement account--state appropriation and \$93,138,000 of the urban arterial trust account--state appropriation are provided for the capital program.

(3) The transportation improvement account--state appropriation includes \$47,325,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in-lieu of bond proceeds for any part of the state appropriation.

**NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation ..... \$ 3,596,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,823,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee.

(2) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.110(2).

(3) The house of representatives transportation committee shall conduct a study of the use of motorized scooters. The study shall, at a minimum, identify and analyze the safety issues associated with use of motorized scooters, including use by children, commuters, and the disabled. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The chair of the senate transportation committee may also appoint two members from the senate transportation committee, one from each caucus, to participate in the study. The study shall be staffed by house of representatives transportation committee staff. The study group shall report back to the house of representatives transportation committee by January 1, 2002.

(4) The house of representatives transportation committee shall conduct a study of the effect of the weight of fire-fighting apparatus on state roadways. The study shall determine, at a minimum, the various types of fire-fighting apparatus currently in use on state roadways; the size, weight and load effect of fire-fighting apparatus that are currently in use or that potentially could be in use on the state roadways, as well as on state bridges; and the effect on public safety. The study may examine state and federal laws that affect fire-fighting apparatuses. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The study shall be staffed by house of representatives transportation committee staff. The study group will report back to the house of representatives transportation committee by January 1, 2002.

(5) The legislative transportation committee shall conduct a feasibility study of potential for economic partnerships between the Washington state ferries and local government entities, including but not limited to port districts. The study is intended to improve ferry terminals. The study shall, at a minimum, identify the market, physical, and economic factors that should be examined in determining whether an economic or commercial development partnership project on or around Washington state ferry terminals is likely to produce revenue for the partners. The study shall apply those factors to an analysis of each terminal used by Washington state ferries and recommend whether further exploration of state and local partnerships would be of potential economic benefit to the partners. The entity selected to perform the study through the request for proposals process will report back to the transportation committees of the legislature by December 1, 2001.

(6) The legislative transportation committee, in cooperation with an areawide transportation system or systems, shall undertake an evaluation of providing locally sponsored transit services in a local community supplemental to those services provided by an areawide system. The evaluation shall address:

- (a) The costs and benefits of providing such services;
- (b) The impact of such service on ridership on the areawide system and on any regional systems;
- (c) Funding options for supplemental services; and
- (d) Institutional arrangements affecting the institution of supplemental services.

The committee shall work with the department of transportation, areawide transit providers, community

officials, private businesses, labor organizations, and others as appropriate in conducting the evaluation, and in developing a pilot project if feasible. The committee shall provide an interim progress report to the legislature by January 2002. The committee shall report its findings to the legislature not later than December 1, 2002.

**NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State Appropriation ..... \$ 332,000

**NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account--State Appropriation ..... \$ 773,000

**NEW SECTION. Sec. 208. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT**

**BOARD**

Motor Vehicle Account--State Appropriation ..... \$ 717,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The appropriation in this section includes \$100,000 distributed under RCW 46.68.110(2) that is provided solely for a comprehensive, long-term, statewide freight needs analysis. These funds represent 20 percent of the biennial cost and shall lapse if the additional 80 percent funding is not secured from partners.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS**

**BUREAU**

State Patrol Highway Account--State Appropriation ..... \$ 162,081,000

State Patrol Highway Account--Federal Appropriation ..... \$ 7,084,000

State Patrol Highway Account--Private/Local Appropriation ..... \$ 169,000

..... TOTAL APPROPRIATION \$ 169,3

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the field operations bureau:

(1) As a result of the elimination of the vehicle inspection number (VIN) program, no permanent Washington state patrol employee shall be displaced from employment without the opportunity to fill a vacant patrol position for which he or she has a preference and meets the minimum qualifications. For the purpose of the VIN program elimination, the guidelines under chapter 356-26 WAC (Registers-Certifications) shall be suspended for those employees holding the classification of VIN 1 or 2.

(2) To the extent possible, the agency shall transfer displaced VIN personnel into the 20 newly created school bus inspection and motor carrier safety assistance program positions. The agency shall fill existing vacant positions within the commercial vehicle division with displaced VIN personnel. The agency shall report by December 31, 2001, to the senate and house of representatives transportation committees on efforts to relocate displaced VIN personnel.

**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES**

**BUREAU**

State Patrol Highway Account--State Appropriation ..... \$ 69,960,000

State Patrol Highway Account--Private/Local Appropriation ..... \$ 735,000

..... TOTAL APPROPRIATION \$ 70,69

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the support services bureau. The Washington state patrol shall improve response times during emergency radio outages by allowing electronic services field technicians to take home their assigned vehicle and equipment even though they may be off duty.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Marine Fuel Tax Refund Account--State Appropriation ..... \$ 7,000

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Motorcycle Safety Education Account--State Appropriation.....	\$ 114,000	
Wildlife Account--State Appropriation .....	\$ 89,000	
Highway Safety Account--State Appropriation.....	\$ 7,740,000	
Motor Vehicle Account--State Appropriation .....	\$ 4,230,000	
Licensing Services Account--State Appropriation .....	\$ 123,000	
..... TOTAL APPROPRIATION	\$	12,30

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--INFORMATION**

**SYSTEMS**

Marine Fuel Tax Refund Account--State Appropriation.....	\$ 2,000	
Motorcycle Safety Education Account--State Appropriation.....	\$ 50,000	
Wildlife Account--State Appropriation .....	\$ 34,000	
Highway Safety Account--State Appropriation.....	\$ 5,655,000	
Motor Vehicle Account--State Appropriation .....	\$ 3,304,000	
Licensing Services Account--State Appropriation .....	\$ 292,000	
..... TOTAL APPROPRIATION	\$	9,337

The appropriations in this section are subject to the following conditions and limitations: The department of licensing shall report to the legislative transportation committees on the progress of the expanded internet service no later than December 15, 2002.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

Marine Fuel Tax Refund Account--State Appropriation.....	\$ 26,000	
Wildlife Account--State Appropriation .....	\$ 578,000	
Motor Vehicle Account--State Appropriation .....	\$ 57,043,000	
Licensing Services Account--State Appropriation .....	\$ 3,123,000	
..... TOTAL APPROPRIATION	\$	60,77

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Motorcycle Safety Education Account--State Appropriation .....	\$ 2,223,000	
Highway Safety Account--State Appropriation.....	\$ 81,366,000	
..... TOTAL APPROPRIATION	\$	83,58

The appropriations in this section are subject to the following conditions and limitations: The department of licensing shall prepare a capital project plan adopting a process for using certificates of participation to purchase licensing services offices if the combined principle and interest payments are the same or less than existing or future leases on comparable facilities.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation .....	\$ 50,649,000	
Motor Vehicle Account--Federal Appropriation .....	\$ 400,000	
..... TOTAL APPROPRIATION	\$	51,04

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$3,296,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6188.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation .....	\$ 4,852,000	
Aircraft Search and Rescue Safety and Education Account--State Appropriation .....	\$ 160,000	
..... TOTAL APPROPRIATION	\$	5,012

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF**

**TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Account--State Appropriation .....	\$ 508,936,000
Motor Vehicle Account--Federal Appropriation .....	\$ 219,538,000
Motor Vehicle Account--Private/Local Appropriation.....	\$ 40,904,000
Special Category C Account--State Appropriation.....	\$ 72,608,000
Multimodal Transportation Account--State Appropriation .....	\$ 4,880,000
..... TOTAL APPROPRIATION	\$ 846,866,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$72,608,000 includes \$63,500,000 in proceeds from the sale of bonds authorized in RCW 47.10.812. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The department shall report December 1st and June 1st of each year to the senate and the house of representatives transportation committees and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(3) The motor vehicle account--state appropriation includes \$391,637,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) At least \$554,714,000 of the total appropriation is provided for the construction phase of the improvement program.

(5) \$4,880,000 of the multimodal transportation account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board.

(6) The motor vehicle account--state appropriation includes \$3,898,000 in unexpended proceeds from the January 2001 bond sale authorized in RCW 47.10.834 for the Tacoma Narrows bridge project. The transportation commission may authorize the use of current revenues available to the department of transportation in-lieu of bond proceeds for any part of the state appropriation.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K--OPERATING**

Motor Vehicle Account--State Appropriation .....	\$ 1,153,000
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**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K--CAPITAL**

Motor Vehicle Account--State Appropriation .....	\$ 1,400,000
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The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle account--state appropriation consists of proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW.

(2) The transportation commission may authorize the use of current revenues available to the department of transportation in-lieu of bond proceeds for any part of the state appropriation.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY**

**MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation .....	\$ 275,394,000
Motor Vehicle Account--Federal Appropriation .....	\$ 512,000
Motor Vehicle Account--Private/Local Appropriation.....	\$ 4,067,000
.....TOTAL APPROPRIATION	\$

279,9

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Account--State Appropriation .....	\$ 90,760,000
Motor Vehicle Account--Federal Appropriation .....	\$ 318,795,000
Motor Vehicle Account--Private/Local Appropriation.....	\$ 8,717,000
Multimodal Transportation Account--State Appropriation .....	\$ 64,218,000
Multimodal Transportation Account--Federal Appropriation .....	\$ 95,682,000
.....TOTAL APPROPRIATION	\$

578,1

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund preservation work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The motor vehicle account--state appropriation includes \$6,524,000 for earthquake repairs and to match federal emergency relief funds. This amount includes \$3,750,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(3) The department of transportation is authorized to maximize the use of federal and state funds to implement the provisions of this section.

(4) \$471,763,000 of the total appropriation is provided for the construction phase of the preservation program.

(5) The motor vehicle account--federal appropriation and the multimodal transportation account--federal appropriation are transferable between each other to ensure efficient funds management and program delivery.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

Motor Vehicle Account--State Appropriation .....	\$ 32,402,000
Motor Vehicle Account--Private/Local Appropriation.....	\$ 125,000
.....TOTAL APPROPRIATION	\$

32,52

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation .....	\$ 7,542,000
Motor Vehicle Account--Federal Appropriation .....	\$ 16,678,000
.....TOTAL APPROPRIATION	\$

24,22

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: The motor vehicle account--state appropriation includes \$2,986,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than

commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

State Patrol Highway Account--State Appropriation .....	\$	926,000	
Motor Vehicle Account--State Appropriation .....	\$	94,632,000	
Motor Vehicle Account--Federal Appropriation .....	\$	2,654,000	
Puget Sound Ferry Operations Account--State Appropriation .....	\$	6,642,000	
Multimodal Transportation Account--State Appropriation .....	\$	2,082,000	
..... TOTAL APPROPRIATION	\$		106,9

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation .....	\$	18,250,000	
Motor Vehicle Account--Federal Appropriation .....	\$	18,800,000	
Multimodal Transportation Account--State Appropriation .....	\$	987,000	
Multimodal Transportation Account--Federal Appropriation .....	\$	2,000,000	
..... TOTAL APPROPRIATION	\$		40,03

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$1,000,000 distributed under RCW 46.68.110(2):

(a) \$500,000 of the distribution under RCW 46.68.110(2) is to be used solely by the department of transportation to collect and enter collision reports into the statewide collision reporting system for local roadway planning and safety analysis.

(b) \$500,000 of the distribution under RCW 46.68.110(2) is provided solely to the department of transportation for the Washington strategic freight transportation analysis. The department shall work with the transportation research center to conduct an origin and destination study to determine the impacts of trade-related truck traffic and other truck impacts on the highway system. The department may also conduct other research elements, including, but not limited to, freight corridor identification, strategic resource access, and road network review.

(2) \$6,754,000 of the motor vehicle account--state appropriation is provided for the implementation of Senate Bill No. 5749 in the form enacted by the legislature. If Senate Bill No. 5749 is not enacted in the form passed by the legislature by July 31, 2001, this funding shall lapse.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

Payments in this section represent charges from other state agencies to the department of transportation.

(1) FOR PAYMENT OF DEPARTMENT OF GENERAL ADMINISTRATION OFFICE OF RISK MANAGEMENT FEES

Motor Vehicle Account--State Appropriation .....	\$	464,000
Puget Sound Ferry Operations--State Appropriation.....	\$	154,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Account--State Appropriation .....	\$	731,000
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(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Account--State Appropriation .....	\$	4,128,000
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(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Account--State Appropriation .....	\$	2,240,000
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(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Account--State Appropriation .....	\$	13,892,000	
Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation.....	\$	4,204,000	

The office of risk management shall evaluate the risk pool premium assessments to ensure that proper tracking, measuring, and reporting methods have been utilized to ensure funding equity has been maintained. "Funding equity" includes but is not limited to demonstrating that premiums assessed to the department of transportation will, over time, not exceed claims paid in order to ensure that premiums paid by the department of transportation are not unconstitutionally expended for nonhighway purposes. The office of risk management shall make a full report of its findings to the legislature no later than January 15, 2002.

(6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account--State Appropriation .....	\$	251,000	
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(7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Account--State Appropriation .....	\$	1,547,000	
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(8) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Account--State Appropriation .....	\$	469,000	
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..... TOTAL APPROPRIATION	\$		28,08
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**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

Multimodal Transportation Account--State Appropriation .....	\$	11,160,000	
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Multimodal Transportation Account--Federal Appropriation .....	\$	3,074,000	
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Multimodal Transportation Account--Private/Local Appropriation.....	\$	205,000	
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..... TOTAL APPROPRIATION	\$		14,43
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**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Motor Vehicle Account--State Appropriation .....	\$	144,404,000	
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Motor Vehicle Account--Federal Appropriation .....	\$	37,472,000	
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Passenger Ferry Account--State Appropriation .....	\$	1,500,000	
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Passenger Ferry Account--Federal Appropriation .....	\$	4,000,000	
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..... TOTAL APPROPRIATION	\$		187,3
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The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(2) Appropriations in this section include funding for the purchase or lease-purchase of one passenger ferry and assume the proceeds of the sale of the MV Kalama and MV Skagit passenger ferries shall be deposited in the passenger ferry account.

(3) The department shall provide staff support to a legislative oversight committee that will manage a study of the Eagle Harbor maintenance facility. The legislative oversight committee shall consist of two members from each caucus in each house of the legislature, appointed by the leadership of the members' respective caucus. The department shall issue a request for proposals on behalf of the legislative oversight committee for an outside consulting firm to conduct a study on the preservation, replacement, or supplementation of the Eagle Harbor maintenance facility. The study must analyze: (a) The costs and benefits to preserve and maintain or relocate the facility; (b) the impact of Eagle Harbor employment on the local community and Kitsap

county; and (c) a recommendation on future investment in the Eagle Harbor maintenance facility or possible alternatives. The contractor and the legislative oversight committee must report back to the legislature's transportation committees no later than December 10, 2002.

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State Appropriation ..... \$ 321,673,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$46,881,000 for vessel operating fuel in the 2001-2003 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2001-2003 biennium may not exceed \$206,696,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$432.82 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2001-2003 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2001, and thereafter, as established in the 2001-2003 general fund operating budget.

(3) The department shall issue a request for information from entities interested in purchasing advertising on board Washington state ferry vessels. The department shall evaluate the proposals and report back to the legislature's transportation committees in January 2002 regarding the potential for revenue from different types of advertising.

(4) The department may enter into contracts with private vendors to sell ferry tickets and medium at locations other than Washington state ferry terminals or facilities.

(a) The department may enter into the contracts only (i) with private vendors that are already established businesses offering goods for sale to the general public; and (ii) if it determines that the vendor's established location has the potential to serve a significant percentage of the customers using a particular ferry route.

(b) The department may adopt necessary rules and procedures to allow the use of credit and debit cards to purchase ferry tickets or medium from a private vendor who has contracted with the department to sell ferry tickets or medium. The department may establish a convenience fee to be paid by all persons purchasing ferry tickets and medium at locations other than Washington state ferry terminals or facilities. The convenience fee must be sufficient to offset the charges imposed on the department by the credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

Multimodal Transportation Account--State Appropriation ..... \$ 32,704,000

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State Appropriation ..... \$ 200,000



Multimodal Transportation Account--State Appropriation .....	\$	11,610,000
Multimodal Transportation Account--Federal Appropriation .....	\$	9,630,000
Washington Fruit Express Account--State Appropriation .....	\$	500,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$</b>	<b>21,940,000</b>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for the Grays Harbor loop project.

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**

Motor Vehicle Account--State Appropriation .....	\$	6,231,000
Motor Vehicle Account--Federal Appropriation .....	\$	2,569,000
Multimodal Transportation Account--State Appropriation .....	\$	150,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$</b>	<b>8,950,000</b>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$150,000 distributed under RCW 46.68.110(2) that is provided to the Whatcom county council of governments for the sole purpose of developing and implementing a model of regional transportation governance. This model shall be developed in accordance with Recommendation 6 of the Blue Ribbon Commission on Transportation's final report.

The council shall develop a model that can be used in other parts of the state and shall report to the transportation committees in the senate and house of representatives on the positive and negative aspects of the model as well as costs associated with it no later than June 30, 2002.

(2) \$250,000 of the motor vehicle account--state appropriation is provided solely for a study of concurrency issues in urban areas marked by multiple contiguous jurisdictions. The study, lead by the city of Bellevue, will focus on the jurisdictions of Bellevue, Kirkland, Issaquah, and Redmond and will look at existing and unused methodologies for including development in neighboring jurisdictions in concurrency calculations. The study will also investigate what changes in state and local laws are needed in order to provide a more effective way of dealing with concurrency issues. By November 1, 2003, a report of the findings will be made to the transportation committees of the legislature. The appropriation in this subsection shall lapse unless the participating cities provide \$100,000 for the study.

(3) Up to \$500,000 of the motor vehicle account--state appropriation is provided solely for the study of alternatives for repairing or replacing the Seattle sea wall. The department's expenditure of funds provided in this subsection may not exceed the matching contribution provided by the city of Seattle for the study.

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

Motor Vehicle Account--State Appropriation .....	\$	77,371,000
Highway Infrastructure Account--State Appropriation .....	\$	234,000
Highway Infrastructure Account--Federal Appropriation .....	\$	1,500,000
Urban Arterial Trust Account--State Appropriation .....	\$	4,674,000
Multimodal Transportation Account--State Appropriation .....	\$	10,150,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$</b>	<b>93,929,000</b>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The highways and local programs division shall not administer or distribute federal transportation enhancement funds for the project known as East Lake Sammamish trail interim improvement - Issaquah to Redmond - until interlocal agreements between King county and the cities of Sammamish, Redmond, and Issaquah have been finalized for the portions of the trail within each of these affected jurisdictions. These agreements shall address safety, security, public parking, design, public facilities, and public access to the trail, maintain King county as the lead agency on the development of the trail, and preserve the railbanking status of the railroad

right-of-way according to federal law.

(2) \$10,000,000 of the multimodal transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(3) The motor vehicle account--state appropriation includes \$12,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 in addition to \$16,420,000 in unexpended proceeds from the January 2001 sale. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) \$4,159,000 of the motor vehicle account--state appropriation is provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division.

(5) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program.

TRANSPORTATION AGENCIES CAPITAL FACILITIES

**NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account--State Appropriation .....	\$	780,000	
Motor Vehicle Account--State Appropriation .....	\$	2,705,000	
..... TOTAL APPROPRIATION			\$ 3,485,000

**NEW SECTION. Sec. 302.** The Washington state patrol is authorized to continue with the exchange of the Olympia, Washington Martin Way property for a light industrial land complex to be used to consolidate existing separately located state activities and functions. The agency will work with the office of financial management, department of general administration, the senate transportation committee, and the house of representatives transportation committee in the exchange and approval processes.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation .....	\$	13,046,000	
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TRANSFERS AND DISTRIBUTIONS

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation .....	\$	207,900,000	
Ferry Bond Retirement Account Appropriation .....	\$	48,675,000	
Transportation Improvement Board Bond Retirement Account--State Appropriation .....	\$	40,856,000	
Motor Vehicle Account--State Appropriation .....	\$	4,537,000	
Special Category C Account--State Appropriation.....	\$	635,000	
Transportation Improvement Account--State Appropriation.....	\$	473,000	
..... TOTAL APPROPRIATION			\$ 303,000,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Account--State Appropriation .....	\$	450,000
Special Category C Account Appropriation .....	\$	63,000
Transportation Improvement Account--State Appropriation.....	\$	47,000
.....		
TOTAL APPROPRIATION	\$	560,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account Appropriation for motor vehicle fuel tax refunds and distributions .....	\$	458,895,000
Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties .....	\$	428,546,000
Motor Vehicle Account Appropriation for license, permit, and fee distribution to other accounts ..	\$	349,936,000

**NEW SECTION. Sec. 404. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 405.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 406. FOR THE STATE TREASURER--TRANSFERS**

(1) RV Account--State Appropriation:

For transfer to the Motor Vehicle Fund--State .....	\$	1,135,000
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The department of transportation shall only transfer funds provided under subsection (1) of this section on an as-needed basis.

(2) Public Transportation Systems Account--State Appropriation: For transfer

to the Multimodal Transportation Account--State.....	\$	1,911,000
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(3) State Patrol Highway Account--State Appropriation: For transfer to

the Motor Vehicle Account.....	\$	38,657,000
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If House Bill No. 2216 or Senate Bill No. 5078 is enacted in the form passed by the legislature, the \$38,737,000 transfer from the state patrol highway account--state to the motor vehicle account is null and void. If neither House Bill No. 2216 nor Senate Bill No. 5078 is enacted in the form passed by the legislature, the state treasurer shall transfer funds from the state patrol highway account to the motor vehicle account on a quarterly basis.

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS**

(1) Motor Vehicle Fund--State Appropriation:

For transfer to Puget Sound Ferry Operations Account .....	\$	27,000,000
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(2) Advanced Right of Way Revolving Account Appropriation:

For transfer to the Motor Vehicle Fund.....	\$	15,000,000
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**NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

Motor Vehicle Fund--State Patrol Highway Account:

PERFORMANCE BASED BUDGETING PROVISIONS

NEW SECTION. **Sec. 501.** Transportation agencies shall continue to refine the following activities in order to establish a performance-based budgeting process for the 2003-05 biennial budget:

(1) The department of licensing, the department of transportation, and the Washington state patrol, in cooperation with the office of financial management and the senate and house of representatives transportation committees, shall implement a performance budgeting process that provides a measurable link between agency objectives, service levels, and budget proposals. The agencies shall also develop indicators of performance, stated in terms of expected results, to measure the agencies' progress in achieving the agencies' goals.

(2) The transportation agencies shall submit a strategic plan with their agency request budgets. The strategic plan must include a six- year outlook and define and clarify the agency mission and vision, provide the basis for budget development, and outline the agency's goals and strategies. Furthermore, the strategic plan shall reflect agency priorities which formed the basis of the agencies' budget development.

(3) The transportation agencies shall establish performance indicators that measure activities and associated goals and strategies in the strategic plan. The agencies shall also provide a preferred level of performance over the next six years.

(4) The senate and house of representatives transportation committees, the office of financial management, and the transportation agencies shall establish the means of conducting program authorization reviews of all transportation programs. The reviews shall include:

(a) An agency self-assessment to judge the quality and usefulness of: (i) The agency's long-term strategic program goals; (ii) current organizational structure; (iii) program priorities and objectives; (iv) activities necessary to achieve program priorities and objectives; (v) service level criteria and performance targets of existing programs and activities; (vi) best practices by other states as a possible benchmark of the performance of their programs; and (vii) results or outcome measures as they relate to achievement of benchmarks given different funding levels;

(b) A review of the agency self-assessment and a report to the legislature; and

(c) A report which recommends whether to retain, eliminate, or modify funding and related statutory references for the agency. The parties conducting the review shall consider: (i) Whether the agency performance measures adequately measure the agency goals; (ii) whether the program performs efficiently and effectively, including comparisons with other jurisdictions, if applicable; (iii) whether there are other cost-effective alternative methods of accomplishing the program's mission; and (iv) whether there are any funds saved by the agency's performance.

(5) The transportation agencies shall each designate a program or programs to test the effectiveness of performance-based budgeting for the 2003-05 budget submittal period.

(6) Each agency shall submit a program list to the transportation committees of the house of representatives and senate and the office of financial management at the end of each fiscal year, which describes the functions of the program, the fund sources for the program, and the number of full-time equivalents, in addition to other performance targets of the program and their relationship to the agency strategic plan.

(7) The transportation agencies shall develop agency biennial budget requests at the agency budget program level, rather than the object level, and submit their biennial and supplemental budget requests to the office of financial management via a common budget system beginning July 1, 2003.

(8) The agencies shall input monthly their financial information and quarterly program performance measurements into the transportation executive information system and other systems as required by the office of financial management. The agencies shall report actuals to date against original allotments, in addition to plan to date. Original allotments may reflect supplemental budget changes as changed by the legislature and the governor.

PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

**Sec. 601.** RCW 47.04.210 and 1997 c 94 s 1 are each amended to read as follows:

Federal funds that are administered by the department of transportation and are passed through to municipal corporations or political subdivisions of the state and moneys that are received as total reimbursement for goods, services, or projects constructed by the department of transportation are removed from the transportation budget. To process and account for these expenditures a new treasury trust account is created to be used for all department of transportation one hundred percent federal and local reimbursable transportation expenditures. This new account is nonbudgeted and nonappropriated. At the same time, federal and private local appropriations and full-time equivalents in subprograms R2, R3, T6, Y6, and Z2 processed through this new account are removed from the department of transportation's 1997-99 budget.

The department of transportation may make expenditures from the account before receiving federal and local reimbursements. However, at the end of each biennium, the account must maintain a zero or positive cash balance. In the twenty-fourth month of each biennium the department of transportation shall calculate and transfer sufficient cash from either the motor vehicle fund or the multimodal transportation (~~(fund)~~) account to cover any negative cash balances. The amount transferred is calculated based on expenditures from each fund. In addition, any interest charges accruing to the new account must be distributed to the motor vehicle fund and the multimodal transportation (~~(fund)~~) account.

The department of transportation shall provide an annual report to the legislative transportation committee and the office of financial management on expenditures and full-time equivalents processed through the new account. The report must also include recommendations for process changes, if needed.

**Sec. 602.** RCW 47.04.220 and 1997 c 94 s 2 are each amended to read as follows:

(1) The miscellaneous transportation programs account is created in the custody of the state treasurer.

(2) Moneys from the account may be used only for the costs of:

(a) Miscellaneous transportation services provided by the department that are reimbursed by other public and private entities;

(b) Local transportation projects for which the department is a conduit for federal reimbursement to a municipal corporation or political subdivision; or

(c) Other reimbursable activities as recommended by the legislative transportation committee and approved by the office of financial management.

(3) Moneys received as reimbursement for expenditures under subsection (2) of this section must be deposited into the account.

(4) No appropriation is required for expenditures from this account. This fund is not subject to allotment procedures provided under chapter 43.88 RCW.

(5) Only the secretary of transportation or the secretary's designee may authorize expenditures from the account.

(6) It is the intent of the legislature that this account maintain a zero or positive cash balance at the end of each biennium. Toward this purpose the department may make expenditures from the account before receiving reimbursements under subsection (2) of this section. Before the end of the biennium, the department shall transfer sufficient cash to cover any negative cash balances from the motor vehicle fund and the multimodal transportation (~~(funds)~~) account to the miscellaneous transportation programs account for unrecovered reimbursements. The department shall calculate the distribution of this transfer based on expenditures. In the ensuing biennium the department shall transfer the reimbursements received in the miscellaneous transportation programs account back to the motor vehicle fund and the multimodal transportation (~~(funds)~~) account to the extent of the cash transferred at biennium end. The department shall also distribute any interest charges accruing to the miscellaneous transportation programs account to the motor vehicle fund and the multimodal transportation (~~(funds)~~) account. Adjustments for any indirect cost recoveries may also be made at this time.

(7) The department shall provide an annual report to the legislative transportation committee and the office of financial management on the expenditures and full-time equivalents processed through the miscellaneous transportation programs account. The report must also include recommendations for changes to the process, if needed.

**NEW SECTION. Sec. 603.** The highways and local programs division of the Washington state department of transportation, the transportation improvement board, the county road administration board, the freight mobility strategic investment board, the association of Washington cities, and the Washington state association of counties shall establish and staff a joint task force that will develop recommendations to establish a one-stop funding center for state funded local grant programs. The task force shall report its recommendations to the legislature no later than December 1, 2001. The recommendations of the task force shall address the following:

- (1) Develop a memorandum of understanding that governs a multiagency grant council to coordinate state and federal grant efforts;
- (2) Develop a simplified grant application form that can be used by all local grant-seeking agencies;
- (3) Coordinate calls for local grant applications;
- (4) Increase awareness of state-funded local grant programs; and
- (5) Develop a process to forward applications to other appropriate state and federal funding programs.

**NEW SECTION. Sec. 604.** The senate transportation committee shall convene a task force to study the issues regarding abandoned vehicles, title transfers, license plate transfers, buyer and seller reports, and electronic availability of current vehicle owner information. The task force shall include the following members in addition to the department of licensing: The Washington state tow truck association; the Washington state auto dealers; the independent towers of Washington; the Washington state patrol; and representatives of two local law enforcement agencies.

The task force shall consider methods by which vehicle ownership changes can occur more expeditiously, including but not limited to the timing and completeness of the seller reporting the sale of a vehicle, methods to encourage buyers to retitle vehicles in a timely manner, and changes in the processing of abandoned vehicle reports to provide more timely access to registered owner information. The task force shall also consider who bears liability for abandoned vehicles as well as the issue of impounding a registered owner's car when someone other than the owner is driving.

**NEW SECTION. Sec. 605.** The joint legislative audit and review committee shall conduct a performance audit to evaluate the advantages and disadvantages of removing the aviation division from the department of transportation and creating a Washington state department of aviation. At a minimum the evaluation must include: (1) A survey of aviation division customers to determine whether the current aviation division meets the needs of those customers; (2) a comparison of procedures, regulations, and requirements of the Federal Aviation Administration and the Federal Highway Administration to determine if the federal laws governing the aviation division conflict with those governing the department of transportation; (3) an analysis of the department of transportation's processes to determine whether the creation of a separate aviation department would result in a cost savings to the state; and (4) a financial analysis to determine if the aviation fuel tax, aircraft registration fees, and other revenue from aviation services would enable a separate aviation division to operate without additional state resources. The joint legislative audit and review committee must report its findings to the legislature and the office of financial management by December 1, 2002.

**NEW SECTION. Sec. 606.** A new section is added to chapter 47.01 RCW to read as follows:

The Washington fruit express account is created in the state treasury. All receipts from the operations of the Washington fruit express program must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the operations of the Washington fruit express program and for east-west passenger rail.

**Sec. 607.** RCW 43.84.092 and 2000 2nd sp.s. c 4 s 5 are each amended to read as follows:

- (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.
- (2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in

all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings

based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 608.** RCW 43.84.092 and 2000 2nd sp.s. c 4 s 6 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the Puyallup tribal settlement account, the resource management cost account, the site closure



account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 609.** Notwithstanding the limitations of RCW 36.82.070 and 2001 c 221 s 3, county road funds may be used during this biennium beyond the county right-of-way for activities clearly associated with removal of fish passage barriers that are the responsibility of the county in the amount deemed appropriate by the county.

NEW SECTION. **Sec. 610.** Section 607 of this act expires March 1, 2002.

NEW SECTION. **Sec. 611.** Section 608 of this act takes effect March 1, 2002.

NEW SECTION. **Sec. 612.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 613.** Except for section 608 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 47.04.210, 47.04.220, 43.84.092, and 43.84.092; adding a new section to chapter 47.01 RCW; creating new sections; making appropriations and authorizing expenditures for capital improvements; providing an effective date; providing an expiration date; and declaring an emergency."

Representative Fisher moved the adoption of the following amendment (403) to amendment (397):

On page 22, after line 5 of the amendment, insert the following:

"(5) The Legislature recognizes that projected revenues to the Puget Sound ferry operating account for the 2001-03 biennium may be up to \$30,000,000 less than what is required to fund the appropriation provided in this section. The Legislature intends to fully evaluate the extent of the shortfall and make a supplemental appropriation during the 2002 legislative session."

Representatives Fisher and Mitchell spoke in favor of the adoption of the amendment to the striking amendment.

The amendment (403) to the striking amendment (397) was adopted.

Representatives Fisher and Mitchell spoke in favor of the adoption of the striking amendment as amended.

Representative Jarrett spoke against adoption of the striking amendment as amended.

The striking amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Fisher, Mitchell and Cooper spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of Third Engrossed Substitute Senate Bill No. 5327 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Third Engrossed Substitute Senate Bill No. 5327 as amended by the House and the bill passed the House by the following vote: Yeas - 69, Nays - 12, Absent - 0, Excused - 17.

Voting yea: Representatives Ahern, Alexander, Anderson, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Ericksen, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Keiser, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Marine, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Murray, O'Brien, Ogden, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Tokuda, Voloria, Woods, Speaker Ballard, and Speaker Chopp - 69.

Voting nay: Representatives Armstrong, Ballasiotes, Dunn, Esser, Jarrett, Lambert, McMorris, Morris, Mulliken, Ruderman, Sump, and Van Luven - 12.

Excused: Representatives Boldt, Casada, B. Chandler, G. Chandler, Crouse, Delvin, Edmonds, Eickmeyer, Haigh, Lisk, Mielke, Pennington, Poulsen, Quall, Schindler, Talcott, and Wood - 17.

Third Engrossed Substitute Senate Bill No. 5327 as amended by the House, having received the necessary constitutional majority, was declared passed.

**MESSAGES FROM THE SENATE**

June 21, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bill(s) and passed the bill(s) as amended by the House:

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

June 21, 2001

Mr. Speakers:

The Senate concurred in the House amendment to the following bill(s) and passed the bill(s) as amended by the House:

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

June 21, 2001

Mr. Speakers:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1906,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

June 21, 2001

Mr. Speakers:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8420,  
SENATE CONCURRENT RESOLUTION NO. 8421,  
and the same are herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTION & FIRST READING**

SCR 8420 by Senators Snyder and West

Returning bills to the house of origin.

SCR 8421 by Senators Snyder and West

Adjourning SINE DIE.

There being no objection, Senate Concurrent Resolution No. 8420 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

There being no objection, Senate Concurrent Resolution No. 8421 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

**SIGNED BY THE SPEAKERS**

The Speakers signed:

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327,  
THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,

**SENATE CONCURRENT RESOLUTION NO. 8420, By Senators Snyder and West**

**Returning bills to the house of origin.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Speaker Chopp stated the question before the House to be the final adoption of Senate Concurrent Resolution No. 8420.

Senate Concurrent Resolution No. 8420 was adopted.

**SENATE CONCURRENT RESOLUTION NO. 8421, By Senators Snyder and West**

**Adjourning SINE DIE.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Speaker Chopp stated the question before the House to be the final adoption of Senate Concurrent Resolution No. 8421.

Senate Concurrent Resolution No. 8421 was adopted.

**MESSAGE FROM THE SENATE**

June 21, 2001

Mr. Speakers:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8420,  
SENATE CONCURRENT RESOLUTION NO. 8421,

and the same are herewith transmitted.

Tony M. Cook, Secretary

On motion of Representative Darneille, the reading of the Journal of this day was dispensed with and it was ordered to stand approved.

**SIGNED BY THE SPEAKERS**

The Speakers signed:

SENATE CONCURRENT RESOLUTION NO. 8420,  
SENATE CONCURRENT RESOLUTION NO. 8421,

**MESSAGE FROM THE SENATE**

June 21, 2001

Mr. Speakers:

Under the provisions of Senate Concurrent Resolution No. 8420, the following House bills were returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1502,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1517,  
SUBSTITUTE HOUSE BILL NO. 1717,  
SECOND ENGROSSED HOUSE BILL NO. 1886,  
ENGROSSED HOUSE BILL NO. 2244,  
ENGROSSED HOUSE BILL NO. 2262,  
HOUSE BILL NO. 2271,

and the same are herewith transmitted.

Tony M. Cook, Secretary

Under the provisions of Senate Concurrent Resolution No. 8420, the following Senate bills were returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5078,  
SENATE BILL NO. 5082,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094,  
SENATE BILL NO. 5130,  
SENATE BILL NO. 5144,  
SUBSTITUTE SENATE BILL NO. 5236,  
SENATE BILL NO. 5362,  
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514,  
SECOND SUBSTITUTE SENATE BILL NO. 5576,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,  
SUBSTITUTE SENATE BILL NO. 5748,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764,  
SUBSTITUTE SENATE BILL NO. 5841,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5906,  
ENGROSSED SENATE BILL NO. 5959,  
SUBSTITUTE SENATE BILL NO. 6008,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6166,  
ENGROSSED SENATE BILL NO. 6208,  
SENATE JOINT MEMORIAL NO. 8001,  
SENATE JOINT MEMORIAL NO. 8014,

On motion of Representative Darneille, the House adjourned SINE DIE.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
**THIRD SPECIAL LEGISLATIVE SESSION**

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FIRST DAY

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House Chamber, Olympia, Monday, July 16, 2001

The House was called to order at 12:00 Noon by Speaker Ballard.

**PROCLAMATION BY THE GOVERNOR**

**WHEREAS**, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2001 regular session on April 22, 2001, the 105th day of the session, and adjourned the first special session of 2001 on May 24, 2001, the 30th day of the special session, and adjourned the second special session of 2001 on June 21, 2001, the 18th day of the special session; and

**WHEREAS**, a comprehensive transportation funding package is critical to the future of our state's economy and business climate, and no such package was approved by the legislature;

**NOW, THEREFORE**, I, Gary Locke, Governor of the State of Washington by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in a third special session in the Capitol at Olympia at twelve o'clock noon on July 16, 2001 for a period of not more than two weeks for the purpose of enacting legislation as described above.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 22nd day of June, A.D., two thousand one.

Gary Locke  
Governor of Washington

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

There being no objection, the House adjourned until 9:55 a.m., July 17, 2001, the 2<sup>nd</sup> Legislative Day of the 3rd Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

SECOND DAY, JULY 17, 2001  
**THIRD SPECIAL LEGISLATIVE SESSION**

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2557

SECOND DAY

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House Chamber, Olympia, Tuesday, July 17, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

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

There being no objection, the House adjourned until 9:55 a.m., June 18, 2001, the 3<sup>rd</sup> Legislative Day of the Third Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
**THIRD SPECIAL LEGISLATIVE SESSION**

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THIRD DAY

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House Chamber, Olympia, Wednesday, July 18, 2001

The House was called to order at 9:55 a.m. by Speaker Ballard.

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

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

There being no objection, the House adjourned until 9:55 a.m., June 19, 2001, the 4<sup>th</sup> Legislative Day of the Third Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk



FOURTH DAY, JULY 19, 2001  
**THIRD SPECIAL LEGISLATIVE SESSION**

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2559

FOURTH DAY

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House Chamber, Olympia, Thursday, July 19, 2001

The House was called to order at 9:55 a.m. by the Speaker (Representative Ogden presiding).

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

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

There being no objection, the House adjourned until 10:00 a.m., July 20, 2001, the 5<sup>th</sup> Legislative Day of the Third Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
**THIRD SPECIAL LEGISLATIVE SESSION**

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FIFTH DAY

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House Chamber, Olympia, Friday, July 20, 2001

The House was called to order at 10:00 a.m. by Speaker Ballard.

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

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

There being no objection, the House adjourned until 10:00 a.m., July 21, 2001, the 6<sup>th</sup> Legislative Day of the 3rd Special Session Day.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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SIXTH DAY

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House Chamber, Olympia, Saturday, July 21, 2001

The House was called to order at 10:00 a.m. by the Speaker (Representative Ogden presiding).

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

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2001-4671, By Representatives Clements, Skinner, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods

WHEREAS, It is the policy of the Washington State House of Representatives to recognize personal acts of heroism and sacrifice made in the service of the people of this state; and

WHEREAS, The men and women who fight fires routinely and courageously put themselves in harm's way to protect persons and property, and they deserve our utmost admiration and appreciation; and

WHEREAS, On Tuesday, July 10, 2001, United States Forest Service fire fighters from the Naches Ranger District were sent in to extinguish a small wildfire 30 miles north of Winthrop, Okanogan County, along the Chewuch River; and

WHEREAS, The combination of summer heat and dry forest conditions caused the wildfire to precipitously intensify and explode; and

WHEREAS, The fire fighters bravely attempted to evacuate, but 14 members of the 21-person crew and two civilians were trapped by flames; and

WHEREAS, Despite doing all they could do to protect themselves, four fire fighters lost their lives and four other fire fighters and two civilians were injured; and

WHEREAS, Three of the fire fighters who perished and the most seriously injured fire fighter to survive were from Yakima, and the fourth fire fighter to perish was from Ellensburg; and

WHEREAS, The fire fighters who died or were injured in the line of duty deserve our recognition, and their families, friends, and coworkers deserve our heartfelt sympathies; and

WHEREAS, Those fire fighters who were injured deserve our wishes for full and speedy recoveries;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the four fire fighters, Tom Craven, 30, of Ellensburg; Karen FitzPatrick, 18, of Yakima; Jessica Johnson, 19, of Yakima; and Devin Weaver, 21, of Yakima, who lost their lives battling the "Thirty-Mile Fire" blaze in the Chewuch River Canyon, and extend its deepest sympathies to their families, friends, and fellow crew members; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives honor the four fire fighters, including Jason Emhoff, 21, of Yakima, who were injured battling the "Thirty-Mile Fire" blaze in the Chewuch River Canyon, extend its deepest sympathies to their families, friends, and fellow crew members, and wish them full and speedy recoveries from their injuries; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives recognize the two civilians who were injured during the "Thirty-Mile Fire" blaze in the Chewuch River Canyon, extend its deepest sympathies to their families and friends, and wish them full and speedy recoveries from their injuries; and

BE IT FURTHER RESOLVED, That the Chief Clerks of the House of Representatives immediately transmit copies of this resolution to the families and fellow crew members of the fallen United States Forest Service fire fighters from the Naches Ranger District.

House Resolution No. 4671 was adopted.

HOUSE RESOLUTION NO. 2001-4668, By Representatives Edmonds and Kagi

WHEREAS, The year 2001 marks the fortieth birthday of the incorporation of the city of Lake Forest Park; and

WHEREAS, Lake Forest Park was conceived as a residential community in 1909; and

WHEREAS, Forty years ago, based on the county's decision to build a shopping center in a wetland, the community of Lake Forest Park incorporated on June 20, 1961; and

WHEREAS, The community expanded slowly between 1961 and 1990; and

WHEREAS, In the last decade Lake Forest Park has grown to a population of 13,160 primarily through annexations; and

WHEREAS, Citizen involvement has and continues to be a keystone of the city; and

WHEREAS, There are dynamic citizen commissions and active park volunteers; and

WHEREAS, The city has a treasured commitment to the environment and to the tall trees that are an important part of the community; and

WHEREAS, The city of Lake Forest Park purchased a site in the northeast corner of the Towne Centre Mall at the intersection of Ballinger & Bothell Way for a new city hall, scheduled to open in November 2001;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the 40th Birthday of the incorporation of Lake Forest Park and the Picnic in the Park Celebration on July 28, 2001; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Lake Forest Park City Hall.

House Resolution No. 4668 was adopted.

HOUSE RESOLUTION NO. 2001-4669 by Representatives Edmonds and Kagi

WHEREAS, It is the policy of the Washington state legislature to recognize and honor the contributions of individuals and organizations that reflect standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Public libraries serve as community cornerstones; and

WHEREAS, Public libraries are a legacy to each generation, offering the heritage of the past and the promise of the future; and

WHEREAS, Free access to books, ideas, resources, and information is imperative for education, employment, enjoyment, and self-government; and

WHEREAS, Libraries provide open, nonjudgmental access to collections and services without regard to race, citizenship, age, educational level, economic status, religion, or any other qualification or condition; and

WHEREAS, Libraries create an environment that promotes the communication of ideas and information and encourages users to encounter the rich diversity of concepts on which a democratic society depends; and

WHEREAS, The Richmond Beach Library had been housed in the same building since 1912; and

WHEREAS, The new building is almost 4,000 square feet larger than the old building and had been in the planning process for over fifteen years; and

WHEREAS, The Richmond Beach Library serves the city of Shoreline and Friday June 1, 2001, marked the ribbon cutting of the new library;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the Open House and Dedication Ceremony on June 9, 2001, of the new Richmond Beach Public Library and recognize the community's dedication and commitment to its completed construction; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Richmond Beach Library.

House Resolution No. 4669 was adopted.

HOUSE RESOLUTION NO. 2001-4670 by Representatives Edmonds and Kagi

WHEREAS, It is the policy of the Washington state legislature to recognize the contributions of organizations that reflect the standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Twenty-five years ago, the Shoreline community commemorated the bicentennial of the United States of America by opening a community history museum; and

WHEREAS, The Shoreline Historical Museum incorporated in August 1975, and opened to the public in June 1976; and

WHEREAS, The chosen location of the museum is the oldest public building in existence north of 85th Avenue, the old Ronald School, which was built in 1912 and closed as a school in 1970, and was donated by the Shoreline School District; and

WHEREAS, The 25th anniversary of the Shoreline Historical Museum's Grand Opening has drawn public attention to the distinguished service of the organization and to the benefits that the people of Shoreline, Lake Forest Park, and North Seattle have enjoyed as a result of the proud tradition of this organization; and

WHEREAS, A plaque was dedicated to honor the 25th Anniversary Elevator Project on July 16, 2001; and

WHEREAS, The museum currently collects oral histories from former and current residents, to preserve both past and future histories of the surrounding community; and

WHEREAS, The museum has been the beneficiary of the state's heritage grant program, Capital Projects for Washington's Heritage;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Shoreline Historical Museum's 25th anniversary, and honor its role as a touchstone for heritage resources and as a source of pride for citizens of Shoreline, Lake Forest Park, and North Seattle; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the Shoreline Historical Museum.

House Resolution No. 4670 was adopted.

HOUSE RESOLUTION NO. 2001-4672 by Representatives Ogden, Schmidt, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods

WHEREAS, The members of the Washington State House of Representatives in great measure rely and depend on the unflagging spirit and the elite commitment of dedicated, professional staff in the Office of Program Research; and

WHEREAS, Just as surely, the Office of Program Research — hereinafter called OPR — in turn relies and

depends on the untiring, inexhaustible men and women who make their life's career the betterment of their state's life; and

WHEREAS, After more than twenty-seven years of untiring committee-staff service, one such inexhaustible gentleman, Steve Lundin, has chosen the year 2001 to amend his final amendment, to revise his final Revised Code of Washington — and, yes, to upbraid his final computer-system upgrade; and

WHEREAS, The calm, estimable, and meritorious deportment of Steve Lundin repeals every bad-attorney joke in the book; and

WHEREAS, This gentleman — our counsel, confidant, and colleague — has most recently invested his substantial expertise and considerable patience in working, among other legislative matters, the primary-election-reform issue with and for the members of the Washington State House Select Committee on Elections; and

WHEREAS, As an intern from the University of Washington School of Law, Mr. Lundin came to the House of Representatives in 1973, assigned to the old Legislative Council; and

WHEREAS, The Office of Program Research, established that very year, made Mr. Lundin one of its first-then and still-tops-now staff members, looking, as legend tells it, to an historic coin-flip to assign the young counsel to the House Local Government Committee; and

WHEREAS, His omnibus, encyclopedic knowledge of local government law and policy has made Steve Lundin one of the premiere, indeed archetypical authorities on issues as diverse as bond financing, special purpose districts, land use, public works contracting, and state constitutional law; and

WHEREAS, Steve Lundin has been a source not only of knowledge and wisdom, but also of great merriment and entertainment as well — his impromptu expository enthusiasms are legendary; and

WHEREAS, Steve Lundin is above all a gentle and kind-hearted friend — universally and deservedly loved by his colleagues;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington, salute the expansive career of Steve Lundin; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerks of the House of Representatives to the family of Steve Lundin.

House Resolution No. 4672 was adopted.

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

There being no objection, the House adjourned until 10:00 a.m., July 24, 2001, the 9<sup>th</sup> Legislative Day of the Third Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

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NINTH DAY

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House Chamber, Olympia, Tuesday, July 24, 2001

The House was called to order at 10:00 a.m. by the Speaker (Representative Hankins presiding).

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2001-4673, By Representatives Esser, Van Luven, Jarrett, Lambert, Pflug, Anderson, Mulliken, Cairnes, Schmidt and Ruderman

WHEREAS, The courageous American servicemen and servicewomen who lost their lives in Vietnam served their country bravely and proudly; and

WHEREAS, More than 58,000 American servicemen and servicewomen lost their lives, including more than 1,100 Washingtonians, and more than 200,000 American servicemen and servicewomen were wounded on the battlefields of Vietnam; and

WHEREAS, Over 640,000 veterans live in Washington state; and

WHEREAS, In 1982 our nation built a memorial, known as "The Wall," in Washington, D.C., to honor those who died in Vietnam and made the supreme sacrifice fighting for freedom; and

WHEREAS, Many people will never have the opportunity to personally visit the Vietnam Veterans Memorial; and

WHEREAS, A 240-foot replica of the Vietnam Veterans Memorial will be available for viewing at the Sunset Hills Memorial Park Cemetery in Bellevue, Washington, during the weekend of July 27-29, 2001; and

WHEREAS, This is a time for citizens from around the state to visit this replica to remember, to reflect, and to heal and to ponder the sacrifices made by both those who served and their families, friends, and communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives encourage all the citizens of Washington to recognize the importance of the Vietnam Veterans Memorial and to honor the memory of those who freely gave their lives that others may live in liberty.

House Resolution No. 4673 was adopted.

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

There being no objection, the House adjourned until 10:00 a.m., July 25, 2001, the 10<sup>th</sup> Legislative Day of the Third Special Legislative Session.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE  
**THIRD SPECIAL LEGISLATIVE SESSION**

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TENTH DAY

---

House Chamber, Olympia, Wednesday, July 25, 2001

The House was called to order at 10:00 a.m. by the Speaker (Representative Santos presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 2279 by Representative Ogden

AN ACT Relating to providing public financing for the Tacoma Narrows bridge.

Referred to Rules Committee.

HB 2280 by Representative Clements

AN ACT Relating to benefits for individuals who are unable to work as a result of a natural disaster; amending RCW 43.88.180; adding a new section to chapter 43.33A RCW; adding a new title to the Revised Code of Washington; creating new sections; making an appropriation; and declaring an emergency.

Referred to Rules Committee.

HB 2281 by Representatives Clements, Linville, G. Chandler, Conway and Kenney; by request of Governor Locke

AN ACT Relating to funding crop damage; reenacting and amending RCW 43.84.092 and 43.84.092; creating new sections; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Rules Committee.

HB 2282 by Representatives G. Chandler, Linville, Clements, Conway and Kenney; by request of Governor Locke

AN ACT Relating to relief for farmers, farmworkers, and communities affected by crop damage due to severe storms occurring on June 26 and 27, 2001; amending RCW 82.29A.130; adding a new section to chapter 50.22 RCW; adding a new section to chapter 84.36 RCW; creating a new section; making appropriations; and declaring an emergency.

Referred to Rules Committee.

HB 2283 by Representative Van Luven

AN ACT Relating to the halal food consumer protection act; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Rules Committee.



HCR 4417by Representatives Mastin and Kessler

AN ACT concerning the status of bills, memorials, and resolutions for the 2001 third special session of the Fifty-seventh Legislature.

Referred to Rules Committee.

HCR 4418by Representatives Kessler and Mastin

AN ACT Relating to returning bills to the house of origin.

Referred to Rules Committee.

HCR 4419by Representatives Mastin and Kessler

AN ACT Relating to adjourning SINE DIE.

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

There being no objection, the rules were suspended and House Concurrent Resolution No. 4419 was read the first time in full and placed on the Second Reading calendar.

### **SECOND READING**

**HOUSE CONCURRENT RESOLUTION NO. 4419, By Representatives Mastin and Kessler**

**Adjourning SINE DIE.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Speaker Chopp stated the question before the House to be the adoption of House Concurrent Resolution No. 4419.

House Concurrent Resolution No. 4419 was adopted.

### **MESSAGE FROM THE SENATE**

July 25, 2001

Mr. Speakers:

The Senate has adopted:  
and the same is herewith transmitted.

HOUSE CONCURRENT RESOLUTION NO. 4419,

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE CONCURRENT RESOLUTION NO. 4419,

**MESSAGE FROM THE SENATE**

July 25, 2001

Mr. Speakers:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4419,

and the same is herewith transmitted.

Tony M. Cook, Secretary

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

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

**COMMITTEE ASSIGNMENTS**

The following members were appointed to the Legislative Transportation Committee:

Representative Gary Chandler  
Representative Mike Cooper  
Representative Doug Erickson  
Representative Ruth Fisher  
Representative Shirley Hankins  
Representative Brian Hatfield

Representative Tom Mielke  
Representative Maryann Mitchell  
Representative Ed Murray  
Representative Sandra Romero  
Representative Alex Wood  
Representative Beverly Woods

There being no objection, the House adjourned SINE DIE.

CLYDE BALLARD, Speaker  
TIMOTHY A. MARTIN, Chief Clerk

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk

# HOUSE LEGISLATIVE LEADERS

Fifty-Seventh Legislature  
2001 Regular Session  
2001 First Special Session  
2001 Second Special Session  
2001 Third Special Session

## REPUBLICAN LEADERSHIP

Clyde Ballard.....	Co-Speaker
John Pennington .....	Speaker Pro Tempore
Dave Mastin .....	Caucus Leader
Jim Buck.....	Caucus Chair
Mark Schoesler.....	Whip
Mike Armstrong .....	Assistant Whip
Dave Morell.....	Assistant Whip
Kirk Pearson.....	Assistant Whip
Richard DeBolt.....	Floor Leader
Lynn Schindler .....	Assistant Floor Leader
Bruce Chandler.....	Assistant Floor Leader

## DEMOCRATIC LEADERSHIP

<b>Frank Chopp.....</b>	<b>Co-Speaker</b>
<b>Val Ogden.....</b>	<b>Speaker Pro Tempore</b>
<b>Lynn Kessler.....</b>	<b>Caucus leader</b>
<b>Bill Grant .....</b>	<b>Caucus Chair</b>
<b>Karen Keiser .....</b>	<b>Caucus Vice Chair</b>
<b>Sharon Tomiko Santos .....</b>	<b>Whip</b>
<b>Bill Fromhold.....</b>	<b>Assistant Whip</b>
<b>Geoff Simpson.....</b>	<b>Assistant Whip</b>
<b>Jeff Gombosky .....</b>	<b>floor leader</b>

JOURNAL OF THE HOUSE  
2001 HOUSE MEMBERSHIP ROSTER

Name of Member	D	P	Counties	Mailing Address	Age	Birthplace	Occupation	Previous Years Served
Ahern, John	6	R	Spokane, part	3615 So. Lincoln Dr. Spokane 99203-1653	1934	Montana	Janco Products	2001
Alexander, Gary	20	R	Lewis, part; Pierce, part; Thurston, part	7915 Lorna Dr. SE Olympia 98504	1944	Washington	Deputy Auditor, Finance	1997-2001
Anderson, Glenn	5	R	King, part	P. O. Box 1682 Issaquah 98027-0068	1958	Alabama	Business Consultant	2001
Armstrong, Mike	12	R	Chelan; Douglas; Grant, part; Okanogan, part	1684 Pitcher Canyon Rd Wenatchee 98801-9451	1957	Washington	WA State Dept of Transportation	2001
Ballard, Clyde	12	R	Chelan; Douglas; Grant, part; Okanogan, part	1790 N Baker St. East Wenatchee 98802	1936	Arkansas	Property Management	1983-2001
Ballasiotes, Ida	41	R	King, part	P.O. Box 714 Mercer Island 98040-0714	1936	New York	Owner, Retail Business	1993-2001
Barlean, Kelly	10	R	Island; Skagit, part; Snohomish, part	P.O. Box 389 Langley 98260-0389	1961	California	Attorney	1999-2001
Benson, Brad	6	R	Spokane, part	8028 N Pamela Spokane 99208	1959	California	WA Air National Guard	1997-2001
Berkey, Jean	38	D	Snohomish, part	P.O. Box 40600 Olympia 98504-0600	1938	California	Campaign Services	Appt 1/22/01
Boldt, Marc	17	R	Clark, part; Skamania, part	P.O. Box 40600 Olympia 98504-0600	1954	Washington	Truck Driver	1995-2001
Buck, Jim	24	R	Clallam; Grays Harbor, part; Jefferson	P.O. Box 170 Joyce 98343	1948	New Jersey	Engineer	1995-2001
Bush, Roger	2	R	Pierce, part	P.O. Box 191 Spanaway 98387-0191	1949	Washington	Teacher	1997-2001
Cairnes, Jack	47	R	King, part	P.O. Box 59505 Renton 98058-2505	1943	North Carolina	General Contractor	1995-2001
Campbell, Tom	2	R	Pierce, part	P.O. Box 443 Spanaway 98387-0443	1954	New York	Chiropractic physician	1993-2001
Carrell, Michael	28	R	Pierce, part	10210 Lk Louise Dr. SW	1944	Washington	Teacher, Retired	1995-2001

## 2001 HOUSE MEMBERSHIP ROSTER

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Name of Member	D	P	Counties	Mailing Address	Age	Birthplace	Occupation	Previous Years Served
				Lakewood 98498				
Casada, Sarah	25	R	King, part; Pierce, part	4441 S Meridian #333 Puyallup 98373-5959	1936	Kentucky	Business Consultant	1991-1992
Chandler, Bruce	15	R	Benton, part; Klickitat; Skamania, part; Yakima, part	P.O. Box 1108 Zillah 98953-1108	1952	Washington	Farmer	1999-2001
Chandler, Gary	13	R	Benton, part; Grant, part, Kittitas; Yakima, part	4488 Dunn St. Moses Lake 98837	1950	Washington	Owner, Mailboxes, Etc.	1991-2001
Chopp, Frank	43	D	King, part	4209 Sunnyside Ave N Seattle 98103	1953	Washington	Executive Director, Fremont Public Assn	1995-2001
Clements, Jim	14	R	Yakima, part	420 Larkin Lane Selah 98942	1944	Washington	Orchardist	1995-2001
Cody, Eileen	11	D	King, part	5209 36th Ave SW Seattle 98126	1954	Iowa	Registered Nurse	Appt. 6/2/94, 1995-2001
Conway, Steve	29	D	Pierce, part	8121 S Park Tacoma 98408	1944	Oregon	Labor Relations Specialist	Appt. 1/27/93; 1994-2001
Cooper, Mike	21	D	Snohomish, part	P.O. Box 40600 Olympia 98504-0600	1952	Washington	Firefighter	1997-2001
Cox, Don	9	R	Adams; Asotin, part; Spokane, part; Whitman	710 S Crestview Dr. Colfax 99111-9505	1939	Texas	Education Administration	Appt. 1/99; 2001
Crouse, Larry	4	R	Spokane, part	P.O. Box 40600 Olympia 98504-0600	1944	Washington	Legislator	1995-2001
Darneille, Jeannie	27	D	Pierce, part	P.O. Box 7753 Tacoma 98406-0753	1949	Alaska	Executive Director Pierce Co. AIDS	2001
DeBolt, Richard	20	R	Lewis, part; Pierce, part; Thurston, part	156 S Market Blvd Chehalis 98532-3038	1965	Washington	Executive Director, Twin Cities Chamber of Commerce	1997-2001
Delvin, Jerome	8	R	Benton, part	P.O. Box 303 Richland 99352-0303	1956	Washington	Police Officer	Appt. 11/28/94; 1995-2001
Dickerson, Mary Lou	36	D	King, part	P.O. Box 40600 Olympia 98504-0600	1946	Oregon	Program Analyst	Appt. 11/28/94; 1995-2001
Doumit, Mark	19	D	Cowlitz, part; Grays Harbor, part; Pacific;	P.O. Box 40600	1961	Washington	Commercial Fisherman	1997-2001

## JOURNAL OF THE HOUSE

Name of Member	D	P	Counties	Mailing Address	Age	Birthplace	Occupation	Previous Years Served
			Wahkiakum	Olympia 98504-0600				
Dunn, Jim	17	R	Clark, part; Skamania, part	P.O. Box 40600 Olympia 98504-0600	1942	Alaska	Retired	1997-2001
Dunshee, Hans	39	D	King, part; Snohomish, part	506 10th St. Snohomish 98290	1953	California	Septic Designer	1993-94; 1997-2001
Edmonds, Carolyn	32	D	King, part	P.O. Box 40600 Olympia 98504-0600	1954	California	Community Activist	1999-2001
Edwards, Jeanne	1	D	King, part; Snohomish, part	P.O. Box 40600 Olympia 98504-0600	1928	Michigan	Retired	1999-2001
Eickmeyer, William 'Ike'	35	D	Grays Harbor, part; Kitsap, part; Mason; Thurston, part	P.O. Box 40600 Olympia 98504-0600	1939	Washington	Executive Director, Sound Institute	Appt. 1998; 1999-2001
Ericksen, Doug	42	R	Whatcom, part	P.O. Box 5191 Bellingham 98227-5191	1969	Washington	Sales Representative	1999-2001
Esser, Luke	48	R	King, part	16237 NE 1 <sup>st</sup> Bellevue 98008-4407	1961	Washington	Attorney	1999-2001
Fisher, Ruth	27	D	Pierce, part	P.O. Box 40600 Olympia 98504-0600	1925	Washington	Retired	1983-2001
Fromhold	49	D	Clark, part	11406 SE 19 <sup>th</sup> Vancouver 98664-5410	1942	Washington	Retired	2001
Gombosky, Jeff	3	D	Spokane, part	708 W 17 <sup>th</sup> Ave Spokane 99203-2150	1971	Ohio	Program Director	1997-2001
Grant, William A.	16	D	Asotin, part; Columbia; Franklin; Garfield; Walla Walla	527 Boyer Avenue Walla Walla 99362	1937	Washington	Farmer	1987-2001
Haight, Kathy	35	D	Grays Harbor, part; Kitsap, part; Mason; Thurston, part	81 SE Walker Park Rd P.O. Box 819 Shelton 98584-9309	1950	Ohio	Veterinarian	1999-2001
Hankins, Shirley	8	R	Benton, part	1852 Stevens Dr Richland 99352-2506	1931	Kansas	Legislator	1981-9/19/90; 1995-2001
Hatfield, Brian	19	D	Cowlitz, part; Grays Harbor, part; Pacific; Wahkiakum	226 Fir Street Raymond 99577	1966	Washington	Legislator	1995-2001

## 2001 HOUSE MEMBERSHIP ROSTER

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Name of Member	D	P	Counties	Mailing Address	Age	Birthplace	Occupation	Previous Years Served
Hunt, Sam	22	D	Thurston, party	4030 San Mar Dr NE Olympia 98506-5269	1942	Montana	Retired	2001
Hurst, Christopher A.	31	D	King, part; Pierce, part	62504 Indian Summer Wy E Enumclaw 98022	1954	Washington	Law Enforcement Officer	1999-2001
Jackley, Brock	26	D	Kitsap, part; Pierce, part	347 N Callow Manchester 98353	1947	California	Retired	2001
Jarrett, Fred	41	R	King, part	2729 73 <sup>rd</sup> Ave SE Mercer Island 98040-2629	1949	Montana	Project Manager, Boeing	2001
Kagi, Ruth	32	D	King, part	19553 35th NE Lake Forest Park 98155-2613	1945	Washington	Commercial Real Estate	1999-2001
Keiser, Karen	33	D	King, part	25657 Marine View Dr S Des Moines 98198-8977	1947	Iowa	Communications Director Washington State Labor Council	1996-2001
Kenney, Phyllis	46	D	King, part	5001 NE 90 <sup>th</sup> Place Seattle 98115-3925	1936	Montana	Consultant, Community Relations	1997-2001
Kessler, Lynn	24	D	Clallam; Grays Harbor, part; Jefferson	P.O. Box 40600 Olympia 98504-0600	1941	Washington	Legislator	1993-2001
Kirby, Steve	29	D	Pierce, part	P.O. Box 11106 Tacoma 98411-0106	1951	Washington	Finance Director	2001
Lambert, Kathy	45	R	King, part	P.O. Box 1138 Woodinville 98072-1138	1953	California	Substitute Teacher	1995-2001
Lantz, Patricia	26	D	Kitsap, part; Pierce, part	P.O. Box 40600 Olympia 98504-0600	1938	Washington	Attorney	1997-2001
Linville, Kelli	42	D	Whatcom, part	1155 N State St, #324 Bellingham 98225-5024	1948	Washington	Legislator; Owner, small business	1993-94; 1997-2001
Lisk, Barbara	15	R	Benton, part; Klickitat; Skamania, part; Yakima, part	2303 Houghton Rd Zillah 98953	1952	Washington	Orchardist	1991-2001
Lovick, John	44	D	Snohomish, part	P.O. Box 40600 Olympia 98504-0600	1951	Louisiana	Washington State Patrol Sergeant	1999-2001
Marine, Joe	21	R	Snohomish, part	9244 49 <sup>th</sup> Ave W Mukilteo 98275-3725	1962	Washington	Insurance Agent	Appt. 1/9/01

## JOURNAL OF THE HOUSE

Name of Member	D	P	Counties	Mailing Address	Age	Birthplace	Occupation	Previous Years Served
Mastin, Dave	16	R	Asotin, part; Columbia; Franklin; Garfield; Walla Walla	26 E Main St, #5 Walla Walla 99362-1957	1964	California	Deputy Prosecutor, Walla Walla County	1993-2001
McDermott, Joe	34	D	King, part	P.O. Box 16254 Seattle 98116-0254	1967	Washington	Senior Budget Analyst	2001
McIntire, Jim	46	D	King, part	12345 30 <sup>th</sup> Ave NE #E Seattle 98125-5436	1953	Ohio	Sr. Lecturer, UW	2001
McMorris, Cathy	7	R	Ferry; Lincoln; Pend Oreille; Stevens; Okanogan, part; Spokane, part	P.O. Box 555 Colville 99114-0555	1969	Oregon	Legislator	1994-2001
Mielke, Thomas	18	R	Clark, part; Cowlitz, part; Lewis, part	25106 NE Dublin Rd Battle Ground 98604	1942	Washington	Transportation Manager	1997-2001
Miloscia, Mark	30	D	King, part; Pierce, part	30720 19 <sup>th</sup> Ave S Federal Way 98003-5103	1958	Mississippi	Director, Tacoma Goodwill Industries	1999-2001
Mitchell, Maryann	30	R	King, part; Pierce, part	33010 39th Place SW Federal Way 98023	1933	Washington	Advocacy for Elderly/Disabled	1991-92; 1995-2001
Morell, Dave	25	R	King, part; Pierce, part	P.O. Box 73596 Puyallup 98373-0596	1958	Washington	NGS Inc, President	2001
Morris, Jeff	40	D	Skagit, part; San Juan; Whatcom, part	337 Lakewide Dr Sedro Woolley 98284	1964	Washington	Public Relations Consultant	1997-2001
Mulliken, Joyce	13	R	Benton, part; Grant, part; Kittitas; Yakima, part	27 Apple Lane Ephrata 98823	1945	Maine	Homemaker	1995-2001
Murray, Ed	43	D	King; part	324 15 <sup>th</sup> Ave E #103 Seattle 98112-5194	1955	Washington	Legislator	Appt. 11/4/95; 1996-2001
O'Brien, Al	1	D	King, part; Snohomish, part	P.O. Box 40600 Olympia 98504-0600	1943	Washington	Retired Seattle Police Sergeant	1997-2001
Ogden, Val	49	D	Clark, part	3118 Royal Oaks Dr Vancouver 98662	1924	Washington	Management Consultant/Trainer	1991-2001
Pearson, Kirk	39	R	King, part; Snohomish, part	105 Pearson Lane Monroe 98272-2027	1961	Washington	Legislator	2001
Pennington, John	18	R	Clark, part; Cowlitz, part; Lewis, part	P.O. Box 69 Carrolls 98609	1966	Tennessee	Small Business	1995-2001



## 2001 HOUSE MEMBERSHIP ROSTER

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Name of Member	D	P	Counties	Mailing Address	Age	Birthplace	Occupation	Previous Years Served
Pflug, Cheryl	5	R	King, part	P.O. Box 1505 Issaquah 98027-0061	1957	Washington	Registered Nurse	1999-2001
Poulsen, Erik	34	D	King, part	P.O. Box 40600 Olympia 98504-0600	1964	Wisconsin	Contact writer	1995-2001
Quall, Dave	40	D	San Juan; Skagit, part; Whatcom, part	P.O. Box 1142 Mount Vernon 98273	1936	Washington	Counselor	1993-2001
Radcliff, Renee	21	R	Snohomish, part	13619 Mukilteo Speedway, #356 Lynnwood, 98037	1959	Oregon	President/CEO, Everett Area Chamber of Commerce	1995-2000; resigned 1/9/01
Reardon, Aaron	38	D	Snohomish, part	2731 Wetmore Ave, #101 Everett 98201-3581	1970	Washington	Economic Development Specialist	1999-2001
Roach, Dan	31	R	King, part; Pierce, part	P.O. Box 1718 Auburn 98071-1718	1972	California	Mortgage Broker	2001
Rockefeller, Phil	23	D	Kitsap, part	P.O. Box 40600 Olympia 98504-0600	1938	New York	Attorney, Retired	1999-2001
Romero, Sandra	22	D	Thurston, part	P.O. Box 40600 Olympia 98504-0600	1948	Kentucky	Legislator	1993-2001
Ruderman, Laura	45	D	King, part	P.O. Box 40600 Olympia 98504-0600	1970	New York	Software Program Manager	1999-2001
Santos, Sharon Tomiko	37	D	King, part	P.O. Box 28992 Seattle 98118-8992	1961	California	Community Volunteer	1999-2001
Schindler, Lynn	4	R	Spokane, part	6315 N. Campbell Rd Otis Orchards 99027	1944	Wisconsin	Property Manager	1999-2001
Schmidt, Dave	44	R	Snohomish, part	3003 168th St SE Bothell 98012	1954	Iowa	Personnel Administration	1995-2001
Schoesler, Mark	9	R	Adams; Asotin, part; Spokane, part; Whitman	P.O. Box 40600 Olympia 98504-0600	1957	Washington	Self-Employed Farmer	1993-2001
Schual-Berke, Shay	33	D	King, part	P.O. Box 40600 Olympia 98504-0600	1952	New York	Physician	1999-2001

## JOURNAL OF THE HOUSE

Name of Member	D	P	Counties	Mailing Address	Age	Birthplace	Occupation	Previous Years Served
Scott, Patricia "Pat"	38	D	Snohomish, part	P.O. Box 40600 Olympia 98504-0600	1938	Minnesota	Community Relations Officer, City of Everett	Appt. 1/4/84; 1995-2001 <sup>1</sup>
Sehlin, Barry	10	R	Island; Skagit, part; Snohomish, part	2434 W Hastie Lk Rd Oak Harbor 98277	1942	Minnesota	Retired U.S. Navy	1993-98; 2001
Simpson, Geoff	47	D	King, part	16624 SE 254 Pl Covington 98402	1961	Washington	Firefighter	2001
Skinner, Mary	14	R	Yakima, part	P.O. Box 40600 Olympia 98504-0600	1945	California	Teacher/Community Volunteer	1995-2001
Sommers, Helen	36	D	King, part	P.O. Box 40600 Olympia 98504-0600	1932	New Jersey	Legislator	1973-2001
Sump, Bob	7	R	Ferry; Lincoln; Okanogan, part; Pend Oreille; Spokane, part; Stevens	P.O. Box 40600 Olympia 98504-0600	1941	Texas	Mining Industry	1997-2001
Talcott, Gigi	28	R	Pierce, part	1320 Sunset Dr. Tacoma 98465	1944	California	Educator	1993-2001
Tokuda, Kip	37	D	King, part	1265 S Main St #310 Seattle 98144-2010	1946	Washington	Social Worker	1995-2001
Van Luven, Steve	48	R	King, part	P.O. Box 3625 Bellevue 98009-3625	1947	Washington	Self employed	Appt. 11/9/83; 1984-86; 1989-2001
Veloria, Velma	11	D	King, part	1511 S Ferdinand St Seattle 98108	1950	Philippines	Legislator/Union Organizer	1993-2001
Wood, Alex	3	D	Spokane, part	2807 E Upriver Dr Apt 2 Spokane 99207-5578	1946	Canada	Legislator	1997-2001
Woods, Beverly	23	R	Kitsap, part	P.O. Box 2466 Poulsbo 98270-0922	1950	California	Co-owner JR Woods Co	Appt. 11/29/99; 2001

<sup>1</sup>Representative Scott passed away on January 7, 2001, the day before Opening Day 2001. The Secretary of State certified that she won her election.

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HOUSE BILLS PASSED BY BOTH CHAMBERS  
**HOUSE BILLS PASSED BY BOTH CHAMBERS**  
**SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fifty-Seventh Legislature  
2001 Regular & All Special Sessions

BILL NO.	DESCRIPTION	CHAPTER NO.	EFFE CTIVE DAT
SHB	1000 Public works board budget	131	E 07/22/2001
SHB	1001 Public works board projects	132	05/02/2001
HB	1002 Public personnel files/privacy	70	07/22/2001
SHB	1004 Disability payments	134	05/02/2001
EHB	1015 Gasoline additives	218	07/22/2001
HB	1018 Disaster tax relief	113	04/27/2001
SHB	1019 Fish & wildlife commission		VETOED
SHB	1027 Horse racing compact	18	07/22/2001
HB	1028 Military leave	71	10/01/2001
HB	1035 Steelhead recovery	135	08/01/2001
HB	1036 Alien banks	176	07/22/2001
HB	1040 Crime victims' compensation	136	07/22/2001
2SHB	1041 Protection orders	260	07/22/2001
SHB	1042 Electrology & tattooing	194	07/22/2001
HB	1045 LEOFF plan 2	261	07/22/2001
HB	1048 TERS	317	07/22/2001
HB	1055 Leasehold excise tax	26	01/01/2002
2SHB	1058 Breast/cervical cancer	4 E1	07/01/2001
HB	1062 Peace officers	167	01/01/2002
HB	1066 Criminal justice training	166	07/22/2001
HB	1067 Railroad police	72	07/22/2001
HB	1070 Juvenile Offender basic training	137	07/22/2001
HB	1071 Salmon recovery grants	303	07/22/2001
EHB	1076 Limited medical license	114	04/27/2001
HB	1084 City/town elected officials	73	07/22/2001
SHB	1091 Sexual misconduct		VETOED
SHB	1093 Physician license fees		VETOED
SHB.	1094 Health care professional's License	195	07/22/2001
HB	1095 Oversize load permits	262	07/22/2001
HB	1098 Commute trip reduction program	74	07/22/2001
EHB	1099 PACE program	191	05/07/2001
HB	1100 Marine employees	19	07/22/2001
HB	1102 Foster parents' rights	318 PV	07/22/2001
HB	1116 Orthotic devices	75	04/19/2001
SHB	1117 Restitution	115	07/22/2001
SHB	1119 Motor vehicle sales/b&o tax	258	07/01/2001
SHB	1120 Teachers/lapsed certification	263	07/22/2001
SHB	1125 Lodging combined sales tax	6	03/29/2001
HB	1126 Business to business debts		VETOED

\* indicates multiple effective dates

\* indicates multiple effective dates

BILL NO.		DESCRIPTION	CHAPTER NO.	EFFE CTIVE DATE
HB	1131	Public hospital districts	76	07/22/2001
SHB	1133	Liability/donated labor	138	07/22/2001
SHB	1135	Power of attorney	203	07/22/2001
SHB	1136	Product standards	77	07/01/2001
HB	1138	Prevailing wage	219	07/22/2001
SHB	1140	Grain warehouses	20	07/01/2001
HB	1160	Real estate appraisers	78	07/22/2001
HB	1162	Small rural hospitals	2 E2	09/20/2001
SHB	1163	Garbage & junk vehicles	139	07/22/2001
HB	1173	Fire district purchases	79	07/22/2001
SHB	1174	Records of conviction/vacation	140	07/22/2001
E2SHB	1180	Public health system funds	80	03/01/2002
HB	1198	Drinking water	141	07/22/2001
SHB	1202	Property tax	185	07/22/2001
SHB	1203	Sales & use tax exemption	116	07/22/2001
HB	1205	Consumer loan companies	81	07/22/2001
HB	1211	Financial services regulation fund	177	05/07/2001
SHB	1212	Sealing juvenile records	174	07/22/2001
HB	1213	Retirement systems	180	07/22/2001
SHB	1214	Retirement benefits board	181	07/22/2001
HB	1216	Sudden infant death	82	07/22/2001
HB	1227	Escaping from custody	264	07/01/2001
SHB	1234	Apprenticeship law	204	07/22/2001
HB	1243	Alcohol or drug test	142	07/22/2001
2SHB	1249	Foster care services	265	07/22/2001
HB	1255	Educational service districts	266	07/22/2001
SHB	1256	Educational service districts	182	07/22/2001
HB	1257	Educational service districts	143	07/22/2001
SHB	1259	Foster care	192	07/22/2001
2ESHB	1266	Supplemental transportation budget	1 E2	06/11/2001
HB	1280	Hit and run	17	07/22/2001
SHB	1282	Legislation commission	205	08/01/2001
ESHB	1286	Salmon eggs	337	PV 07/22/2001
HB	1287	Telecommunications	267	05/11/2001
SHB	1295	Economic development finance authority	304	05/14/2001
HB	1296	Insurer investments	21	07/22/2001
HB	1309	Hemodialysis technicians	22	07/22/2001
HB	1313	Private vocational schools	23	07/22/2001
SHB	1314	Supplemental operating budget	117	07/22/2001
HB	1317	Epinephrine	24	07/22/2001
SHB	1320	Adult family homes	319	PV 07/22/2001
SHB	1325	Veterans' & military affairs	268	07/22/2001
SHB	1339	Taxation of farmers	118	07/22/2001
SHB	1341	Community residential option	269	07/22/2001
HB	1346	Foreign children entering U.S.	144	07/22/2001

\* indicates multiple effective dates

\* indicates multiple effective dates

## HOUSE BILLS PASSED BY BOTH CHAMBERS

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EFFE

BILL NO.	DESCRIPTION	CHAPTER NO.	CTIVE	DAT
EHB	1347	Settlement protection act	178	07/22/2001
SHB	1349	Derelict vessels	27	07/22/2001
EHB	1350	Water rights appeals	220	05/09/2001
HB	1361	Excise tax administration	320	PV 07/01/2001
ESHB	1364	General anesthesia services	321	07/22/2001
SHB	1365	Infant and child products	257	07/22/2001
HB	1366	Credit unions	83	07/22/2001
HB	1369	Electricians/installations	211	07/22/2001
ESHB	1371	Emergency service personnel	165	05/07/2001
SHB	1375	Expedited rule process	25	07/22/2001
SHB	1376	Veterans affairs personnel	84	07/22/2001
SHB	1384	Agencies/executive sessions	216	07/22/2001
HB	1385	Linen & uniform supply	186	07/01/2001
SHB	1391	Statutory leg committees	259	07/22/2001
HB	1394	Salmon recovery	221	07/22/2001
EHB	1407	Taxation of fuel	270	07/22/2001
ESHB	1418	Community revitalization	212	07/22/2001
HB	1419	Ignition interlock	55	07/22/2001
ESHB	1420	Volunteer fire fighters	173	07/22/2001
HB	1422	State investment board		VETOED
SHB	1426	Boarding homes	85	04/19/2001
2SHB	1445	Time certificate investment	316	PV 05/15/2001
SHB	1450	Property tax/land transfer	305	07/22/2001
ESHB	1458	Land use project permit	322	07/22/2001
SHB	1467	Property tax	187	07/22/2001
SHB	1471	Diversions	175	07/22/2001
SHB	1498	Hunting & fishing licenses	306	07/22/2001
2SHB	1499	Marine fin fish aquaculture	86	07/22/2001
SHB	1501	Liability company reports	307	05/01/2001
SHB	1515	Public works/higher education	38	07/22/2001
HB	1523	Cities and towns	200	07/22/2001
EHB	1530	Claims against local government	119	07/22/2001
SHB	1537	Credit unions	120	07/22/2001
HB	1542	CTED	87	07/22/2001
SHB	1545	Nonprofit organizations	271	07/22/2001
HB	1546	Victims of stalking	28	07/22/2001
HB	1547	Licensing insurance agents	56	07/22/2001
HB	1548	Metropolitan park districts	29	07/22/2001
HB	1564	False/misleading statements	308	05/14/2001
HB	1567	Abstracts of driving records	309	07/22/2001
HB	1568	Driver training/instructors		VETOED
HB	1577	Candidates/elected offices	30	07/22/2001
HB	1578	Criminal profiteering	222	05/09/2001
HB	1579	Unlawful practice of law	310	05/14/2001
HB	1581	Motor vehicle dealers	272	07/22/2001

\* indicates multiple effective dates

\* indicates multiple effective dates

BILL NO.		DESCRIPTION	CHAPTER NO.		EFFE CTIVE DAT
HB	1582	Motorcycles	121		07/22/2001
HB	1584	Vehicle license renewals	206		07/22/2001
2SHB	1590	Breast feeding	88		07/22/2001
SHB	1591	Harassment orders	311		07/22/2001
SHB	1596	Public transit	89		07/22/2001
EHB	1606	Irrigation pumping installation	122		04/27/2001
HB	1611	Missing person records	223		07/22/2001
HB	1613	Unidentified persons/ info	172		07/22/2001
HB	1614	Commercial bribery	224		05/09/2001
HB	1623	Investing surplus funds	31		07/22/2001
SHB	1624	Health or welfare services/b&o tax	23	E2 PV	07/13/2001
ESHB	1625	Supplemental capital budget	123		04/27/2001
SHB	1632	Digital signatures	39		07/22/2001
HB	1633	Individual health insurance	196		05/07/2001
HB	1634	Insurer's estate	40		07/22/2001
SHB	1643	Liability of volunteers	209		07/22/2001
SHB	1644	Election recount procedures	225		07/22/2001
SHB	1649	Hit and run	145		07/22/2001
SHB	1650	Community mental health services	323	PV	07/22/2001
ESHB	1655	Fish & wildlife committee	312		07/22/2001
E2SHB	1658	State oyster reserve lands	273		07/22/2001
SHB	1661	Juvenile life insurance	197		08/01/2001
SHB	1678	Right-of-way acquisition	201	PV	07/22/2001
SHB	1680	Public works/design-build	226		07/22/2001
HB	1692	Perjury	171		05/07/2001
HB	1694	Unlicensed practice/business	207		05/07/2001
HB	1706	Direct pay permits	188		08/01/2001
HB	1716	Veterans/Philippines	111		07/22/2001
HB	1727	Insurers/investments	90		07/22/2001
HB	1729	Surplus line brokers	91		07/22/2001
SHB	1739	Election integrity	41		07/22/2001
EHB	1745	Child support/medical			VETOED
HB	1750	Street vacations	202		07/22/2001
2SHB	1752	Wildlife damage	274		07/01/2001
SHB	1763	Insurance/confidentiality	57		07/22/2001
HB	1770	Campaign contributions	208		07/22/2001
HB	1780	Fruit & vegetation district fund	92		06/30/2001
SHB	1781	Agency liquor vendor stores	313		07/22/2001
ESHB	1785	Investing in the environment	227		07/22/2001
SHB	1792	Holding company act	179		05/07/2001
SHB	1793	Court filing fees	146		07/22/2001
SHB	1821	Coastal Dungeness crab	228		07/22/2001
ESHB	1832	Water resources management	237		05/10/2001
2SHB	1835	Forest products commission	314		07/22/2001
SHB	1836	Local park & recreation task force	275		05/11/2001

\* indicates multiple effective dates

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## HOUSE BILLS PASSED BY BOTH CHAMBERS

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EFFE

BILL NO.	DESCRIPTION	CHAPTER NO.	CTIVE	DAT
EHB	1845 Surface mining	5	E1	07/01/2001
HB	1846 DNR property sale/exchange	189		07/22/2001
HB	1851 Insurance/small employers	147		07/22/2001
HB	1855 Private clubs/liquor	198		07/22/2001
HB	1859 Electric generating facilities	213		05/08/2001
EHB	1864 Family law court files	42	PV	10/01/2001
HB	1865 Watershed planning	229		07/22/2001
SHB	1884 Telecommunications devices	210		07/22/2001
SHB	1891 Marketing of agriculture	324		07/22/2001
SHB	1892 Agricultural boards & commissions	315	PV	07/22/2001
HB	1895 Theft of motor vehicle fuel	325		07/22/2001
HB	1898 Crisis nurseries	230		07/22/2001
SHB	1899 Professional licenses	276		01/01/2002
SHB	1906 Farm equipment tax exemption	24	E2 PV	09/20/2001
SHB	1915 Wine and cider	124		07/01/2001
SHB	1920 Guardianship proceedings	148		07/22/2001
SHB	1926 Local government records	13	E2	06/30/2001
EHB	1936 Mooring and buoys	277		07/22/2001
HB	1943 County rail districts	58		07/22/2001
SHB	1950 Workers' compensation	231		01/01/2002
HB	1951 Wine/off-premise consumption	199		07/22/2001
HB	1952 Offender registration	169		07/22/2001
SHB	1971 Appraisers/school districts	183		07/22/2001
HB	1983 Debt collection	43		07/22/2001
HB	1984 Agricultural products	3	E2	09/20/2001
ESHB	1995 Civil forfeitures of property	168		07/22/2001
ESHB	1996 Fish & wildlife data	278		07/22/2001
ESHB	1997 Industrial bank lands	326		07/22/2001
E2SHB	2025 Schools/bilingual instruction	6	E1	08/23/2001
HB	2029 Motor vehicles/VIN inspection	125		07/01/2001
HB	2037 Irrigation districts	149		07/22/2001
SHB	2041 Boarding/adult family homes	193		07/22/2001
SHB	2046 Trusts for nonhuman animals	327	PV	07/22/2001
SHB	2049 Technical assistance program	190		07/22/2001
HB	2086 Sex offender registration	170		07/22/2001
HB	2095 Architectural & engineering			VETOED
HB	2098 Property tax exemption	7	E1	08/23/2001
SHB	2104 Forest fire protection	279		07/22/2001
SHB	2105 Small forest landowners	280		07/22/2001
HB	2126 College payment program	184		05/07/2001
ESHB	2138 Rural economic development	25	E2	09/20/2001
ESHB	2172 Backflow prevention assemblies	281	PV	07/22/2001
SHB	2184 Park model trailers	282		08/01/2001
ESHB	2191 Property tax	126		07/22/2001
SHB	2221 Ferries	59		07/22/2001

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BILL NO.		DESCRIPTION	CHAPTER NO.		EFFE CTIVE DATE
HB	2222	Earthquake funding	5		03/12/2001
SHB	2227	Veterans' home	4	E2	09/20/2001
EHB	2230	Disabled persons/benefits	15	E2 PV	09/20/2001
HB	2233	Supplemental security income	5	E2	09/20/2001
SHB	2242	Nursing home rates	8	E1 PV	07/01/2001
EHB	2247	State energy supply	214		05/08/2001
HB	2258	Earthquake funding	26	E2	07/13/2001
EHB	2260	Grocery distribution coops	9	E1	07/11/2001
EHB	2266	Commodity boards/commissions	6	E2	09/20/2001

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HOUSE MEMORIALS AND RESOLUTIONS  
PASSED BY BOTH CHAMBERS  
**HOUSE MEMORIALS AND RESOLUTIONS**  
**PASSED BY BOTH CHAMBERS**

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Fifty-Seventh Legislature  
2001 Regular & All Special Sessions

	BILL NO.	DESCRIPTION	ACTION
HJM	4002	Filipino veterans	Filed Sec/St
HJR	4202	Investment board funds	Filed Sec/St
HCR	4400	State of the state message	Filed Sec/St
HCR	4403	Former legislators	Filed Sec/St
E HCR	4410	Forest resources	Filed Sec/St
HCR	4413	Reintroducing bills	Filed Sec/St
HCR	4414	Civil forfeiture	Filed Sec/St
HCR	4415	Bills/house of origin	Filed Sec/St
HCR	4416	Special session/ sine die	Filed Sec/St
HCR	4419	Sine die	Filed Sec/St

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JOURNAL OF THE HOUSE  
**SENATE BILLS**  
**PASSED BY BOTH CHAMBERS**

Fifty-Seventh Legislature  
 2001 Regular & All Special Sessions

BILL NO.	DESCRIPTION	CHAPTER NO.	EFFE CTIVE DAT
ESSB 5013	Persistent sex offenders	7	E 07/22/2001
SSB 5014	Sex & kidnapping offenders	95	07/01/2001
SSB 5015	Border area definition	8	07/22/2001
ESSB 5017	Sale of precursor drugs	96	07/22/2001
SB 5022	Salmon recovery funding board	9	07/22/2001
SB 5038	Chapter 9.94A RCW	10	07/22/2001
SB 5047	Correctional facilities	11	04/13/2001
SB 5048	Mental health commitments	12	07/22/2001
ESB 5051	Chemical dependency	13	07/22/2001
ESSB 5052	Trust & estate disputes	14	07/22/2001
ESB 5053	Uniform commercial code	32	07/01/2001
SB 5054	Perpetuities	60	07/22/2001
SB 5057	City & town government	33	07/22/2001
ESSB 5060	Alternative public works contract	328	07/01/2001
SB 5061	Engineering systems	34	07/22/2001
SB 5063	Limited public works	284	07/22/2001
SSB 5077	Sheriff's employees	232	07/22/2001
SSB 5101	Consumer protection/contractors	159	07/22/2001
SB 5108	Short-rotation hardwoods	97	07/22/2001
SSB 5114	Motorcycles	285	07/22/2001
SSB 5118	Adult offender/compact	35	07/01/2001
SB 5121	Office of marine safety	36	07/22/2001
ESSB 5122	Sexually violent predators	286	05/14/2001
SSB 5123	Sexually violent predators	287	05/14/2001
SB 5127	Sheriff's office personnel	151	07/22/2001
ESB 5143	State patrol retirement	329	PV 07/01/2001
SB 5145	PERS	37	07/22/2001
SSB 5182	Pipeline safety	238	07/01/2001
SSB 5184	Vulnerable adult abuse	233	07/22/2001
SSB 5187	Personal property exemptions		VETOED
SB 5197	Private activity bonds	330	07/22/2001
SSB 5205	Self-insurers	152	07/22/2001
SB 5206	Geologists	61	04/18/2001
SSB 5219	Sellers of travel	44	07/22/2001
SB 5223	Rail fixed guideway system	127	07/22/2001
SSB 5224	King street railroad station	62	04/18/2001
ESSB 5237	Fair fund	16	E2 09/20/2001
ESSB 5238	Water-sewer district board	63	07/22/2001

\* indicates multiple effective dates

\* indicates multiple effective dates

SENATE BILLS PASSED BY BOTH CHAMBERS

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EFFE

BILL NO.	DESCRIPTION	CHAPTER NO.	CTIVE	DAT
SSB	5241	Court venue	45	07/22/2001
SB	5252	Courts of limited jurisdiction	15	07/22/2001
SSB	5255	Public disclosure/terrorism	98	07/22/2001
SB	5256	Emergency management compact	288	07/22/2001
ESB	5258	Disclosure/health care info	16	07/22/2001
SSB	5263	National guard & reserves	133	05/02/2001
SB	5270	Victims' compensation	153	07/22/2001
SB	5273	Election filing dates	46	07/22/2001
SSB	5274	Vehicle licensing subagents	331	07/22/2001
SB	5275	Absentee ballots	241	PV 07/22/2001
ESB	5289	Public facilities		VETOED
SB	5305	RCW corrections	64	07/22/2001
SSB	5309	Local criminal justice	289	07/22/2001
SB	5316	Unemployment compensation	99	04/19/2001
SB	5317	Unemployment compensation	100	04/19/2001
SSB	5319	Municipal research council	290	07/01/2001
3ESSB	5327	Transportation budget	14	E2 PV 06/26/2001
SB	5331	Business to business debts	47	07/22/2001
SB	5333	Water rights	239	07/22/2001
SSB	5335	Enhanced 911 system	128	07/01/2001
SB	5348	Uniform child custody act	65	07/22/2001
SB	5359	Health professions board members	101	07/22/2001
SB	5367	Community mobilization	48	07/22/2001
ESSB	5372	Cigarette sales/Indian lands	235	07/22/2001
ESB	5374	Unauthorized sale of goods	160	07/22/2001
SB	5377	Vehicles/gross weight	66	07/22/2001
SB	5389	Small claims court	154	07/22/2001
SB	5392	Emancipation of minors	161	07/22/2001
SB	5393	Truancy records	162	07/22/2001
SSB	5401	Boards and commissions	291	07/01/2001
ESSB	5407	Simulcast horse racing	10	E1 08/23/2001
ESSB	5413	Child dependency	332	07/22/2001
SSB	5417	Opiate substitution treatment	242	07/22/2001
ESSB	5434	Disabled parking permits	67	07/22/2001
SSB	5438	Lands vehicle use permit	243	07/22/2001
SB	5440	Fish & wildlife commission	155	07/22/2001
SSB	5442	Salmon fishing gear	163	07/22/2001
SSB	5443	Commercial fishing license	244	07/22/2001
ESSB	5449	Identity theft	217	07/22/2001
SSB	5468	Chemical dependency	164	07/22/2001
SSB	5472	Municipal courts	68	07/22/2001
SSB	5474	General administration service account	292	07/22/2001
SSB	5484	Conifer seeds/tax exemption	129	07/22/2001
SB	5491	Small claims appeals	156	07/22/2001
SSB	5494	Noise prevention/motor vehicles	293	07/22/2001

\* indicates multiple effective dates

\* indicates multiple effective dates

BILL NO.		DESCRIPTION	CHAPTER NO.		EFFE CTIVE DAT
ESB	5495	Outdoor athletic fields	245		07/22/2001
SSB	5496	Animal health products	17	E2	08/01/2001
SSB	5497	Forest practices act	102		07/22/2001
SSB	5502	Boxing official licensing	246		07/22/2001
SSB	5509	Higher ed/student id	103		07/22/2001
SB	5518	Motorcycle exam	104		07/22/2001
SB	5531	Fishery licenses	105		07/22/2001
SSB	5533	Pesticides/schools	333	PV	07/01/2002
SSB	5558	Alcohol violators	247		07/22/2001
SSB	5565	Controlled substance orders	248		07/22/2001
ESSB	5566	Prescription drug info card	106		07/22/2001
SSB	5572	Highway signs/crime stoppers	107		07/22/2001
ESSB	5583	Public mental health system	334	PV	05/15/2001
E2SSB	5593	Public accountancy act	294		07/01/2001
SB	5604	Liquor control board	295		07/22/2001
ESSB	5606	Background checks	296		07/22/2001
SSB	5621	Animal therapy	297		07/22/2001
SSB	5637	Watershed health	298		07/22/2001
SSB	5638	County treasurer	299		07/22/2001
ESB	5686	School assessment timelines	20	E2	09/20/2001
SB	5691	Juvenile offender records	49		07/22/2001
E2SSB	5695	Teacher certification	158		07/22/2001
SSB	5702	Forest lands/ taxation	249		07/22/2001
ESSB	5703	Mobile home alterations	335		07/22/2001
SSB	5733	County road construction	108		07/22/2001
SSB	5734	Agricultural fairs	157		05/02/2001
ESB	5790	Vehicular assault	300		07/22/2001
SSB	5862	Trust lands/sale of material	250		07/22/2001
SB	5863	DNR/Cowlitz river	150		07/22/2001
ESSB	5877	Social workers & counselors	251		07/22/2001
SSB	5896	DNA testing of evidence	301		07/22/2001
SB	5903	Physician license fees	109		07/22/2001
SSB	5905	Tribal/state gaming compacts	236		07/22/2001
SSB	5910	Water rights	240		05/11/2001
SSB	5919	Water storage projects	19	E2	09/20/2001
SB	5921	Physical therapy	252		07/22/2001
SSB	5925	Reclaimed water	69		07/22/2001
ESSB	5937	TRS & PERS	10	E2 PV	07/01/2001
SSB	5940	Career & technical education	336	PV	07/22/2001
ESSB	5942	Guide dogs & service animals	112		07/22/2001
2SSB	5947	Dairy farmers	18	E2	07/13/2001
SSB	5958	Life & disability insurance	50		07/22/2001
SSB	5961	Fish and wildlife statutes	253		07/22/2001
ESSB	5970	Probation orders	94		07/22/2001
SB	5972	Juvenile offenders	51		4/17/2001

\* indicates multiple effective dates

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SENATE BILLS PASSED BY BOTH CHAMBERS

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BILL NO.	DESCRIPTION	CHAPTER NO.	CTIVE	EFFE	DAT
SSB	5986	Public psychiatric facilities	254		07/22/2001
SSB	5988	State investment board	302		07/22/2001
ESB	5990	General obligation bonds	9	E2	06/26/2001
ESSB	5995	Parent-child relationship	52		07/22/2001
ESSB	6007	Unemployment/Indian tribes	11	E1	06/11/2001
SSB	6012	Outdoor burning	12	E1	08/23/2001
SSB	6020	Access to dental care	93		04/19/2001
SB	6022	Horse owners & breeders	53		07/22/2001
SSB	6035	College board job bank	110		07/22/2001
SSB	6053	State route 525	130		07/22/2001
SSB	6055	Foster care agency caseload	255		07/22/2001
SSB	6056	Child dependency cases	256		07/22/2001
SB	6107	Geothermal energy	215		05/08/2001
SB	6109	Campaign disclosure	54		01/01/2002
SSB	6110	Puget Sound crab pot bouy	234		05/09/2001
ESSB	6143	Sex & kidnapping offenders	283		07/22/2001
3ESSB	6151	High-risk sex offenders	12	E2	06/26/2001
ESSB	6153	Operating budget	7	E2	PV 07/01/2001
SSB	6155	Capital budget	8	E2	PV 06/21/2001
ESSB	6167	State retirement systems	11	E2	PV 07/01/2001
SB	6181	Ferry fares	1	E1	05/02/2001
ESB	6188	Environmental permit process	2	E1	05/29/2001
ESB	6194	Grays Harbor/pilots	22	E2	PV 07/13/2001
ESB	6198	Cigarette sales	21	E2	09/20/2001

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JOURNAL OF THE HOUSE  
**SENATE MEMORIALS AND RESOLUTIONS**  
**PASSED BY BOTH CHAMBERS**

Fifty-Seventh Legislature  
 2001 Regular & All Special Sessions

	BILL NO.	DESCRIPTION	ACTION
SJM	8006	Leavenworth fish hatchery	Filed Sec/St
SJM	8008	Ore-WA committee on taxation	Filed Sec/St
E SJM	8016	Aquaculture products	Filed Sec/St
SJM	8019	Cnsrvtn reserve enhancement	Filed Sec/St
E SJR	8208	Judges pro tempore	Filed Sec/St
SCR	8400	Leg organized & gov notified	Filed Sec/St
SCR	8401	Rules of 57th leg adopted	Filed Sec/St
SCR	8402	Cutoff dates	Filed Sec/St
SCR	8411	Committee cutoff dates	Filed Sec/St
SCR	8416	Bills to house of origin	Filed Sec/St
SCR	8417	Sine Die adjournment	Filed Sec/St
SCR	8419	Reintroducing bills	Filed Sec/St
SCR	8420	Bills/house of origin	Filed Sec/St
SCR	8421	Sine Die adjournment	Filed Sec/St

\* indicates multiple effective dates

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LEGISLATION BY SESSION & CHAPTER  
**BILLS PASSED BY BOTH CHAMBERS**  
**SHOWING THE ACTION BY THE GOVERNOR THEREON**

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**By Session & Chapter**

Fifty-Seventh Legislature  
 2001 Regular & All Special Sessions

CHAPTER NO.	BILL NO.	DESCRIPTION	EFFEC TIVE DATE
	SHB	1019	Fish & wildlife commission VETOED
	SHB	1091	Sexual misconduct VETOED
	SHB	1093	Physician license fees VETOED
	HB	1568	Driver training/instructors VETOED
	HB	2095	Architectural & engineering VETOED
	SSB	5187	Personal property exemptions VETOED
	ESB	5289	Public facilities VETOED
	EHB	1745	Child support/medical VETOED
	HB	1126	Business to business debts VETOED
	HB	1422	State investment board VETOED
5	HB	2222	Earthquake funding 03/12/2001
6	SHB	1125	Lodging combined sales tax 03/29/2001
7	ESSB	5013	Persistent sex offenders 07/22/2001
8	SSB	5015	Border area definition 07/22/2001
9	SB	5022	Salmon recovery funding board 07/22/2001
10	SB	5038	Chapter 9.94A RCW 07/22/2001
11	SB	5047	Correctional facilities 04/13/2001
12	SB	5048	Mental health commitments 07/22/2001
13	ESB	5051	Chemical dependency 07/22/2001
14	ESSB	5052	Trust & estate disputes 07/22/2001
15	SB	5252	Courts of limited jurisdiction 07/22/2001
16	ESB	5258	Disclosure/health care info 07/22/2001
17	HB	1280	Hit and run 07/22/2001
18	SHB	1027	Horse racing compact 07/22/2001
19	HB	1100	Marine employees 07/22/2001
20	SHB	1140	Grain warehouses 07/01/2001
21	HB	1296	Insurer investments 07/22/2001
22	HB	1309	Hemodialysis technicians 07/22/2001
23	HB	1313	Private vocational schools 07/22/2001
24	HB	1317	Epinephrine 07/22/2001
25	SHB	1375	Expedited rule process 07/22/2001
26	HB	1055	Leasehold excise tax 01/01/2002*
27	SHB	1349	Derelict vessels 07/22/2001
28	HB	1546	Victims of stalking 07/22/2001
29	HB	1548	Metropolitan park districts 07/22/2001
30	HB	1577	Candidates/elected offices 07/22/2001
31	HB	1623	Investing surplus funds 07/22/2001
32	ESB	5053	Uniform commercial code 07/01/2001

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CHAPTER NO.	BILL NO.	DESCRIPTION	EFFEC		
			TIVE DATE		
33	SB	5057	City & town government	07/22/2001	
34	SB	5061	Engineering systems	07/22/2001	
35	SSB	5118	Adult offender/compact	07/01/2001*	
36	SB	5121	Office of marine safety	07/22/2001	
37	SB	5145	PERS	07/22/2001	
38	SHB	1515	Public works/higher education	07/22/2001	
39	SHB	1632	Digital signatures	07/22/2001	
40	HB	1634	Insurer's estate	07/22/2001	
41	SHB	1739	Election integrity	07/22/2001	
42	PV	EHB	1864	Family law court files	10/01/2001
43	HB	1983	Debt collection	07/22/2001	
44	SSB	5219	Sellers of travel	07/22/2001	
45	SSB	5241	Court venue	07/22/2001	
46	SB	5273	Election filing dates	07/22/2001	
47	SB	5331	Business to business debts	07/22/2001	
48	SB	5367	Community mobilization	07/22/2001	
49	SB	5691	Juvenile offender records	07/22/2001	
50	SSB	5958	Life & disability insurance	07/22/2001	
51	SB	5972	Juvenile offenders	04/17/2001	
52	ESSB	5995	Parent-child relationship	07/22/2001	
53	SB	6022	Horse owners & breeders	07/22/2001	
54	SB	6109	Campaign disclosure	01/01/2002	
55	HB	1419	Ignition interlock	07/22/2001	
56	HB	1547	Licensing insurance agents	07/22/2001	
57	SHB	1763	Insurance/confidentiality	07/22/2001	
58	HB	1943	County rail districts	07/22/2001	
59	SHB	2221	Ferries	07/22/2001	
60	SB	5054	Perpetuities	07/22/2001*	
61	SB	5206	Geologists	04/18/2001	
62	SSB	5224	King street railroad station	04/18/2001	
63	ESSB	5238	Water-sewer district board	07/22/2001	
64	SB	5305	RCW corrections	07/22/2001	
65	SB	5348	Uniform child custody act	07/22/2001	
66	SB	5377	Vehicles/gross weight	07/22/2001	
67	ESSB	5434	Disabled parking permits	07/22/2001	
68	SSB	5472	Municipal courts	07/22/2001	
69	SSB	5925	Reclaimed water	07/22/2001	
70	HB	1002	Public personnel files/privacy	07/22/2001	
71	HB	1028	Military leave	10/01/2001	
72	HB	1067	Railroad police	07/22/2001	
73	HB	1084	City/town elected officials	07/22/2001	
74	HB	1098	Commute trip reduction program	07/22/2001	
75	HB	1116	Orthotic devices	04/19/2001	
76	HB	1131	Public hospital districts	07/22/2001	
77	SHB	1136	Product standards	07/01/2001	
78	HB	1160	Real estate appraisers	07/22/2001	

\* indicates multiple effective dates

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## LEGISLATION BY SESSION &amp; CHAPTER

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CHAPTER NO.	BILL NO.	DESCRIPTION	EFFEC	
			TIVE DATE	
79	HB	1173	Fire district purchases	07/22/2001
80	E2SHB	1180	Public health system funds	03/01/2002*
81	HB	1205	Consumer loan companies	07/22/2001
82	HB	1216	Sudden infant death	07/22/2001
83	HB	1366	Credit unions	07/22/2001
84	SHB	1376	Veterans affairs personnel	07/22/2001
85	SHB	1426	Boarding homes	04/19/2001
86	2SHB	1499	Marine fin fish aquaculture	07/22/2001
87	HB	1542	CTED	07/22/2001
88	2SHB	1590	Breast feeding	07/22/2001
89	SHB	1596	Public transit	07/22/2001
90	HB	1727	Insurers/investments	07/22/2001
91	HB	1729	Surplus line brokers	07/22/2001
92	HB	1780	Fruit & vegetation district fund	06/30/2001
93	SSB	6020	Access to dental care	04/19/2001
94	ESSB	5970	Probation orders	07/22/2001
95	SSB	5014	Sex & kidnapping offenders	07/01/2001
96	ESSB	5017	Sale of precursor drugs	07/22/2001
97	SB	5108	Short-rotation hardwoods	07/22/2001
98	SSB	5255	Public disclosure/terrorism	07/22/2001
99	SB	5316	Unemployment compensation	04/19/2001
100	SB	5317	Unemployment compensation	04/19/2001
101	SB	5359	Health professions board members	07/22/2001
102	SSB	5497	Forest practices act	07/22/2001
103	SSB	5509	Higher ed/student id	07/22/2001*
104	SB	5518	Motorcycle exam	07/22/2001
105	SB	5531	Fishery licenses	07/22/2001
106	ESSB	5566	Prescription drug info card	07/22/2001
107	SSB	5572	Highway signs/crime stoppers	07/22/2001
108	SSB	5733	County road construction	07/22/2001
109	SB	5903	Physician license fees	07/22/2001
110	SSB	6035	College board job bank	07/22/2001
111	HB	1716	Veterans/Philippines	07/22/2001
112	ESSB	5942	Guide dogs & service animals	07/22/2001
113	HB	1018	Disaster tax relief	04/27/2001
114	EHB	1076	Limited medical license	04/27/2001
115	SHB	1117	Restitution	07/22/2001
116	SHB	1203	Sales & use tax exemption	07/22/2001
117	SHB	1314	Supplemental operating budget	07/22/2001
118	SHB	1339	Taxation of farmers	07/22/2001
119	EHB	1530	Claims against local government	07/22/2001
120	SHB	1537	Credit unions	07/22/2001
121	HB	1582	Motorcycles	07/22/2001
122	EHB	1606	Irrigation pumping installation	04/27/2001
123	ESHB	1625	Supplemental capital budget	04/27/2001
124	SHB	1915	Wine and cider	07/01/2001

\* indicates multiple effective dates

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CHAPTER NO.	BILL NO.	DESCRIPTION	EFFEC	
			TIVE DATE	
125	HB	2029	Motor vehicles/VIN inspection	07/01/2001
126	ESHB	2191	Property tax	07/22/2001
127	SB	5223	Rail fixed guideway system	07/22/2001
128	SSB	5335	Enhanced 911 system	07/01/2001
129	SSB	5484	Conifer seeds/tax exemption	07/22/2001
130	SSB	6053	State route 525	07/22/2001
131	SHB	1000	Public works board budget	07/22/2001
132	SHB	1001	Public works board projects	05/02/2001
133	SSB	5263	National guard & reserves	05/02/2001
134	SHB	1004	Disability payments	05/02/2001
135	HB	1035	Steelhead recovery	08/01/2001
136	HB	1040	Crime victims' compensation	07/22/2001
137	HB	1070	Juvenile Offender basic training	07/22/2001
138	SHB	1133	Liability/donated labor	07/22/2001
139	SHB	1163	Garbage & junk vehicles	07/22/2001
140	SHB	1174	Records of conviction/vacation	07/22/2001
141	HB	1198	Drinking water	07/22/2001*
142	HB	1243	Alcohol or drug test	07/22/2001
143	HB	1257	Educational service districts	07/22/2001
144	HB	1346	Foreign children entering U.S.	07/22/2001
145	SHB	1649	Hit and run	07/22/2001
146	SHB	1793	Court filing fees	07/22/2001
147	HB	1851	Insurance/small employers	07/22/2001
148	SHB	1920	Guardianship proceedings	07/22/2001
149	HB	2037	Irrigation districts	07/22/2001
150	SB	5863	DNR/Cowlitz river	07/22/2001
151	SB	5127	Sheriff's office personnel	07/22/2001
152	SSB	5205	Self-insurers	07/22/2001
153	SB	5270	Victims' compensation	07/22/2001
154	SB	5389	Small claims court	07/22/2001
155	SB	5440	Fish & wildlife commission	07/22/2001
156	SB	5491	Small claims appeals	07/22/2001
157	SSB	5734	Agricultural fairs	05/02/2001
158	E2SSB	5695	Teacher certification	07/22/2001
159	SSB	5101	Consumer protection/contractors	07/22/2001
160	ESB	5374	Unauthorized sale of goods	07/22/2001
161	SB	5392	Emancipation of minors	07/22/2001
162	SB	5393	Truancy records	07/22/2001
163	SSB	5442	Salmon fishing gear	07/22/2001
164	SSB	5468	Chemical dependency	07/22/2001
165	ESHB	1371	Emergency service personnel	05/07/2001*
166	HB	1066	Criminal justice training	07/22/2001
167	HB	1062	Peace officers	01/01/2002
168	ESHB	1995	Civil forfeitures of property	07/22/2001
169	HB	1952	Offender registration	07/22/2001
170	HB	2086	Sex offender registration	07/22/2001

\* indicates multiple effective dates

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## LEGISLATION BY SESSION &amp; CHAPTER

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CHAPTER NO.	BILL NO.	DESCRIPTION	EFFEC	
			TIVE DATE	
171	HB	1692	Perjury	05/07/2001
172	HB	1613	Unidentified persons/ info	07/22/2001
173	ESHB	1420	Volunteer fire fighters	07/22/2001
174	SHB	1212	Sealing juvenile records	07/22/2001
175	SHB	1471	Diversions	07/22/2001
176	HB	1036	Alien banks	07/22/2001
177	HB	1211	Financial services regulation fund	05/07/2001
178	EHB	1347	Settlement protection act	07/22/2001
179	SHB	1792	Holding company act	05/07/2001
180	HB	1213	Retirement systems	07/22/2001*
181	SHB	1214	Retirement benefits board	07/22/2001
182	SHB	1256	Educational service districts	07/22/2001
183	SHB	1971	Appraisers/school districts	07/22/2001
184	HB	2126	College payment program	05/07/2001*
185	SHB	1202	Property tax	07/22/2001*
186	HB	1385	Linen & uniform supply	07/01/2001
187	SHB	1467	Property tax	07/22/2001*
188	HB	1706	Direct pay permits	08/01/2001
189	HB	1846	DNR property sale/exchange	07/22/2001
190	SHB	2049	Technical assistance program	07/22/2001
191	EHB	1099	PACE program	05/07/2001
192	SHB	1259	Foster care	07/22/2001
193	SHB	2041	Boarding/adult family homes	07/22/2001
194	SHB	1042	Electrology & tattooing	07/22/2001
195	SHB	1094	Health care professional's License	07/22/2001
196	HB	1633	Individual health insurance	05/07/2001
197	SHB	1661	Juvenile life insurance	08/01/2001
198	HB	1855	Private clubs/liquor	07/22/2001
199	HB	1951	Wine/off-premise consumption	07/22/2001
200	HB	1523	Cities and towns	07/22/2001
201	PV SHB	1678	Right-of-way acquisition	07/22/2001
202	HB	1750	Street vacations	07/22/2001
203	SHB	1135	Power of attorney	07/22/2001
204	SHB	1234	Apprenticeship law	07/22/2001
205	SHB	1282	Legislation commission	08/01/2001
206	HB	1584	Vehicle license renewals	07/22/2001
207	HB	1694	Unlicensed practice/business	05/07/2001
208	HB	1770	Campaign contributions	07/22/2001
209	SHB	1643	Liability of volunteers	07/22/2001
210	SHB	1884	Telecommunications devices	07/22/2001
211	HB	1369	Electricians/installations	07/22/2001
212	ESHB	1418	Community revitalization	07/22/2001
213	HB	1859	Electric generating facilities	05/08/2001
214	EHB	2247	State energy supply	05/08/2001
215	SB	6107	Geothermal energy	05/08/2001
216	SHB	1384	Agencies/executive sessions	07/22/2001

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CHAPTER NO.	BILL NO.	DESCRIPTION	EFFEC	
			TIVE DATE	
217	ESSB	5449	Identity theft	07/22/2001*
218	EHB	1015	Gasoline additives	07/22/2001
219	HB	1138	Prevailing wage	07/22/2001
220	EHB	1350	Water rights appeals	05/09/2001
221	HB	1394	Salmon recovery	07/22/2001
222	HB	1578	Criminal profiteering	05/09/2001
223	HB	1611	Missing person records	07/22/2001
224	HB	1614	Commercial bribery	05/09/2001
225	SHB	1644	Election recount procedures	07/22/2001
226	SHB	1680	Public works/design-build	07/22/2001
227	ESHB	1785	Investing in the environment	07/22/2001
228	SHB	1821	Coastal Dungeness crab	07/22/2001
229	HB	1865	Watershed planning	07/22/2001
230	HB	1898	Crisis nurseries	07/22/2001
231	SHB	1950	Workers' compensation	01/01/2002
232	SSB	5077	Sheriff's employees	07/22/2001
233	SSB	5184	Vulnerable adult abuse	07/22/2001
234	SSB	6110	Puget Sound crab pot bouy	05/09/2001
235	ESSB	5372	Cigarette sales/Indian lands	07/22/2001*
236	SSB	5905	Tribal/state gaming compacts	07/22/2001
237	ESHB	1832	Water resources management	05/10/2001
238	SSB	5182	Pipeline safety	07/01/2001
239	SB	5333	Water rights	07/22/2001
240	SSB	5910	Water rights	05/11/2001
241	PV SB	5275	Absentee ballots	07/22/2001
242	SSB	5417	Opiate substitution treatment	07/22/2001
243	SSB	5438	Lands vehicle use permit	07/22/2001
244	SSB	5443	Commercial fishing license	07/22/2001
245	ESB	5495	Outdoor athletic fields	07/22/2001
246	SSB	5502	Boxing official licensing	07/22/2001
247	SSB	5558	Alcohol violators	07/22/2001
248	SSB	5565	Controlled substance orders	07/22/2001
249	SSB	5702	Forest lands/ taxation	07/22/2001
250	SSB	5862	Trust lands/sale of material	07/22/2001
251	ESSB	5877	Social workers & counselors	07/22/2001
252	SB	5921	Physical therapy	07/22/2001
253	SSB	5961	Fish and wildlife statutes	07/22/2001
254	SSB	5986	Public psychiatric facilities	07/22/2001
255	SSB	6055	Foster care agency caseload	07/22/2001
256	SSB	6056	Child dependency cases	07/22/2001
257	SHB	1365	Infant and child products	07/22/2001
258	SHB	1119	Motor vehicle sales/b&o tax	07/01/2001
259	SHB	1391	Statutory leg committees	07/22/2001
260	2SHB	1041	Protection orders	07/22/2001
261	HB	1045	LEOFF plan 2	07/22/2001*
262	HB	1095	Oversize load permits	07/22/2001

\* indicates multiple effective dates

\* indicates multiple effective dates

## LEGISLATION BY SESSION &amp; CHAPTER

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CHAPTER NO.	BILL NO.	DESCRIPTION	EFFEC	
			TIVE DATE	
263	SHB	1120	Teachers/lapsed certification	07/22/2001
264	HB	1227	Escaping from custody	07/01/2001
265	2SHB	1249	Foster care services	07/22/2001
266	HB	1255	Educational service districts	07/22/2001
267	HB	1287	Telecommunications	05/11/2001
268	SHB	1325	Veterans' & military affairs	07/22/2001
269	SHB	1341	Community residential option	07/22/2001
270	EHB	1407	Taxation of fuel	07/22/2001
271	SHB	1545	Nonprofit organizations	07/22/2001
272	HB	1581	Motor vehicle dealers	07/22/2001*
273	E2SHB	1658	State oyster reserve lands	07/22/2001*
274	2SHB	1752	Wildlife damage	07/01/2001
275	SHB	1836	Local park & recreation task force	05/11/2001
276	SHB	1899	Professional licenses	01/01/2002
277	EHB	1936	Mooring and buoys	07/22/2001
278	ESHB	1996	Fish & wildlife data	07/22/2001
279	SHB	2104	Forest fire protection	07/22/2001
280	SHB	2105	Small forest landowners	07/22/2001
281	PV ESHB	2172	Backflow prevention assemblies	07/22/2001
282	SHB	2184	Park model trailers	08/01/2001
283	ESSB	6143	Sex & kidnapping offenders	07/22/2001
284	SB	5063	Limited public works	07/22/2001
285	SSB	5114	Motorcycles	07/22/2001
286	ESSB	5122	Sexually violent predators	05/14/2001
287	SSB	5123	Sexually violent predators	05/14/2001*
288	SB	5256	Emergency management compact	07/22/2001
289	SSB	5309	Local criminal justice	07/22/2001
290	SSB	5319	Municipal research council	07/01/2001
291	SSB	5401	Boards and commissions	07/01/2001
292	SSB	5474	General administration service account	07/22/2001
293	SSB	5494	Noise prevention/motor vehicles	07/22/2001
294	E2SSB	5593	Public accountancy act	07/01/2001
295	SB	5604	Liquor control board	07/22/2001
296	ESSB	5606	Background checks	07/22/2001
297	SSB	5621	Animal therapy	07/22/2001
298	SSB	5637	Watershed health	07/22/2001
299	SSB	5638	County treasurer	07/22/2001
300	ESB	5790	Vehicular assault	07/22/2001
301	SSB	5896	DNA testing of evidence	07/22/2001
302	SSB	5988	State investment board	07/22/2001
303	HB	1071	Salmon recovery grants	07/22/2001
304	SHB	1295	Economic development finance authority	05/14/2001
305	SHB	1450	Property tax/land transfer	07/22/2001
306	SHB	1498	Hunting & fishing licenses	07/22/2001
307	SHB	1501	Liability company reports	05/01/2001
308	HB	1564	False/misleading statements	05/14/2001

\* indicates multiple effective dates

\* indicates multiple effective dates

CHAPTER NO.		BILL NO.	DESCRIPTION	EFFEC TIVE DATE
309		HB 1567	Abstracts of driving records	07/22/2001
310		HB 1579	Unlawful practice of law	05/14/2001
311		SHB 1591	Harassment orders	07/22/2001
312		ESHB 1655	Fish & wildlife committee	07/22/2001
313		SHB 1781	Agency liquor vendor stores	07/22/2001
314		2SHB 1835	Forest products commission	07/22/2001
315	PV	SHB 1892	Agricultural boards & commissions	07/22/2001
316	PV	2SHB 1445	Time certificate investment	05/15/2001
317		HB 1048	TERS	07/22/2001
318	PV	HB 1102	Foster parents' rights	07/22/2001
319	PV	SHB 1320	Adult family homes	07/22/2001
320	PV	HB 1361	Excise tax administration	07/01/2001
321		ESHB 1364	General anesthesia services	07/22/2001
322		ESHB 1458	Land use project permit	07/22/2001
323	PV	SHB 1650	Community mental health services	07/22/2001
324		SHB 1891	Marketing of agriculture	07/22/2001
325		HB 1895	Theft of motor vehicle fuel	07/22/2001
326		ESHB 1997	Industrial bank lands	07/22/2001
327	PV	SHB 2046	Trusts for nonhuman animals	07/22/2001
328		ESSB 5060	Alternative public works contract	07/01/2001
329	PV	ESB 5143	State patrol retirement	07/01/2001
330		SB 5197	Private activity bonds	07/22/2001
331		SSB 5274	Vehicle licensing subagents	07/22/2001
332		ESSB 5413	Child dependency	07/22/2001
333	PV	SSB 5533	Pesticides/schools	07/01/2002
334	PV	ESSB 5583	Public mental health system	05/15/2001
335		ESSB 5703	Mobile home alterations	07/22/2001
336	PV	SSB 5940	Career & technical education	07/22/2001
337	PV	ESHB 1286	Salmon eggs	07/22/2001
1	E1	SB 6181	Ferry fares	05/02/2001
2	E1	ESB 6188	Environmental permit process	05/29/2001
3	E1		Salaries for elected officials	
4	E1	2SHB 1058	Breast/cervical cancer	07/01/2001
5	E1	EHB 1845	Surface mining	07/01/2001
6	E1	E2SHB 2025	Schools/bilingual instruction	08/23/2001
7	E1	HB 2098	Property tax exemption	08/23/2001
8	E1	PV SHB 2242	Nursing home rates	07/01/2001*
9	E1	EHB 2260	Grocery distribution coops	07/11/2001
10	E1	ESSB 5407	Simulcast horse racing	08/23/2001
11	E1	ESSB 6007	Unemployment/Indian tribes	06/11/2001
12	E1	SSB 6012	Outdoor burning	08/23/2001
1	E2	2ESHB 1266	Supplemental transportation budget	06/11/2001
2	E2	HB 1162	Small rural hospitals	09/20/2001
3	E2	HB 1984	Agricultural products	09/20/2001

\* indicates multiple effective dates

\* indicates multiple effective dates

## LEGISLATION BY SESSION &amp; CHAPTER

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4	E2	SHB	2227	Veterans' home	09/20/2001	
5	E2	HB	2233	Supplemental security income	09/20/2001	
6	E2	EHB	2266	Commodity boards/commissions	09/20/2001	
7	E2	PV	ESSB	6153	Operating budget	07/01/2001*
8	E2	PV	SSB	6155	Capital budget	06/21/2001
9	E2		ESB	5990	General obligation bonds	06/26/2001
10	E2	PV	ESSB	5937	TRS & PERS	07/01/2001*
11	E2	PV	ESSB	6167	State retirement systems	07/01/2001*
12	E2		3ESSB	6151	High-risk sex offenders	06/26/2001*
13	E2		SHB	1926	Local government records	06/30/2001
14	E2	PV	3ESSB	5327	Transportation budget	06/26/2001*
15	E2	PV	EHB	2230	Disabled persons/benefits	09/20/2001
16	E2		ESSB	5237	Fair fund	09/20/2001
17	E2		SSB	5496	Animal health products	08/01/2001
18	E2		2SSB	5947	Dairy farmers	07/13/2001
19	E2		SSB	5919	Water storage projects	09/20/2001
20	E2		ESB	5686	School assessment timelines	09/20/2001
21	E2		ESB	6198	Cigarette sales	09/20/2001
22	E2	PV	ESB	6194	Grays Harbor/pilots	07/13/2001
23	E2	PV	SHB	1624	Health or welfare services/b&o tax	07/13/2001
24	E2	PV	SHB	1906	Farm equipment tax exemption	09/20/2001
25	E2		ESHB	2138	Rural economic development	09/20/2001
26	E2		HB	2258	Earthquake funding	07/13/2001

\* indicates multiple effective dates

\* indicates multiple effective dates

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Fifty-Seventh Legislature  
 2001 Regular & All Special Sessions

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JOURNAL OF THE HOUSE  
**GOVERNOR'S VETO MESSAGES**

Fifty-Seventh Legislature  
2001 Regular & All Special Sessions

April 13, 2001

To the Honorable Speakers and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1019 entitled:  
"AN ACT Relating to the fish and wildlife commission;"

The Fish and Wildlife Commission has nine members, three from the east side of the summit of the Cascade mountains, three from the west side of the summit, and three at-large. Substitute House Bill No. 1019 would have required that six of the nine commissioners be appointed to represent each of the six administrative regions of the Department of Fish and Wildlife. The three at-large positions would have remained unchanged.

RCW 77.04 already requires that the governor appoint, with the advice and consent of the senate, three members from the east side of the state and three members from the west side, with no two members being from the same county. The statute, passed in part by referendum of the people, also provides that Commission members have general knowledge of the habits and distribution of fish and wildlife and shall not hold another government office. The governor is also required to seek to maintain a balance reflecting all aspects of fish and wildlife, including representation by organized groups of sportfishers, commercial fishers, hunters, private landowners and environmentalists. I take this charge very seriously and work hard to provide the Commission with a well-balanced group of highly skilled and experienced people.

As written, Substitute House Bill No. 1019 would limit my ability to find the best possible individuals, who must not only reflect these existing statutory requirements, but who must also be willing to fulfill the rigorous demands that are required -- both in terms of time commitment and in terms of formulating policies that guide the Department on very complex issues. I am also concerned that designating commissioners by agency region may limit the flexibility of the Department to make administrative changes. For example, if the Department were to decide it needed to consolidate its regions, it would be hampered from doing so if six of the commission appointments must come from the agency's regions, as they exist today.

While I have vetoed Substitute House Bill No. 1019 in its entirety for the reasons mentioned above, I would be willing to discuss with legislative leaders other possible appointment configurations to the Fish and Wildlife Commission that achieve the regional balance intended by this legislation.

For these reasons I have vetoed Substitute House Bill No. 1019 in its entirety.

May 15, 2001

To the Honorable Speakers and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1091 entitled:  
"AN ACT Relating to sexual misconduct with a minor;"

Substitute House Bill No. 1091 would have made it a felony for any school employee to engage in sexual conduct with a student between 16 and 18 years old. Such conduct is already a felony if the perpetrator is at least five years older and abuses a supervisory position, such as that of a teacher or coach, by making threats or promises to the victim. The bill was intended to remove the requirement that threats or promises be made.

However, the bill is overly broad. It would allow felony prosecution even if both parties were teenagers, as long as one of them is a school employee. The term "employee" could include a student who is a part-time tutor, food service or maintenance worker. For example, there are high school students who are Washington Reading Corps tutors and are paid by their local school districts. Those students could be subject to prosecution if they have consensual sex with a

classmate of approximately the same age. Such a person could be imprisoned and required to register as a sex offender after release.

I do not condone sexual activity among teenagers, but this bill is simply too broad.

As a legislator, I worked to strengthen our laws dealing with sex offenses against minors. This bill should be written to permit prosecution only of those 18 years or older and who are not students in the same school. Accordingly, I have forwarded suggested legislation to the prime sponsor of this bill.

For these reasons I have vetoed Substitute House Bill No. 1091 in its entirety.

April 30, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1093 entitled:

"AN ACT Relating to increasing the license surcharge for the impaired physician;"

Substitute House Bill No. 1093 would have authorized changes in the license surcharge for the impaired physician program to any amount not less than twenty-five dollars and not more than thirty-five dollars.

Senate Bill No. 5903 which was signed into law on April 19, 2001, is identical to Substitute House Bill No. 1093.

Substitute House Bill No. 1093 is not needed, as it would create a double amendment to state statutes.

For this reason I have vetoed Substitute House Bill No. 1093 in its entirety.

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2 and 5, House Bill No. 1102 entitled:

"AN ACT Relating to foster parents' rights;"

House Bill No. 1102 states the rights foster parents have to be free from coercion, discrimination, reprisal and retaliation in serving foster children. It also confirms that the Department of Social and Health Services (DSHS) must share information about a foster child and the child's family with foster parents, and prevents children from being placed in homes where a foster parent may have a conflict of interest.

Section 2 of the bill would have expressly prohibited DSHS from retaliating or discriminating against a foster parent because of a complaint he or she may have made against DSHS, as well as several other foster parent protections.

While it is an excellent idea to articulate foster parents' rights and responsibilities, section 2 was flawed. The section was unclear, and may have created unintended broad new liabilities for the state. DSHS would have been placed in a no-win position where any action it might have taken involving a foster parent who has complained could result in a lawsuit.

Other states have enacted comprehensive laws establishing the rights of foster parents, and the Child Welfare League of America has a model foster parent rights and responsibilities document. Many of these states' statutes and the Child Welfare League of America document would provide a model for developing strong, workable foster parent laws in Washington.

Section 5 of the bill was designed to enforce section 2, and is unnecessary after the veto of section 2.

To help ensure that there is no retaliation against foster parents in our state, I will direct the Secretary of DSHS to heighten his oversight of this issue.

For these reasons, I have vetoed sections 2 and 5 of House Bill No. 1102.

With the exception of sections 2 and 5, House Bill No. 1102 is approved.

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1126 entitled:

"AN ACT Relating to collection of business to business debts;"

House Bill No. 1126 would have, in the case of commercial claims, authorized collection agencies to recover the collection costs and fees agreed to between a debtor and creditor, in addition to the underlying claim.

Senate Bill No. 5331, which was signed into law on April 17, 2001, is identical to House Bill No. 1126. House Bill No. 1126 is not needed, as it would create a double amendment to the state statutes.

For this reason I have vetoed House Bill No. 1126 in its entirety.

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Engrossed Substitute House Bill No. 1286 entitled: "AN ACT Relating to the use of viable salmon eggs;"

Engrossed Substitute House Bill No. 1286 provides direction and priorities to the Department of Fish and Wildlife (WDFW) and the Fish and Wildlife Commission regarding the use of surplus salmon eggs.

Although I have approved the majority of this bill, I do have concerns about how it may be implemented.

Section 4 of the bill directs the Commission to issue rules allowing more hatchery salmon to spawn naturally in the state's watersheds. In view of the significant concerns and uncertainties surrounding the interaction between hatchery and wild salmon, the Commission should take into account the recommendations of the federal agencies with jurisdiction over this issue, namely the National Marine Fisheries Service and the U.S. Fish and Wildlife Service.

Nothing in this legislation infringes on WDFW's co-management responsibilities with the tribes. I anticipate that any rules will comply with WDFW's Hatchery Genetic Management Plans, satisfying the requirements of the Endangered Species Act and the goal of wild fish recovery. I also expect the state and tribes to continue to improve hatchery practices and to develop recommendations consistent with the findings of the Hatchery Scientific Review Group.

Although hatcheries currently, and in the future, will play an important role in the recovery of wild salmon populations, they are not a substitute for the protection and restoration of habitat and reform of our state water code. Wild salmon will not recover without our addressing habitat, hatcheries, harvest and hydropower.

I also note that there is a technical conflict in the priorities for the distribution of surplus eggs in section 1 of the bill and existing law (RCW 77.100.060(3)). I ask that the WDFW work with the legislature to address this issue.

Section 6 of this bill is an emergency clause. My discussions with WDFW indicate that this provision is not necessary and that the development of the appropriate rule package will take some time.

For these reasons, I have vetoed section 6 of Engrossed Substitute House Bill No. 1286.

With the exception of section 6, Engrossed Substitute House Bill No. 1286 is approved.

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 11, 12 and 15, Substitute House Bill No. 1320 entitled:

"AN ACT Relating to adult family homes;"

Substitute House Bill No. 1320 strengthens and improves the training, licensing and inspection processes for adult family homes. Adult family homes are an integral part of our long-term care system. I support the efforts to balance the need of the Department of Social and Health Services (DSHS) to ensure a high quality of care, and the need of providers for certainty in the licensing and inspection processes.

Section 11 of the bill would have eliminated the requirement that employees in adult family homes have food handler permits from the Department of Health (DOH). Instead, DSHS would have been required to include food safety training in its regular training and continuing education curricula. Asking DSHS to provide education on food safety and to enforce DOH rules is not efficient or effective. In addition, under current law food handler permits must be obtained

within fourteen days of employment. The DSHS training must be obtained with six months of the date of employment. Food safety is too important to delay the training in this manner.

Section 12 of the bill would have required DSHS to work with providers and resident communities to develop opportunities for its staff to become familiar with the routines of adult family homes. This language is vague and unenforceable. It is also insulting to the agency staff, because it implies that DSHS employees are unfamiliar with the industry they are regulating. Opportunities for exchanges of information and experience can be developed without a statutory requirement. I encourage DSHS to take these steps but it need not be mandated by statute.

Section 15 is unnecessary because it sets the implementation date for section 11.

For these reasons, I have vetoed sections 11, 12 and 15 of Substitute House Bill No. 1320.

With the exception of sections 11, 12 and 15, Substitute House Bill No. 1320 is approved.

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 19, House Bill No. 1361 entitled:  
"AN ACT Relating to simplifying excise tax application and administration;"

House Bill No. 1361 was introduced as the Department of Revenue's annual housekeeping bill. It makes several technical corrections and clarifications to the law implemented by the Department. However, it was amended to include sections 18 and 19, provisions that affect the Business & Occupation (B&O) tax treatment of money earned from investments by businesses other than banks, loan, security or other financial businesses.

Section 19 of the bill would have implemented the intent expressed in section 18, which is to delay any change in the manner or extent of taxation of certain investment income as a result of the recent Washington Supreme Court decision, *Simpson Investment Co. v. Department of Revenue*. However, parties on both sides of the discussion agree that section 19 is clearly unconstitutional. Section 19 would require the Department to treat similarly situated taxpayers differently, contrary to principles of sound tax administration and the equal protection clauses of the state and federal constitutions. Also, the fiscal cost of a successful challenge would be much greater than the legislature assumed when it enacted this bill.

I fully support the goals inherent in section 19 of this bill. However, we should not make tax policy or administrative changes until there has been a thorough evaluation of the implications of the Washington Supreme Court's ruling on the affected parties.

I have directed the Department to adhere to the spirit of section 19 and to not change or expand the application of the law to include activities that heretofore have not been made subject to the tax. The Department will continue to apply pre-*Simpson Investment Co.* policies and interpretations with respect to RCW 82.04.4281. I have further directed the Department to work closely with all affected parties to develop a suitable, constitutional proposal that can be considered by the legislature in 2002.

The Director has formed a task force including representatives of Frank Russell Co., Microsoft, Washington Mutual Bank, Safeco, Allied Daily Newspapers, and Eagle River Partners, as well as Arthur Anderson, Perkins Coie, Davis Wright Tremaine, Stoel Rives, the Association of Washington Business and the Washington State Bar Association on behalf of clients and general interests. I fully anticipate that this group, working cooperatively with the Department, will be able to reach a consensus.

It is important that actions of the legislative and executive branches of government not result in actual or perceived damage to our business climate. The business community is understandably concerned about the implications of the *Simpson Investment Co.* case. However, I cannot in good conscience sign into a law a provision that is clearly unconstitutional and unfair to some businesses. Additionally, I reiterate that the Department will continue to apply only pre-*Simpson Investment Co.* policies and interpretations with respect to RCW 82.04.4281.

For these reasons, I have vetoed section 19 of House Bill No. 1361.

With the exception of section 19, House Bill No. 1361 is approved.

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1422 entitled:  
"AN ACT Relating to increasing the size of the state investment board;"

This bill would have added two members to the State Investment Board: a representative of local government appointed by the Governor for a two-year term, and an active member of the School Employees Retirement System (SERS) appointed by the Superintendent of Public Instruction for a three-year term.

I do not dispute that local governments and school employees have a valid interest in State Investment Board decisions. However, I am concerned that House Bill No. 1422 does not address the equally valid interests of the many other groups whose funds are managed by the Board but who would continue to be excluded.

Rather than increasing the size of the Board by granting membership to selected individual stakeholders to the exclusion of others, a better approach would be to restructure the Board to allot seats to classes of stakeholders, without increasing the number of Board members. I would be pleased to work with the Legislature and stakeholders to develop legislation toward this end.

For these reasons I have vetoed House Bill No. 1422 in its entirety.

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3 and 4, Second Substitute House Bill No. 1445 entitled:

"AN ACT Relating to the time certificate of deposit investment program;"

Second Substitute House Bill No. 1445 continues the state's Linked Deposit Program, under which low-interest loans are made available for women and minority-owned businesses beyond its June 30, 2001 sunset date. This is an important program that aids in the creation and expansion of many businesses. Additionally, the program has spurred economic development in distressed areas of our state.

Section 3 of the bill was an amendment to the original bill and would have directed the program to socially and economically disadvantaged business enterprises, deleting all references to women or minority-owned businesses. As such, several legislators who supported the bill believe section 3 would have significantly diluted the Linked Deposit Program, making it inconsistent with the original legislative intent.

Section 4 also references socially and economically disadvantaged business enterprises, and it would create confusion if section 3 were vetoed alone.

For these reasons, I have vetoed sections 3 and 4 of Second Substitute House Bill No. 1445.

With the exception of sections 3 and 4, Second Substitute House Bill No. 1445 is approved.

May 11, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1568 entitled:

"AN ACT Relating to suspension, revocation, and denial of driver training school instructor licenses;"

House Bill No. 1568 would have specified in statute that the Department of Licensing has the authority to suspend the license of a driving school instructor, if that instructor no longer meets the initial requirements to obtain an instructor's license.

Although well intentioned, this legislation is not necessary. After careful review of RCW Chapter 46.82, and RCW 46.82.330 and 46.82.350(1)(c) in particular, I believe the Department of Licensing already has the authority to apply the requirements that a person must satisfy to obtain an instructor's license to suspension, revocation or renewal of that same license. Given the current language of the statutes, it is disingenuous to argue, for example, that a person may not be granted an instructor's license if he or she has had alcohol-related traffic violations within the preceding three years, but is eligible to renew his or her license with recent alcohol-related traffic violations on his or her record.



I encourage the Department of Licensing to proceed with any steps necessary to amend and clarify its standards, rules, and procedures regarding the suspension, revocation and renewal of driving school instructor licenses consistent with this letter.

For these reasons I have vetoed House Bill No. 1568 in its entirety.

July 13, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute House Bill No. 1624 entitled: "AN ACT Relating to the business and occupation tax deduction for health or social welfare services as applied to government-funded health benefits paid through managed care organizations;"

Substitute House Bill No. 1624 authorizes a business and occupation (B&O) tax deduction for amounts received by a health or social welfare organization that is a non-profit hospital or a public hospital, from a managed care organization or other entity that is under contract with the federal or state government to manage certain health care benefits. The deduction is equal to the amount of payments the entity receives for health benefits for Medicare; medical assistance, children's health, or other programs authorized pursuant to RCW 74.09; or the Washington Basic Health Plan. The credit amount is limited to the extent these payments are received as compensation for health care services within the scope of benefits covered by the pertinent government health care program.

Section 3 of this bill would have applied the deduction to taxes collected in the future, on reporting periods prior to the effective date of this act. The retroactive nature of the provision is not fair to taxpayers who have timely reported and remitted their taxes. Taxpayers who failed to pay their taxes due before the effective date of this bill would have been rewarded for being delinquent, while those who paid on time would not receive a refund (such refunds are prohibited by Article VIII, Section 7 of the Washington Constitution as interpreted by the Washington Supreme Court).

For this reason, I have vetoed section 3 of Substitute House Bill No. 1624.

With the exception of section 3, Substitute House Bill No. 1624 is approved.

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5, 6, 7, and 20, Substitute House Bill No. 1650 entitled:

"AN ACT Relating to community mental health services;"

Substitute House Bill No. 1650 implements several recommendations of a recent performance audit of the community mental health system by the Joint Legislative Audit and Review Committee (JLARC). I support those recommendations relating to funding flexibility, performance measurement, and other improvements. I also support the bill's goal of minimizing administrative expenses at all levels of the mental health system.

Section 5 of the bill would have required the Department of Social and Health Services (DSHS), to collaborate with others, including Regional Support Networks and community treatment providers, to develop performance measures for use in evaluating and managing the mental health system. I strongly support this recommendation. However, developing these measures and designing the data system they will require would cost over \$1 million. The budget adopted by the House includes this funding, but the Senate budget does not. Without assurance of funding, I am unwilling to let this requirement become law.

Sections 6 and 7 of the bill would have required use of the performance measures in section 5 to evaluate programs and make reports to the legislature. Without section 5, sections 6 and 7 have no meaning.

If, during the special session, the legislature chooses to enact sections 5, 6, and 7, with funding assured, I will gladly sign those sections because I support their intent.

Section 20 of the bill would have required DSHS to develop a plan to reduce mental health system administrative expenses, including in the Regional Support Networks and community-based treatment providers, to ten percent of

available funds, and submit the plan to the legislature by December 15, 2001, with an assumed implementation date of July 1, 2003.

Minimizing administrative costs is an important goal for any program. But the Secretary of DSHS advises me that developing a realistic plan to achieve that goal for the mental health system as a whole will take longer than seven months, in part because it requires the active participation of mental health providers and Regional Support Networks.

The legislature's intent to see a plan implemented in July 2003 allows enough time to develop such a plan properly. Therefore, I have vetoed section 20 and direct DSHS to work with appropriate stakeholders to complete the plan, and make recommendations to me and to the legislature by October 1, 2002.

For these reasons, I have vetoed sections 5, 6, 7, and 20 of Substitute House Bill No. 1650.

With the exception of sections 5, 6, 7, and 20, Substitute House Bill No. 1650 is approved.

May 7, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9, Substitute House Bill No. 1678 entitled: "AN ACT Relating to advance right-of-way acquisition;"

Substitute House Bill No. 1678 creates the city and county advance right of way revolving fund. This account was recommended by the Blue Ribbon Commission on Transportation, and will allow local governments to acquire land in advance of construction, as funds become available. This has proved to be a very effective tool at the state level, allowing construction to start as soon as construction funding is available.

Section 9 of the bill would have rendered the fund null and void if there is no appropriation for the fund in this year's biennial transportation budget. I strongly support the revolving fund, and have recommended an appropriation in my transportation budget proposal. I urge the legislature to do the same. Clearly, the merits of this bill extend beyond June 30th of this year.

For these reasons I have vetoed section 9 of Substitute House Bill No. 1678.

With the exception of section 9, Substitute House Bill No. 1678 is approved.

May 11, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 1745 entitled: "AN ACT Relating to child support technical amendments regarding medical support;"

Engrossed House Bill No. 1745 was intended to make changes to state laws regarding National Medical Support Notice requirements. However, each of the bill's two sections contains unacceptable provisions.

Section 1 of the bill would have required the Division of Child Support within the Department of Social and Health Services (DSHS), where appropriate, to comply with a federal law requiring that a National Medical Support Notice be sent with payroll deduction notices or income withholding orders within two days of receiving new hire reporting information. DSHS can and must comply with the federal law without a state statute directing it to do so. Therefore, section 1 is unnecessary.

Section 2 would have placed unrealistic and inappropriate limits on the authority of the Division of Child Support to make new rules. It also would have changed the burden of proof in court proceedings for certain agency actions, reversing a long-standing legal principle governing the validity of agency actions. Additionally, section 2 would have limited the agency's authority to implement the law to circumstances and behaviors known at the time of the bill's enactment, subjecting the agency to an uncertain and ambiguous standard and inviting litigation.

These restrictions are different from the requirements and standards of the Administrative Procedure Act (APA), and would have subjected rules and actions adopted under this act to different, inconsistent standards. APA standards apply uniformly to all other rules adopted by the DSHS, and every other agency and division in state government. It is important that rules and actions of state agencies be implemented and enforced uniformly. It is also important that the

APA not be amended in a piecemeal way. To do so would create administrative confusion, make rules harder for the public to understand, and invite litigation.

For these reasons I have vetoed Engrossed House Bill No. 1745 in its entirety.

April 17, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Engrossed House Bill No. 1864 entitled: "AN ACT Relating to information requirements in family law court files;"

Engrossed House Bill No. 1864 provides valuable privacy protections for people involved in family court actions. It will help limit cases of identity theft and misuse of private information, particularly as court filings are made accessible on the Internet.

However, section 6 of EHB 1864 would place unrealistic and inappropriate limits on the authority of the DSHS Division of Child Support to make rules implementing the new privacy protection standards for administrative orders granted pursuant to section 3 of the bill. These restrictions are inconsistent with the requirements and standards of Chapter 34.05 RCW, the Administrative Procedure Act (APA). APA standards apply uniformly to all other rules adopted by the DSHS, and every other agency and division in state government. The requirements in section 6 of this bill would have subjected rules and actions adopted under this act to different, inconsistent standards.

It is important that rules and actions of state agencies be implemented and enforced uniformly. It is also important that the APA not be amended in a piecemeal way. To do so would create administrative confusion, make rules harder for the public to understand, and invite litigation.

Additionally, section 6 of EHB 1864 would have changed the burden of proof in court proceedings for certain agency actions. This would have reversed a long-standing legal principle governing the validity of agency actions, and could have created significant legal impediments for implementation of the program covered by the bill.

Section 6 also would have limited the agency's authority to implement the law to circumstances and behaviors known at the time of the bill's enactment. That would also subject the agency to an uncertain and ambiguous standard and invite litigation.

For these reasons, I have vetoed section 6 of Engrossed House Bill No. 1864. With the exception of section 6, Engrossed House Bill No. 1864 is approved.

May 14, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9 and 10, Substitute House Bill No. 1892 entitled: "AN ACT Relating to agricultural commodity board and commissions;"

Substitute House Bill No. 1892 expands the powers of certain commodity boards and commissions so that they may be more effective in promoting Washington's products.

Sections 9 and 10 of the bill would have allowed members and staff of commodity boards and commissions to be reimbursed for the full amount of their actual travel expenses, rather than being limited by the Office of Financial Management regulations on reimbursement rates. Because international travel can be quite expensive and these boards and commissions are self-supporting, I support this goal. Unfortunately, sections 9 and 10 were mechanically flawed. They would have exempted individuals from compliance with RCW 43.03.050 and 43.03.060, which create the statewide system for travel reimbursement. However, this bill does not also amend RCW 15.65.270 or 15.66.130, both of which deal with travel reimbursement for commodity board or commission members. By changing only part of the applicable statutes, sections 9 and 10 would have created an internal inconsistency in the law.

Several bills were passed this year dealing with travel reimbursement for commodity boards and commissions. I encourage the interested parties to combine their efforts next year to put forward a single effort that consistently amends the expense reimbursement statutes for all of our state's self-supporting commodity boards and commissions.

For these reasons, I have vetoed sections 9 and 10 of Substitute House Bill No. 1892.

With the exception of sections 9 and 10, Substitute House Bill No. 1892 is approved.

July 13, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute House Bill No. 1906 entitled: "AN ACT Relating to the exemption of machinery and equipment used in farming operations from the state property tax and preventing a shift of property taxes;"

Substitute House Bill No. 1906 authorizes an exemption from the state property tax for machinery and equipment owned by a farmer and used exclusively to grow agricultural products. Under the bill, farmers will continue to pay local property taxes on the machinery and equipment.

Section 2 of the bill would have required the state levy to be recalculated so that the exemption would not increase the rate of the state property tax levy, shifting the property tax burden to other property tax payers. The result would have been to permanently reduce revenues going into the state General Fund.

In the 2003-2005 biennium, section 2 would have caused a reduction in General Fund revenues of almost seven million dollars. The recently passed operating budget already leaves an uncomfortably small reserve for the future. My veto of section 2 will preserve revenue for the state General Fund and increase the reserves available for the state school levy.

For these reasons, I have vetoed section 2 of Substitute House Bill No. 1906.

With the exception of section 2, Substitute House Bill No. 1906 is approved.

May 7, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Engrossed Substitute House Bill No. 1995 entitled: "AN ACT Relating to civil forfeitures of property;"

Engrossed Substitute House Bill No. 1995 provides needed reform to our civil forfeiture laws. This bill will provide greater protection to citizens whose property is subject to seizure by law enforcement agencies. Drug dealers should not be allowed to benefit from their illegally gotten wealth, but we must not sacrifice citizens' rights in our efforts to fight drug trafficking.

Section 4 of the bill establishes a workgroup of the Senate and House Judiciary Committees, including legislative and non-legislative members, to evaluate Washington's civil forfeiture laws and practices, and report back to the legislative committees by December 1, 2001. I believe such a workgroup will be very useful and can continue examining the issues involved in the forfeiture laws. However, there is simply no need to establish the workgroup in statute. I urge the committees to use their inherent power to establish this workgroup, so that it can perform its intended functions within the intended time period, without enactment of a statute.

For these reasons, I have vetoed section 4 of Engrossed Substitute House Bill No. 1995.

With the exception of section 4, Engrossed Substitute House Bill No. 1995 is approved.

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 10 and 14, Substitute House Bill No. 2046 entitled: "AN ACT Relating to validating trusts created for the benefit of nonhuman animals;"

Substitute House Bill No. 2046 will allow trusts created for the benefit of vertebrate animals to be legally recognized and enforceable. This change in the law will allow people to ensure that their pets will be cared for after their owner's death.

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Sections 10 and 14 of the bill were intended to address contingencies that could be caused by the rule against perpetuities. However, those issues were resolved with Senate Bill No. 5054, which I signed on April 18, 2001.

For these reasons, I have vetoed sections 10 and 14 of Substitute House Bill No. 2046.

With the exception of sections 10 and 14, Substitute House Bill No. 2046 is approved.

May 11, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No 2095 entitled:

"AN ACT Relating to procurement of architectural and engineering services;"

House Bill No. 2095 would have required that when state and local government agencies procure architectural and engineering services, they must encourage firms providing these services to submit their qualification and performance data no less than biennially. Current law encourages annual submittal.

I understand that at least one local government agency believes that annual submittal and review of this data results in unnecessary cost impacts, which could be lessened if review were to occur on a biennial basis. However, since under current law annual submittals clearly are only *encouraged*, not required, I believe that government agencies already have sufficient flexibility under the law to accept the data biennially, particularly if annual submittal results in unreasonable financial burdens. Therefore, the change proposed by the bill is not necessary.

For these reasons I have vetoed House Bill No. 2095 in its entirety.

May 11, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Engrossed Substitute House Bill No. 2172 entitled:

"AN ACT Relating to the repair and maintenance of backflow prevention assemblies;"

Engrossed Substitute House Bill No. 2172 creates a specialty plumber's certificate of competency for the maintenance and repair of backflow prevention assemblies. This bill will make it easier and more cost effective to conduct annual inspections of backflow prevention assemblies by increasing the number of available inspectors.

Section 4 of the bill would have repealed the requirement that backflow prevention devices in residential dwellings be annually inspected. Such action would compromise the health and safety of Washington residents and the integrity of our state's potable water. Without a state inspection requirement, local governments would likely impose their own requirements, resulting in a multitude of differing standards.

For these reasons I have vetoed section 4 of Engrossed Substitute House Bill No. 2172.

With the exception of section 4, Engrossed Substitute House Bill No. 2172 is approved.

July 11, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Engrossed House Bill No. 2230 entitled:

"AN ACT Relating to state health and employment support benefits for incapacitated or disabled individuals;"

Engrossed House Bill No. 2230 changes state law as necessary to comply with the federal Ticket to Work and Work Incentives Improvement Act of 1999. It will allow the Department of Social and Health Services to continue medical coverage for individuals with disabilities who go to work.

However, section 4 of the bill would have rendered the entire act null and void unless specific funding, referencing the act by bill or chapter number, was included in the omnibus appropriations act. The omnibus appropriations act contains the necessary funding, but without a specific reference to the bill. Without a veto of section 4, the bill would have been rendered null and void.

For these reasons, I have vetoed section 4 of Engrossed House Bill No. 2230.

With the exception of section 4, Engrossed House Bill No. 2230 is approved.

June 11, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 19, Substitute House Bill No. 2242 entitled: "AN ACT Relating to Medicaid nursing home rates;"

Substitute House Bill No. 2242 modifies the current nursing home reimbursement formula, directs the Department of Social and Health Services to convene a study regarding issues related to nursing homes rates, and establishes a joint legislative task force to monitor and evaluate this issue and submit a report to the Legislature by December 1, 2003.

Section 19 of the bill would have allowed transfers of nursing home Certificates of Need (CONs) via bankruptcy without a review of whether subsequent operators meet CON criteria. Without a CON review, there would be no assurances that the new operator has the expertise or financial wherewithal to provide adequate resident care.

Over past several years, as a policy objective to help move nursing home residents toward housing more integrated in our communities, the Legislature has directed the Department of Health to reduce the number of nursing home beds approved through the CON process. Currently, a bankruptcy means that the Department of Health has an opportunity to reconsider its issuance of a CON. Section 19 would have allowed construction of nursing home beds to continue, without affording the Department the opportunity to reevaluate the need for the beds.

For these reasons, I have vetoed section 19 of Substitute House Bill No. 2242.

With the exception of section 19, Substitute House Bill No. 2242 is approved.



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Social and health services department, employees working with vulnerable adults or children: HB 1776, \***SSB 5606, CH 296 (2001)**

**BAIL AND BAIL BONDS**

Bench warrants, agreements between courts and agents: HB 1483

Recovery agent, standards and certification: HB 1482

**BALLOTS (See ELECTIONS)****BANKS AND BANKING (See also FINANCIAL INSTITUTIONS)**

Alien banks, investigation procedures revised: \***HB 1036, CH 176 (2001)**

Community development financial institutions, tax credit allowed for deposits: HB 1377

Privacy, restrictions on use of social security numbers for identification: HB 1977

Recovery, business and occupation tax deduction for subordinating mortgages on property donated for conservation purposes: HB 1104

**BARBERS (See COSMETOLOGY)****BASEBALL (See SPORTS)****BASIC HEALTH PLAN (See HEALTH CARE)****BEER (See ALCOHOLIC BEVERAGES)****BIDS AND BIDDING (See also PUBLIC WORKS)**

Public works, contractor's record of compliance with tax, labor and employment, and environmental laws: HB 1918

Public works, interim task force created to study lowest possible bidder selection method: HR 4630

Public works, lowest responsible bidder selection method: HB 1343

Schools, rejection of bids on basis of students' well-being: HB 1980

**BILLBOARDS (See ROADS AND HIGHWAYS)****BIOMEDICAL WASTE (See HAZARDOUS WASTE)****BIRDS (See also WILDLIFE)****BIRTH CERTIFICATES (See VITAL RECORDS)****BIRTH CONTROL**

Contraceptive health care services and prescriptions, exclusion or restriction by health carrier or plan prohibited: HB 2194

Drug-affected infants, screening of pregnant and lactating women addicted to alcohol and drugs required and birth control information provided: HB 1206, SSB 5416

Family planning service, growth management comprehensive plan requirements: HB 2132

Family planning services, waiver of services under section 1115 of federal social security act allowed: HB 1283, SB 5186

**BLIND, DEPARTMENT OF SERVICES FOR THE**

Vendors, health insurance benefits: HB 1741, SHB 1741

**BOARDING HOMES**

Business and occupation tax exemptions: HB 2175

Inspections: HB 1427

Property tax exemption extended to persons confined to homes: HB 1438

Quality improvement consultation program: HB 1426, \***SHB 1426, CH 85 (2001)**

Resident protection and violation enforcement, resident protection standards joint task force created: HB 2041

Resident protection and violation enforcement, temporary management program: \***SHB 2041, CH 193 (2001)**

Violations, dispute resolution process: HB 1427, HB 1428

#### BOATS (See also COMMERCIAL VESSELS AND SHIPPING)

Aquatic lands, floating residences in urban growth areas: HB 2024

Aquatic lands, mooring at state-owned shoreland buoys: \***HB 1936, CH 277 (2001)**

Aquatic lands, water-dependent rental rates for marina leases, study: HB 2162, SHB 2162, 2SHB 2162

Aquatic residences, definition of water-dependent use modified: HB 1496

Derelict vessels, joint select committee established to review the disposal of derelict vessels: HCR 4401, SHCR 4401

Derelict vessels, removal and disposal funded: HB 1349, \***SHB 1349, CH 27 (2001)**

Fish and wildlife lands vehicle use permit, provisions revised: HB 1017, SHB 1017, HB 1020, HB 1199, \***SSB 5438, CH 243 (2001)**

Offenses, arrests without warrant authorized: HB 2000

Safety, mandatory boating safety education: HB 2124

#### BOMBS (See EXPLOSIVES)

#### BONDS (See also SURETYSHIP AND GUARANTY)

Clean water projects, general obligation bonds: HB 2147

East plaza garage repair, general obligation bonds issued: HB 1826, HB 1828, HB 1829, \***SB 5990, CH 9 E2 (2001)**

General obligation bonds, capital and operating projects for 2001-03 fiscal biennium: HB 1828, HB 1829, \***SB 5990, CH 9 E2 (2001)**

General obligation bonds, issuance for 2001-03 fiscal biennium authorized: HB 1358

Jails, general obligation bonds to fund construction: HB 2128

Legislative building, general obligation bonds issued to fund rehabilitation: HB 1827, HB 1829, SSB 5344, \***SB 5990, CH 9 E2 (2001)**

Local public works projects, general obligation bonds issued to provide loans: HB 2206

Private bond allocation ceilings adjusted: \***SB 5197, CH 330 (2001)**

School levies and bonds, simple majority of voters voting may authorize: HB 1009, HJR 4201

Transportation financing, general obligation bonds: HB 1666

Transportation projects, general obligation bonds: HB 1687

#### BONNEVILLE POWER ADMINISTRATION (See ELECTRICITY)

#### BORDER AREAS

Border county higher education opportunity project: SSB 5552

#### BOXING AND WRESTLING (See SPORTS)

#### BREAST-FEEDING

Employers, "infant-friendly" designation on promotional material: \***2SHB 1590, CH 88 (2001)**

Employers, "mother-friendly" designation on promotional material: HB 1590, SHB 1590

Indecent exposure: HB 1590, SHB 1590, \***2SHB 1590, CH 88 (2001)**

#### BRIDGES

Tacoma Narrows bridge and SR 16 corridor, transportation public-private pilot projects: HB 1681

Tacoma Narrows bridge, electronic tolling: HB 1429, SHB 1429

Tacoma Narrows bridge, public funding: HB 2277, HB 2279

Tacoma Narrows bridge, toll procedures in public-private initiatives clarified: HB 1933, HB 2195, HB 2277, SB 5130

**BUDGET**

Capital budget, 1999-01 supplemental appropriations: HB 1625, \***SHB 1625, CH 123 (2001)**

Capital budget, 2001-03 fiscal biennium: HB 1359, SHB 1359, SSB 5347, \***SSB 6155, CH 8 E2 (2001)**

Expenditure limit, increase in limit provided for any general fund spending measure approved by voters: HB 1242

General obligation bonds, capital and operating projects for 2001-03 fiscal biennium: HB 1828, HB 1829, \***SB 5990, CH 9 E2 (2001)**

General obligation bonds, issuance for 2001-03 fiscal biennium authorized: HB 1358

Operating budget, 1999-01 supplemental appropriations: HB 1314, \***SHB 1314, CH 117 (2001)**

Operating budget, 2001-03 fiscal biennium: HB 1315, SHB 1315, SSB 5345, \***SSB 6153, CH 7 E2 (2001)**

Transportation, 1999-01 supplemental appropriations: HB 1266, \***SHB 1266, CH 1 E2 (2001)**

Transportation, 2001-03 fiscal biennium: HB 1267, SHB 1267, \***SSB 5327, CH 14 E2 (2001)**

**BUILDING CODE COUNCIL**

Landscaping, water conservation standards for automatic irrigation systems: HB 1599

Membership, state director of fire protection: HB 1612, SB 5683

Permit fee increased: HB 1363, SB 5352

**BUILDING CODES/PERMITS**

Fee to fund building code council account increased: HB 1363, SB 5352

State building code, adoption: HB 1555

**BUSES (See also PUBLIC TRANSIT)**

School bus stop sign violations enforcement enhanced: HB 1193

**BUSINESS ASSISTANCE CENTER (See COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT)****BUSINESSES**

Accountants, public accountancy act revisions: HB 1597, SHB 1597, 2SHB 1597, \***2SSB 5593, CH 294 (2001)**

Agency rules, technical assistance compliance: HB 2049, \***SHB 2049, CH 190 (2001)**

Annuity insurers, structured settlement protection act: \***HB 1347, CH 178 (2001)**

Assembly activities, business and occupation tax exemption for pumping, motor, or compressor equipment: HB 1500

Athlete trainers, certification and standards: HB 1830, SSB 5598

Charitable gift annuity business, separate reserve fund: HB 2160

Collection agencies, business to business debt collection provisions modified: HB 1126, \***SB 5331, CH 47 (2001)**

Community revitalization, Washington main street program created and tax exemptions provided: HB 1204

Commute trip reduction, employer tax credits for providing financial incentives to employees: HB 1988, SSB 6008

Construction, civil action right to cure defects: HB 1572

Driver training schools, licensing provisions: HB 1568

Ergonomics, business and occupation tax credit for rule compliance: HB 2164

Family leave insurance program and benefits established: HB 1520

Family leave insurance program and benefits, need to establish declared: HB 1185

Farm equipment and machinery, regulations for suppliers and dealers revised: HB 1182

Fire alarm systems, contractor licensing and technician certificate of competency: HB 1585

Hazardous materials, rail shipment inspections: HB 1454, SB 5633

Identity crimes, credit protection for victims: HB 1321, \***SSB 5449, CH 217 (2001)**

Industrial hygiene and safety, certification procedures: HB 2074

Insurance agents and brokers, licensing: \***HB 1547, CH 56 (2001)**

Insurance, casualty or property insurance costs, fraud: HB 1618

Insurance, distribution of claims of an insurer's estate: \***HB 1634, CH 40 (2001)**

Insurance, health carrier third-party administrators: HB 1728, SHB 1728, 2SHB 1728  
 Insurance, specialty producer licensing: HB 2224  
 Insurance, surplus line broker licensing: \***HB 1729, CH 91 (2001)**  
 Insurers, investment limits for noninsurance subsidiaries: \***HB 1727, CH 90 (2001)**  
 Licenses, city general license fee: HB 2109  
 Linen and uniform supply services, sales and use tax: \***HB 1385, CH 186 (2001)**  
 Linked deposit program revised: HB 1445, SHB 1445, \***2SHB 1445, CH 316 (2001)**  
 Motor fuels marketing fair competition act of 2001: HB 1998  
 Motor vehicle dealers and manufacturers, licensing provisions: \***HB 1581, CH 272 (2001)**  
 Motor vehicle dealers, license educational and bonding requirements: HB 1736, SHB 1736  
 Motor vehicle licensing subagent service and registration fees increased: HB 1310  
 Physical fitness services, business and occupation tax: HB 1575  
 Privacy, information privacy policy requirements: HB 2016  
 Privacy, private and public entities required to destroy personal information records: HB 2015  
 Public disclosure exemption for commercial information and records supplied to port districts: HB 2028  
 Regulatory requirements, business and occupation tax credit for compliance: HB 2043  
 Residential property management, electrical work on owner's residential property: HB 1986  
 Rural counties, small-scale business expansion: HB 1395, HB 1869  
 Safety and health impact grant program: SB 5882  
 Sales, criminal penalties imposed for unauthorized sale of certain products by an unused property merchant: \***SB 5374, CH 160 (2001)**  
 Small businesses, business and occupation tax credit increased: HB 1948  
 Small businesses, health insurance: HB 2157  
 State agency and department rules, notice of changes: HB 2054  
 TANF, tax credits for hiring TANF recipients: HB 1430  
 Taxation by cities, system for uniform treatment and to avoid multiple taxation: HB 1854  
 Telework, business and occupation and public utility tax credits provided to encourage telework: HB 1478, SHB 1478  
 Telework, enhancement committee and account: 2SSB 5170  
 Vehicle licensing subagents allowed to transfer appointments: HB 1311

#### CABLE TELECOMMUNICATIONS SYSTEMS (See TELECOMMUNICATIONS)

#### CAMPAIGNS

Advertising, disclosure requirements: HB 1354, \***SB 6109, CH 54 (2001)**  
 Candidates, filing date requirements revised: HB 1230, SHB 1230  
 Candidates, political party designation: \***HB 1577, CH 30 (2001)**  
 Contributions, primary losers: \***HB 1770, CH 208 (2001)**, SB 5870  
 Declaration of candidacy, filing location clarified: HB 1231  
 Election filing date requirements revised: \***SB 5273, CH 46 (2001)**  
 Local, public funding for local offices allowed: HB 2030  
 Political party certification, candidates: HB 1551  
 Public disclosure violations, penalties adjusted: HB 1353  
 Spending limits, voluntary program: HB 1917  
 Surplus political funds, donation to schools allowed: SB 5188

#### CAMPERS (See RECREATIONAL VEHICLES)

#### CANADA

Aquaculture products, free and fair trade between the United States and Canada: SJM 8016

#### CANCER

Breast and cervical cancer medical assistance: HB 1058, SHB 1058, \***2SHB 1058, CH 4 E1 (2001)**, 2SSB 5820

Cancer coordination and control advisory committee: HB 2218

Hanford fast flux test facility, Congress requested to develop facility for medical and tritium purposes: HJM 4014

CANDIDATES (See CAMPAIGNS, ELECTIONS)

#### CAPITAL PROJECTS

Art and cultural facilities, funding for local government and other entities: HB 1834

CAPITAL PUNISHMENT (See DEATH PENALTY)

#### CAPITOL CAMPUS

Legislative building, general obligation bonds issued to fund rehabilitation: HB 1827, HB 1829, SSB 5344, \***SB 5990, CH 9 E2 (2001)**

Naming guidelines established for buildings and spaces: HB 1079

Veterans memorial plaza designated: HB 1132

CASINOS (See GAMBLING)

CATS (See ANIMALS)

CATTLE (See LIVESTOCK)

CEMETERY DISTRICTS (See also SPECIAL DISTRICTS)

CERTIFIED PUBLIC ACCOUNTANTS (See ACCOUNTANTS AND ACCOUNTING)

CHARITABLE ORGANIZATIONS (See also NONPROFIT ORGANIZATIONS)

Bingo, electronic games allowed: HB 1446, SHB 1446

Volunteer liability: HB 1643, \***SHB 1643, CH 209 (2001)**

CHARITABLE TRUSTS (See TRUSTS AND TRUSTEES)

CHARTER BOATS (See BOATS)

CHECKS AND CHECK CASHING (See also NEGOTIABLE INSTRUMENTS)

Labor pool prohibited from charging a fee to cash day laborers' checks: HB 1302

CHEMICAL DEPENDENCY (See ALCOHOL AND DRUG ABUSE)

#### CHILD ABUSE

Failure to make a reasonable effort to aid, penalties: HB 1966

False accusations, penalties: HB 1401

Investigations, indemnity of individuals for good faith investigations: HB 2013

Methamphetamine manufacturing, child negligence: HB 2082, SHB 2082

Negligent treatment or maltreatment definition: HB 1344, SHB 1344

CHILD CARE (See DAY CARE)

#### CHILD CUSTODY

Child abuse, false accusation penalties: HB 1401

Custodial interference 1, penalties: HB 1822

Family law court files, information requirements: **\*HB 1864, CH 42 (2001)**

Grandparents, visitation rights revised: HB 1165

Parenting plan, shared parental responsibility: SSB 5511

Third-party visitation rights revised: HB 1054, HB 2065, HB 2251, HB 2252

Uniform child custody jurisdiction and enforcement act enacted: **\*SB 5348, CH 65 (2001)**

Visitation rights in nonparental actions, provisions revised: HB 1165

#### CHILD PROTECTIVE SERVICES (See SOCIAL AND HEALTH SERVICES, DEPARTMENT)

#### CHILD SUPPORT

Family law court files, information requirements: **\*HB 1864, CH 42 (2001)**

Jurisdiction provisions revised: SSB 5369

Medical support, technical revisions made: HB 1745

#### CHILDREN (See also CHILD CUSTODY, CHILD SUPPORT, JUVENILE OFFENDERS)

Abortion, protection for children born alive: HB 1929

At-risk youth and children in need of services, family reconciliation act provisions: HB 1958, SHB 1958, 2SHB 1958

BECCA and HOPE acts revised: SSB 5500

Baby food and infant formula, criminal penalties imposed for unauthorized sale: **\*SB 5374, CH 160 (2001)**

Background checks for persons involved in parks and recreation commission activities: HB 1849, SHB 1849

Crisis nurseries, licensing: **\*HB 1898, CH 230 (2001)**

Dependency hearings, request for open public hearing: SSB 5984

Dependency proceedings, shelter care follow up and accountability improved, right to counsel clarified: **\*SSB 5413, CH 332 (2001)**

Dependency, coordination of services: **\*SSB 6056, CH 256 (2001)**

Dependency, juvenile justice case information sharing: **\*SSB 5995, CH 52 (2001)**

Dependent care tax credit, Congress requested to extend credit to parents who stay home with children: HJM 4005

Disturbed youth services, blended funding demonstration project: HB 1913, SHB 1913

Drivers' licenses, occupational: HB 2033

Drug-affected infants, identification and filing of dependency petition required, chemical dependency treatment agreements for mothers allowed: HB 1206, SSB 5416

Drug-affected infants, screening of pregnant and lactating women addicted to alcohol and drugs required and birth control information provided: HB 1206, SSB 5416

Emancipation of minors, petition hearing proceedings revised: **\*SB 5392, CH 161 (2001)**

Firearms, storing or leaving loaded firearms within reach or access of child unlawful, penalties: HB 1121

Foster parent retention pilot program for foster parents of children who act out sexually: HB 1525

Hearing screening, health insurance: HB 2238

Immigration and naturalization services exempt from child care regulations: **\*HB 1346, CH 144 (2001)**

Infant and child products, brochure of recalled products: HB 1365

Infant and child products, safety education campaign: **\*SHB 1365, CH 257 (2001)**

Medical assistance, pilot project to contract with health carriers and managed care systems: HB 1540

Mental health, children's mental health programs and delivery service plan evaluated, comprehensive review requirements: HB 1124, SHB 1124

Motor vehicles, child passenger restraint system requirements revised: HB 1772, HB 2182, SSB 5112

Murder of a child, Valiree Jackson act established and penalties increased: HB 2149

Newborns, transfer of newborn to qualified person at appropriate location authorized and criminal liability withheld, conditions: HB 1170, SSB 5236

Out-of-home placement, limitations on placement of child provided when conflict of interest exists, penalties established for placement violations: SSB 5049

Pickup trucks, seats and seat belts required for children riding in pickup beds: HB 1022, HB 1883



Relative caregiver program, caregiver benefits for relatives caring for children: HB 1397  
 Sexual exploitation of minors, computer images: HB 1512  
 Sexual matter or performance harmful to minors, display or dissemination prohibited, state preemption of regulation established and penalties set for violations: HB 1316  
 Sexual misconduct with a minor, second and first degree defined in regard to K-12 employees and students: HB 1091, SHB 1091, HB 2262  
 Sudden unexplained deaths of children under three, investigative procedures enhanced: **\*HB 1216, CH 82 (2001)**  
 Youth courts, juvenile offenses: HB 2042, SB 5692

#### CHURCHES

Property tax, exemption provisions revised: HB 1092

#### CIGARETTES (See also TOBACCO)

Colleges and universities, smoking in residence halls prohibited: HB 1409  
 Community mobilization programs expanded to include tobacco and violence, authority transferred to community, trade, and economic development department: **\*SB 5367, CH 48 (2001)**  
 Enforcement provisions: HB 2158  
 Enforcement provisions, herbal cigarettes: SHB 2158  
 Fire safety standards and account: HB 1410  
 Herbal cigarettes, definition: HB 1719  
 Indians, governor allowed to enter into cooperative agreements with Indians, tribal cigarette tax in lieu of state cigarette tax and retail sales and use taxes: HB 1201, HB 2268, **\*SSB 5372, CH 235 (2001)**, **\*SB 6198, CH 21 E2 (2001)**  
 Retail licenses, definitions and requirements: HB 1719  
 Schools, antismoking instruction: HB 1932  
 Self-service displays prohibited, sale of cigarettes in packages of less than twenty prohibited: HB 1549, SB 5296  
 Smoking areas, designation in public places: SSB 5993

#### CIGARS (See TOBACCO)

#### CITIES AND TOWNS (See also LOCAL GOVERNMENT)

Annexation procedures revised: HB 1023  
 Annexation, petition procedures revised: HB 1169  
 Annexations, popular vote for an island of territory annexation: HB 1800  
 Aquatic lands, floating residences in urban growth areas: HB 2024  
 Business taxation, system for uniform treatment and to avoid multiple taxation: HB 1854  
 Businesses, general license fee: HB 2109  
 Code cities, board of adjustment actions: **\*HB 1523, CH 200 (2001)**  
 Code cities, municipal indebtedness: **\*HB 1523, CH 200 (2001)**  
 Code cities, transportation and land use planning integration: HB 1673, SSB 5748  
 Community development, infrastructure improvement projects: HB 1518, SHB 1518  
 Community empowerment zones, tax deferrals: 2SSB 5469  
 Community revitalization financing program created, local sales and use tax and property tax increment financing authorized: HB 1115  
 Community revitalization financing, tax allocations for public improvements: HB 1418, **\*SHB 1418, CH 212 (2001)**, SSB 5720  
 Community revitalization, Washington main street program created and tax exemptions provided: HB 1204  
 Criminal justice services, funding provided: HB 1101, SHB 1101, **\*SSB 5309, CH 289 (2001)**  
 Criminal justice services, state reimbursement required for offenses referred to cities and counties by state agencies: HB 1263  
 Downtown neighborhood and commercial district revitalization program, tax incentives and technical assistance: HB 1723

Elected officials, medical plan adoption procedures: HB 1522  
Electric energy business, volumetric tax in lieu of gross receipts tax: SHB 1207  
Electric utilities, irrigation pumping installations: **\*HB 1606, CH 122 (2001)**  
Electric vehicles, neighborhood electric vehicles: HB 1802  
Energy facility siting, comprehensive plans and zoning ordinances: 2SSB 5912  
Environmental permit process, task force to review coordination of state and local processes: HB 1941  
Ferry fares, local impact surcharge: HB 2113  
Fire protection district annexation and mergers, equitable adjustment of bonded indebtedness: HB 1798  
Fireboats, first class cities: HB 2021  
Growth management hearings boards, authority to invalidate local plans and regulations: HB 1473  
Growth management, agricultural and forest land use for active recreation: HB 2004  
Growth management, concurrency planning for comprehensive plan transportation element: HB 1815  
Growth management, economic development planning: HB 2056  
Growth management, family planning services: HB 2132  
Growth management, impact fees imposed for impact to state-owned transportation facilities: HB 1085  
Growth management, incentive programs to transfer development rights: HB 1962  
Growth management, population projection to include analysis of water resources and rights: HB 1843  
Growth management, schedule for review of comprehensive plans and development regulations: HB 1588, HB 2278, SSB 5841  
Growth management, shoreline master programs and growth management planning integration: HB 1561, HB 1964, SB 6208  
Growth management, shoreline protection and critical area ordinances: HB 1963  
Growth management, urban growth exclusion for churches and private schools: HB 2097  
Health boards, local government authorities must ratify board rules and regulations: HB 1794  
Health care insurance, retired and disabled employees: HB 1799, SHB 1799, SSB 5777  
Housing authorities, consolidation: SB 5594  
Housing, real estate excise tax proceeds for development: HB 2165  
Jails, alternative detention and rehabilitation facilities: HB 1481  
Jails, contracts with private contractors for services: HB 1766  
Jails, general obligation bonds to fund construction: HB 2128  
Jails, victim notification system integrated into statewide city and county jail booking and reporting system: HB 1063, SSB 5179  
Jobs initiative program: HB 1431  
Local motor vehicle excise tax, repealed: HB 2125, HB 2234, SB 5959, SB 6036  
Local sales and use tax, distribution to jurisdictions with low sales tax revenues: HB 2062  
Main street program: HB 1723  
Marinas, cities authorized to manage state-owned aquatic lands for purpose of operating a marina: HB 1107  
Metropolitan park districts, small works roster process: **\*HB 1548, CH 29 (2001)**  
Motorized scooters, regulations: HB 1704  
Municipal court, termination of agreement for services: HB 1264, SHB 1264, **\*SSB 5472, CH 68 (2001)**  
Parking and business improvement areas, boundaries modified: HB 1196  
Parks and recreation maintenance and operations, legislative task force: HB 1836, **\*SHB 1836, CH 275 (2001)**  
Pay phones, taxation limited: HB 2031  
Plan of government change, procedures revised: **\*SB 5057, CH 33 (2001)**  
Property tax, multiple-unit dwellings: HB 1708, SB 5872  
Public centers districts: HB 1497, HB 1817  
Public facilities districts, cities and towns with population under one million: HB 1387, HB 2188, SHB 2188, 2SSB 5514  
Public facility districts, public facility definition and provisions revised: HB 1195  
Public transit, cities to pay benefit areas for services or request the county to submit a ballot proposition allowing the benefit area to acquire the city transit system: HB 1156  
Public works, limited public works process: **\*SB 5063, CH 284 (2001)**

Publicly owned marinas, cities authorized to manage state-owned aquatic lands for purpose of operating a marina: HB 1805

Rail fixed guideway systems, safety audit reimbursement required: HB 1097, \***SB 5223, CH 127 (2001)**

Real estate excise tax funds, use: HB 1790

SEPA, exemptions: HB 1535

Salaries, mayor and council salary commissions: \***HB 1084, CH 73 (2001)**, HB 1812, SB 5065

Sexually violent predators, facility location: SSB 5845

Smoking, local regulation of indoor smoking allowed: HB 1448

Solid waste businesses and services, franchise fees: HB 1710

Storm water control and aquifer protection systems, natural systems: HB 1905

Street vacations, compensation from abutting property owners: \***HB 1750, CH 202 (2001)**

Street vacations, hearing provisions: HB 2192

Taxes, local sales and use tax to fund revitalization program: HB 1723

Telecommunications, mobile services: HB 2156

Transportation, advance right-of-way acquisition funding: HB 1678, \***SHB 1678, CH 201 (2001)**

Transportation, baseline allocation funding requirements: HB 1689, HB 1691

Transportation, federal funding distribution: HB 1690

Transportation, infrastructure financing act: HB 1666

Transportation, land use planning integration: HB 1673, SSB 5748

Transportation, maintenance and preservation management plan: HB 1668, SSB 5764

Transportation, prevailing wage exemption for projects: HB 2213

Transportation, regions: HB 1667

Water, municipal water supply purposes defined: HB 1875, HB 1879

Water-sewer districts, boundary review board considerations of assumptions: HB 2181

#### CITIZENS COMMISSION ON SALARIES

Counties, cities, and towns, independent salary commissions: \***HB 1084, CH 73 (2001)**, HB 1812, SB 5065

Counties, independent salary commissions authorized: SHB 1812

#### CIVIL LIABILITY, IMMUNITY FROM (See IMMUNITY)

#### CIVIL PROCEDURE

Administrative hearings, award of fees and expenses: HB 2052

Arbitration, mandatory arbitration provisions revised: HB 1415, SB 5373

Child abuse investigations, indemnity of individuals for good faith investigations: HB 2013

Construction, right to cure defects: HB 1572

Court-ordered restitution obligations, enforcement provided: HB 1117, \***SHB 1117, CH 115 (2001)**

Damage to property, liability extended to land held in conveyance for conservation or preservation purposes: HB 1305

Defense against personal injury action, injury caused while committing a crime: HB 1541, SHB 1541

Dependent adults, hearsay admissible as evidence in proceeding: HB 1425, HB 2077

Drug paraphernalia, penalties set for infractions: HB 1112

Environmental health violations, public health districts authorized to issue civil penalties: HB 1087

Health and environmental laws, citizen enforcement: HB 1961

Insurance contracts, admissibility of application as evidence: HB 2117

Jury trial fees increased: HB 1955, SB 5253

Law enforcement officers, payment for costs of action or proceeding against officer: HB 1744, SSB 5791

Motor vehicle seat belts, negligence standards regarding failure to wear: HB 2118

Prevailing wage, monetary penalties required for prevailing wage settlements on public works projects: HB 1137

Property forfeiture, restrictions: HB 1995, \***SHB 1995, CH 168 (2001)**

Property forfeiture, study of laws and practices: \***SHB 1995, CH 168 (2001)**

Small claims appeals, proceedings revised: HB 1273, \***SB 5491, CH 156 (2001)**

Small claims court, collection cost recovery fee authorized: HB 1298

Small claims court, jurisdiction amount increased: \***SB 5389, CH 154 (2001)**

#### CIVIL RIGHTS (See DISCRIMINATION)

#### CIVIL SERVICE

Bereavement leave: HB 1538

Graduate teaching and research assistants exempted from coverage: HB 2199

Managers, definition: HB 1516

Personnel system reform act of 2001 enacted: HB 1268

Sheriff's office, number of unclassified employees determined: \***SB 5127, CH 151 (2001)**

Transportation department, contracting out for services: HB 2212

Veterans affairs department, exemption for certain personnel: HB 1376, \***SHB 1376, CH 84 (2001)**

#### CLAMS (See SHELLFISH)

#### CLEAN AIR ACT (See AIR POLLUTION)

#### CLIMATE

Greenhouse gases, Washington climate center: HB 1921, HB 1922, SSB 5674

Joint select committee on climate change established, study of climate change impacts: SHB 1921

#### CLOTHING

Sales and use tax, temporary exemption provided for clothing and footwear: HB 1281

Sales and use tax, temporary exemption provided for clothing, footwear, and school supplies: HB 1868

#### CLUBS

Wine, off-premises consumption: HB 1508, \***HB 1951, CH 199 (2001)**, SSB 5813

#### CODE REVISER

Chapter 9.94A RCW, amendments incorporated and chapter reorganized: \***SB 5038, CH 10 (2001)**

Electricians and electrical installations, RCW 19.28 technical corrections: \***HB 1369, CH 211 (2001)**, SB 5308

Natural resource laws, technical corrections made: HB 1368

Outdated references and double amendments, RCW corrections: HB 1367, \***SB 5305, CH 64 (2001)**

Uniform legislation commission, code reviser added: HB 1282, \***SHB 1282, CH 205 (2001)**

#### COLLECTION AGENCIES

Business to business debts, collection provisions modified: HB 1126, \***SB 5331, CH 47 (2001)**

Debt collector, definition modified: \***HB 1983, CH 43 (2001)**

Identity crimes, credit protection for victims: HB 1321, \***SSB 5449, CH 217 (2001)**

#### COLLECTIVE BARGAINING

Higher education employees, members of public employees' collective bargaining act: HB 1718

Higher education, labor relations in four-year institutions regulated: HB 1814

Nuclear power plant employees included in definition of uniformed personnel for collective bargaining purposes: HB 1218

Strategy discussions exempt from public disclosure requirements: SB 5058

Transportation department, contracting out for services: HB 2212

University of Washington, employees enrolled in academic programs: HB 1464

#### COLLEGES AND UNIVERSITIES (See also COMMUNITY AND TECHNICAL COLLEGES)

Alternative fuels research, sales and special fuel tax exemption: HB 1210  
Background checks, employees having unsupervised contact with minors: HB 1707  
Bilingual and English as a second language future teachers, conditional scholarships: HB 1399  
Border county higher education opportunity project: SSB 5552  
Civil service, graduate teaching and research assistants exempted from coverage: HB 2199  
Collective bargaining, members of public employees' collective bargaining act: HB 1718  
College awareness project act, underserved population participation in higher education: HB 1755  
College savings program: **\*HB 2126, CH 184 (2001)**  
Conditional scholarships, tuition for teacher preparation programs: HB 2088  
Contracts, accountability: HB 1808  
Earned income training credit pilot project: HB 1848, SHB 1848  
Facilities, joint select committee review of future facility needs: HCR 4409, SHCR 4409  
Financial aid, use of state aid at branch campuses of out-of-state higher education institutions allowed: HB 2002, SSB 5166  
Foster care endowed scholarship program created: HB 1244, SHB 1244  
HELP program (higher education for lifelong progress program) established to assist college-qualified parents: HB 1372  
Inmates, postsecondary education pilot program for inmates: HB 1260, SHB 1260  
Labor relations in four-year institutions regulated: HB 1814  
Land transfer, property tax exemption for foundation of an institute of higher education: HB 1789  
Leased property, tax exemption for not-for-profit foundation: HB 2191, **\*SHB 2191, CH 126 (2001)**  
POW/MIA flag required to be displayed: SSB 5097  
Public works, project cost thresholds for bid requirements: HB 1515, **\*SHB 1515, CH 38 (2001)**  
Research and technology transfer agreements, ethics requirements: HB 1820  
Retirement, defined contribution plan: HB 2244  
Smoking prohibited in residence halls: HB 1409  
Social security numbers prohibited to be used for identification: HB 1381, SHB 1381, **\*SSB 5509, CH 103 (2001)**  
Student fees, imposition or expenditure authorized by student vote: HB 2006  
Surplus funds, investing of funds authorized: **\*HB 1623, CH 31 (2001)**, SB 5159  
Technology fees, provisions revised: HB 1073  
Textbooks, sales and use tax exemption provided: HB 1236  
Transportation, technical apprenticeship opportunities: HB 1676, SSB 5743  
Tuition fees, adjustments: HB 1833  
Tuition, governing boards granted authority to set: HB 1743, SHB 1743  
Unemployment compensation, educational institution employee eligibility requirements modified: HB 1184, **\*SB 5317, CH 100 (2001)**  
Washington state scholars program, Oregon and Idaho private schools: HB 1893, SB 5699  
Washington's promise scholarship program created: HB 1466

#### COLUMBIA RIVER

Columbia Basin project, water resource inventory area watershed planning: **\*HB 1865, CH 229 (2001)**  
Salmon and trout, Congress requested to appoint a contact person to oversee the multifederal agency recovery effort: SSJM 8000  
Steelhead recovery program extended: **\*HB 1035, CH 135 (2001)**  
Water diversions, preliminary permit time frame extended: **\*SB 5333, CH 239 (2001)**

#### COMMERCIAL VESSELS AND SHIPPING (See also BOATS)

Derelict vessels, joint select committee established to review the disposal of derelict vessels: HCR 4401, SHCR 4401  
Derelict vessels, removal and disposal funded: HB 1349, **\*SHB 1349, CH 27 (2001)**  
Financial responsibility requirements: 2SSB 5909  
Northwest Maritime safety act of 2001: HB 2174

Oil spill prevention and response, Congress requested to appropriate funding for a tug boat in the Strait of Juan de Fuca: SJM 8004

COMMODITIES (See AGRICULTURE)

COMMUNITY AND TECHNICAL COLLEGES (See also COLLEGES AND UNIVERSITIES)

Background checks, employees having unsupervised contact with minors: HB 1707

Border county higher education opportunity project: SSB 5552

Civil service, graduate teaching and research assistants exempted from coverage: HB 2199

Collective bargaining, members of public employees' collective bargaining act: HB 1718

College awareness project act, underserved population participation in higher education: HB 1755

Contracts, accountability: HB 1808

Earned income training credit pilot project: HB 1848, SHB 1848

Employees, housing allowance: HB 2201

Entrepreneurial-oriented education programs: HB 1660

Facilities, joint select committee review of future facility needs: HCR 4409, SHCR 4409

Financial aid, use of state aid at branch campuses of out-of-state higher education institutions allowed: HB 2002, SSB 5166

Foster care endowed scholarship program created: HB 1244, SHB 1244

HELP program (higher education for lifelong progress program) established to assist college-qualified parents: HB 1372

Inmates, postsecondary education pilot program for inmates: HB 1260, SHB 1260

Job bank, electronic job bank for academic teaching positions: **\*SSB 6035, CH 110 (2001)**

Land transfer, property tax exemption for foundation of an institute of higher education: HB 1789

Leased property, tax exemption for not-for-profit foundation: HB 2191, **\*SHB 2191, CH 126 (2001)**

POW/MIA flag required to be displayed: SSB 5097

Part-time faculty, proportional pay requirements: HB 2089, SHB 2089

Research and technology transfer agreements, ethics requirements: HB 1820

Retirement, defined contribution plan: HB 2244

Social security numbers, higher education institutions prohibited from using for identification: HB 1381, SHB 1381, **\*SSB 5509, CH 103 (2001)**

Student fees, imposition or expenditure authorized by student vote: HB 2006

Technology fees, provisions revised: HB 1073

Textbooks, sales and use tax exemption provided: HB 1236

Transportation, technical apprenticeship opportunities: HB 1676, SSB 5743

Tuition, governing boards granted authority to set: HB 1743, SHB 1743

Unemployment compensation, educational institution employee eligibility requirements modified: HB 1184, **\*SB 5317, CH 100 (2001)**

Unemployment compensation, reasonable assurance of employment ensured for faculty: HB 1177, **\*SB 5316, CH 99 (2001)**

Washington's promise scholarship program created: HB 1466

COMMUNITY AND TECHNICAL COLLEGES, BOARD

Apprenticeship laws revised in response to 1999 United States department of labor audit, board to make recommendations on instruction matters: HB 1234, **\*SHB 1234, CH 204 (2001)**, SB 5276

Job bank, electronic job bank for academic teaching positions: **\*SSB 6035, CH 110 (2001)**

COMMUNITY CORRECTIONS (See also PROBATION AND PAROLE)

COMMUNITY DEVELOPMENT, DEPARTMENT (See also COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT)

## COMMUNITY ECONOMIC REVITALIZATION BOARD

Indian tribes, board's authority to make loans and grants to Indian tribes clarified: HB 1265, SSB 5400

## COMMUNITY NETWORKS (See also PUBLIC HEALTH, VIOLENCE PREVENTION)

## COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT (See also COMMUNITY DEVELOPMENT, DEPARTMENT, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT)

Art and cultural facilities, funding for local government and other entities: HB 1834

Capital budget investments in the environment, review of natural resource-related programs: HB 1785, \***SHB 1785, CH 227 (2001)**

Community empowerment zones, tax deferrals: 2SSB 5469

Community mobilization programs expanded to include tobacco and violence, authority transferred to department: HB 1362, \***SB 5367, CH 48 (2001)**

Department reorganized as department of community development and department of trade and economic development: HB 1474, SSB 5370

Developmentally disabled, ombudsman program: HB 1338

Downtown neighborhood and commercial district revitalization program, tax incentives and technical assistance: HB 1723

Electricity, diversification of electricity supply and demand management act: HB 2102, SHB 2102, 2SSB 6027

Energy assistance program funding: HB 1860, SSB 5717

Energy efficiency investment standards for energy conservation, renewable energy research and development, and low-income energy services: HB 1840

EnergySmart Washington program: 2SSB 6177

Entrepreneurial-oriented education programs: HB 1660

Family policy council, powers and duties transferred: HB 1695, SHB 1695

Housing, statewide housing market analysis: 2SSB 5936

Infrastructure improvement projects: HB 1518, SHB 1518

Jobs initiative program: HB 1431

Mental health ombudsman office and program: HB 1629, SHB 1629, SSB 5522

Mobile home park manager certification program: HB 1791

Public disclosure, financial and proprietary information exemption: \***HB 1542, CH 87 (2001)**

Sexually violent predators, facility location: HB 1078

## COMMUTER RAIL SERVICE (See PUBLIC TRANSIT, RAILROADS, TRANSPORTATION)

## COMMUTING

Commute trip reduction task force, telework enhancement committee and account: 2SSB 5170

High-occupancy vehicles, definition: HB 1603

Trip reduction program, fund distribution provisions revised: \***HB 1098, CH 74 (2001)**

Trip reduction, employer tax credits for providing financial incentives to employees: HB 1988, SSB 6008

## COMPUTERS (See also INTERNET)

Data base licensing service, access to commercially produced information data base products: HB 2253

Digital signatures and digital certificates, fraudulent acquisition and use: HB 1632, \***SHB 1632, CH 39 (2001)**

Schools, technology costs: HB 1740

Telework, enhancement committee and account: 2SSB 5170

## CONCURRENT RESOLUTIONS

Adjournment Sine Die, 2001 second special session: SCR 8421

Adjournment sine die, 2001 first special session: HCR 4416

Adjournment sine die, 2001 regular session: SCR 8417

Adjournment sine die, 2001 third special session: HCR 4419  
 Animals, legislative support and opposition for certain activities: HCR 4404  
 Bills of 2001 regular session returned to house of origin: SCR 8416  
 Bills, memorials, and resolutions of 2001 regular session and first special sessions reintroduced for second special session: SCR 8419  
 Bills, memorials, and resolutions of 2001 regular session reintroduced for first special session: HCR 4413  
 Bills, resolutions, and memorials of 2001 first special session returned to house of origin: HCR 4415  
 Bills, resolutions, and memorials of 2001 second special session returned to house of origin: SCR 8420  
 Bills, resolutions, and memorials of 2001 third special session returned to house of origin: HCR 4418  
 Bills, resolutions, and memorials, reintroduced for third special session: HCR 4417  
 Civil forfeitures of property, joint select committee: HCR 4414  
 Cutoff dates amended for 2001 regular session: SCR 8411, SCR 8415  
 Cutoff dates established for 2001 regular session: SCR 8402  
 Farms, committee to establish central filing system for farm products and liens: HCR 4408, SHCR 4408  
 Health care costs and access, blue ribbon commission established: SHCR 4406  
 Higher education future facility needs, joint select committee review: HCR 4409, SHCR 4409  
 Jails, joint select committee on local jail facilities: HCR 4412  
 Joint rules for the fifty-seventh legislature adopted: SCR 8401  
 Legislative/tribal relations joint select committee and study: HCR 4405  
 Legislature organized, governor notified: SCR 8400  
 Legislature, memorial service to recognize members who have passed away: HCR 4403  
 Medical care, blue ribbon commission established: HCR 4406  
 Oregon and Washington taxes, joint select committee to review: HCR 4407  
 School construction funding, joint select committee: HCR 4411  
 State of the state message, joint session to receive: HCR 4400  
 Trade missions, protocols for legislative participation in executive agency trade missions established: SCR 8406  
 Tribal relations, joint select committee created to review legislative and tribal relations: SSCR 8403  
 Unprocessed timber, task force review of federal forest resources conservation and shortage relief act: HCR 4410  
 Vessels, joint select committee established to review the disposal of derelict vessels: HCR 4401, SHCR 4401  
 Veterans and military affairs, joint select committee: HB 1325, \***SHB 1325, CH 268 (2001)**, SB 5627  
 Wireless communication services, joint study group established: SSCR 8410  
 Work force training and education coordinating board comprehensive plan update adopted: HCR 4402, SSCR 8404

CONDEMNATION (See also EMINENT DOMAIN)

#### CONDOMINIUMS

Resale certificate fees: HB 1924

CONFIDENTIALITY (See PRIVACY, PRIVILEGED COMMUNICATIONS, PUBLIC DISCLOSURE)

#### CONSERVATION

Conservation futures fund, levy increased: SSB 5104

Conservation futures fund, levy increased and amount designated for acquiring property to preserve salmon habitat: HB 1627

Damage to property, liability extended to land held in conveyance for conservation or preservation purposes: HB 1305

Landscaping, water conservation standards for automatic irrigation systems: HB 1599

Nonprofit nature conservancy corporation, land exchanges and sales exempt from real estate excise tax: SHB 1254

Trust lands, certain lands transferred to recreation or conservation status: HB 1106

#### CONSERVATION COMMISSION

Watersheds, monitoring and assessments for salmon recovery and watershed health: \***SSB 5637, CH 298 (2001)**



## CONSERVATION DISTRICTS (See also SPECIAL DISTRICTS)

Election procedures: SSB 5904

Governance and annexation: HB 1502, SHB 1502

Public disclosure, cooperator files exempt: HB 1771

## CONSTITUTIONAL AMENDMENTS (See JOINT RESOLUTIONS)

## CONSTRUCTION INDUSTRY (See CONTRACTORS)

## CONSUMER LOANS (See LOANS)

## CONSUMER PROTECTION

Cable television, collection and disclosure of subscriber information: HB 1842

Contractors, provisions enhanced: HB 1635, SHB 1635, **\*SSB 5101, CH 159 (2001)**

Halal food consumer protection act: HB 2283

Infant and child products, brochure of recalled products: HB 1365

Infant and child products, safety education campaign: **\*SHB 1365, CH 257 (2001)**

Manufactured/mobile home landlord-tenant act, consumer protection act applied: HB 2187

Privacy protection office, attorney general: HB 2014

Privacy protection, identity theft prevention and protection office: SHB 2014

Privacy, information privacy policy requirements: HB 2016

Privacy, private and public entities required to destroy personal information records: HB 2015

Telephone solicitations, commercial telephone solicitation do not call list: HB 1600

Telephone solicitations, no sales call list: HB 1402

## CONTRACEPTION (See BIRTH CONTROL)

## CONTRACTORS

Actions, right to cure defects: HB 1572

Construction waste, management planning and recycling: HB 1907, SHB 1907

Consumer protection provisions enhanced, competency test developed and construction contractor advisory committee established: HB 1635

Consumer protection provisions enhanced, unregistered contractors enforcement team created: SHB 1635, **\*SSB 5101, CH 159 (2001)**

Fire alarm systems, contractor licensing and technician certificate of competency: HB 1585

Grass or straw-based construction materials, tax exemption: HB 2012

Green base building, sales and use tax exemption for construction: HB 2111

Impact statements required to be prepared by state agencies and departments if proposed rules will have an adverse affect on housing: HB 1183

Licensing and certification, requirements for registered sex offenders: HB 2177

Public works alternative contracting procedures, public works procurement committee: HB 1553

Public works projects, monetary penalties required for prevailing wage settlements on public works projects: HB 1137

Public works, lowest responsible bidder selection method: HB 1343

Public works, prequalification: HB 1748

Public works, prevailing wage exemption: HB 1677

Public works, record of compliance with tax, labor and employment, and environmental laws: HB 1918

Residential construction, labor and services for new construction exempt from sales tax: HB 1245

SEPA, exemptions: HB 1535

Strawboard, standards adopted for strawboard manufactured as a by-product of cereal grain, turf or grass seed: HB 1136,

**\*SHB 1136, CH 77 (2001)**

Transportation projects, managed competition pilot program: HB 1684

**CONTRACTS (See also PUBLIC WORKS)**

Schools, contracted services performed by classified employees: HB 1423

**CONTROLLED SUBSTANCES (See DRUGS)**

**CONVENTION AND TRADE CENTERS**

Public centers districts: HB 1497, HB 1817

Public facilities districts, cities and towns with population under one million: HB 1387, HB 2188, SHB 2188, 2SSB 5514

**CORONERS (See COUNTY CORONERS)**

**CORPORATIONS (See also NONPROFIT CORPORATIONS)**

Annual reports, electronic filing: HB 1501, \***SHB 1501, CH 307 (2001)**

**CORRECTIONAL FACILITIES (See PRISONS AND PRISONERS)**

**CORRECTIONS, DEPARTMENT**

Community custody, monitoring: HB 1738

Confidential informant information, public disclosure exemption: HB 1717

Confidential information, public disclosure exemption: SHB 1717

Confinement of offenders, state required to pay costs for referrals to counties: HB 1262

Correctional industries programs, inmate participation quotas: HB 2023

Essential state community justice facilities, siting requirements: HB 1532, HB 2168

Inmate labor, provisions: HB 2163

Peace officers authorized to remove persons from correctional facilities: HB 1026, \***SB 5047, CH 11 (2001)**

Postsecondary education pilot program for inmates: HB 1260, SHB 1260

Sexually violent offenders, commitment procedures and standards revised: \***SSB 6151, CH 12 E2 (2001)**

**COSMETOLOGY**

Cosmetics, criminal penalties imposed for unauthorized sale: \***SB 5374, CH 160 (2001)**

Electrology, sterilization requirements established: HB 1042, \***SHB 1042, CH 194 (2001)**

Licensing provisions revised: HB 1985, SHB 1985

**COUNSELORS AND COUNSELING**

Mental health counselors, marriage and family therapists, and social workers, licensing standards: HB 1761, \***SSB 5877, CH 251 (2001)**

Mental health ombudsman office and program: HB 1629, SHB 1629, SSB 5522

**COUNTIES (See also LOCAL GOVERNMENT)**

Aquatic lands, floating residences in urban growth areas: HB 2024

Community development, infrastructure improvement projects: HB 1518, SHB 1518

Community empowerment zones, tax deferrals: 2SSB 5469

Community justice facilities, siting requirements for essential facilities: HB 1532, HB 2168

Community mobilization programs expanded to include tobacco and violence, authority transferred to community, trade, and economic development department: HB 1362, \***SB 5367, CH 48 (2001)**

Community revitalization financing, tax allocations for public improvements: HB 1418, \***SHB 1418, CH 212 (2001)**, SSB 5720

Confinement of offenders, state required to pay costs for referrals to counties: HB 1262

Conservation futures fund, levy increased: SSB 5104

- Conservation futures fund, levy increased and amount designated for acquiring property to preserve salmon habitat: HB 1627
- Criminal justice services, funding provided: HB 1101, SHB 1101, \*SSB 5309, CH 289 (2001)
- Criminal justice services, state reimbursement required for offenses referred to cities and counties by state agencies: HB 1263
- Criminal offender release, study of impact on counties: HB 1702
- Distressed areas, military base restructuring and job loss included in definition: HB 1164
- Emergency communication systems and facilities, sales and use tax: HB 1477, SHB 1477
- Energy facility siting, comprehensive plans and zoning ordinances: 2SSB 5912
- Environmental permit process, task force to review coordination of state and local processes: HB 1941
- Growth management hearings boards, authority to invalidate local plans and regulations: HB 1473
- Growth management, agricultural and forest land use for active recreation: HB 2004
- Growth management, concurrency planning for comprehensive plan transportation element: HB 1815
- Growth management, economic development planning: HB 2056
- Growth management, family planning services: HB 2132
- Growth management, impact fees imposed for impact to state-owned transportation facilities: HB 1085
- Growth management, incentive programs to transfer development rights: HB 1962
- Growth management, industrial land banks outside of urban growth areas: HB 1626, SHB 1626, HB 1997, \*SHB 1997, CH 326 (2001), HB 2072
- Growth management, local project review second open record hearing and closed record appeal allowed: HB 1088
- Growth management, population projection to include analysis of water resources and rights: HB 1843
- Growth management, rural county industrial land banks: HB 1593
- Growth management, schedule for review of comprehensive plans and development regulations: HB 1588, HB 2278, SSB 5841
- Growth management, shoreline master programs and growth management planning integration: HB 1561, HB 1964, SB 6208
- Growth management, shoreline protection and critical area ordinances: HB 1963
- Growth management, short subdivision lots in urban growth area: HB 1662, SB 5832
- Growth management, urban development: HB 1616
- Growth management, urban growth exclusion for churches and private schools: HB 2097
- Health boards, local government authorities must ratify board rules and regulations: HB 1794
- Health care insurance, retired and disabled employees: HB 1799, SHB 1799, SSB 5777
- Horticultural pest and disease boards, reimbursement for pest control activities: HB 2254
- Housing authorities, consolidation: SB 5594
- Housing, real estate excise tax for development of affordable housing: HB 1972, SSB 5965
- Housing, real estate excise tax proceeds for development: HB 2165
- Jail employees, retirement system membership: HB 1714
- Jails, alternative detention and rehabilitation facilities: HB 1481
- Jails, contracts with private contractors for services: HB 1766
- Jails, general obligation bonds to fund construction: HB 2128
- Jails, victim notification system integrated into statewide city and county jail booking and reporting system: HB 1063, SSB 5179
- Jobs initiative program: HB 1431
- Law libraries, funding alternatives: HB 2063
- Law libraries, surcharge on court filings authorized to fund: HB 1470, SB 5426
- Law library services, contracts with county libraries to share state library online electronic research tools and services: HB 1757
- Law library services, contracts with county libraries to share state library online electronic research tools and services, study: HB 2064
- Local motor vehicle excise tax, repealed: HB 2125, HB 2234, SB 5959, SB 6036

Local project review, land use project permit application timeline for final decisions: HB 1458, \***SHB 1458, CH 322 (2001)**

New counties, procedures to establish set forth: HB 1809, HJR 4211

Opiate substitution treatment programs, provisions revised: \***SSB 5417, CH 242 (2001)**

Parks and recreation maintenance and operations, legislative task force: HB 1836, \***SHB 1836, CH 275 (2001)**

Property tax, multiple-unit dwellings: HB 1708, SB 5872

Prosecutors, identity theft bureau: HB 2009, SHB 2009

Psychiatric facilities, licensing provisions for county or municipal facilities: \***SSB 5986, CH 254 (2001)**

Public centers districts: HB 1497, HB 1817

Public defense services, reimbursement: HB 1857

Public transit, cities to pay benefit areas for services or request the county to submit a ballot proposition allowing the benefit area to acquire the city transit system: HB 1156

Public works, limited public works process: \***SB 5063, CH 284 (2001)**

Rail districts, funding for passenger service: \***HB 1943, CH 58 (2001)**

Rail fixed guideway systems, safety audit reimbursement required: HB 1097, \***SB 5223, CH 127 (2001)**

Real estate excise tax for development of affordable housing: HB 1972, SSB 5965

Real estate excise tax funds, use: HB 1790

Road construction, day labor allowances: \***SSB 5733, CH 108 (2001)**

Road funds, salmon: \***HB 1394, CH 221 (2001)**

Rural counties defined for purposes of sales and use tax for public facilities: HB 1628, SHB 1628, SB 5082

Rural counties, small-scale business expansion: HB 1395, HB 1869

Rural, alternative methods of achieving growth management planning goals authorized: HB 1592, SSB 5107

Rural, definition of public facilities and related costs expanded: SB 5289

Rural, industrial land banks: HB 1593

Rural, prevailing wage exemption for public works projects: HB 1589

SEPA, exemptions: HB 1535

Salaries, independent salary commissions: \***HB 1084, CH 73 (2001)**, HB 1812, SB 5065

Salaries, independent salary commissions authorized: SHB 1812

Salmon recovery, business and occupation tax deduction for subordinating mortgages on property donated for conservation purposes: HB 1104

Sexually violent offenders, facility location: HB 2225

Sexually violent predators, facility location: SSB 5845

Smoking, local regulation of indoor smoking allowed: HB 1448

Solid waste businesses and services, franchise fees: HB 1710

Surface water runoff, authority for charges based on runoff characteristics of property eliminated: HB 2076

Telecommunications, mobile services: HB 2156

Traffic, congestion relief conferences and districts: HB 1674

Traffic, congestion relief districts: SSB 6140

Traffic, regional congestion relief districts: HB 2239

Transportation, advance right-of-way acquisition funding: HB 1678, \***SHB 1678, CH 201 (2001)**

Transportation, baseline allocation funding requirements: HB 1689, HB 1691

Transportation, environmental mitigation actions in six-year program submittal: HB 1679

Transportation, federal funding distribution: HB 1690

Transportation, infrastructure financing act: HB 1666

Transportation, maintenance and preservation management plan: HB 1668, SSB 5764

Transportation, prevailing wage exemption for projects: HB 2213

Transportation, regions: HB 1667

Watersheds, conveyance of certain forest board transfer lands allowed to protect municipal drinking water: HB 1060, SHB 1060

Civil unions, same sex: HB 1758  
Motor vehicle licensing subagents, appointment process revised: **\*SSB 5274, CH 331 (2001)**  
Recording instruments related to real property, surcharge to fund housing projects: HB 2060  
Recording instruments, surcharge to fund housing projects: 2SSB 5936  
Records, fee surcharge increased: HB 1926, **\*SHB 1926, CH 13 E2 (2001)**  
Voter registration data base: HB 1414, SHB 1414

COUNTY COMMISSIONERS (See COUNTY LEGISLATIVE AUTHORITY)

#### COUNTY CORONERS

Sudden unexplained deaths of children under three, investigative procedures enhanced: **\*HB 1216, CH 82 (2001)**  
Unidentified persons, time limit for transmittal of information: **\*HB 1613, CH 172 (2001)**

#### COUNTY LEGISLATIVE AUTHORITY

Commissioners, elections: HB 2008  
Special districts, dissolving and suspending special districts: HB 2039

#### COUNTY TREASURERS

Statutes, technical corrections: **\*SSB 5638, CH 299 (2001)**

#### COURT OF APPEALS

Decisions, publication: HB 2035  
Unfunded mandates, courts prohibited from imposing: HB 1861, HJR 4213

COURTS (See also COURT OF APPEALS, DISTRICT COURT, JURIES, MUNICIPAL COURT, SUPERIOR COURT, SUPREME COURT)

Arbitration, mandatory arbitration provisions revised: HB 1415, SB 5373  
Employees and volunteers, publication of personal information limited: HB 2249  
Fees, surcharge on probate or civil filings authorized to fund county law libraries: HB 1470, SB 5426  
Jurisdiction period extended for courts of limited jurisdiction: HB 2140  
Nonelected judicial officers and commissioners, election requirements: HB 1825  
Unfunded mandates, courts prohibited from imposing: HB 1861, HJR 4213  
Vacation of records for misdemeanor and gross misdemeanor offenses authorized: HB 1174, **\*SHB 1174, CH 140 (2001)**  
Youth courts, juvenile offenses: HB 2042, SB 5692

COURTS OF LIMITED JURISDICTION (See DISTRICT COURT, MUNICIPAL COURT)

#### COURTS, OFFICE OF THE ADMINISTRATOR

Administrator provisions revised, technical support provided for court coordinating councils: SSB 5395  
Low-income persons, assessment of civil needs required and funding plan developed: HB 1275, SHB 1275

#### COWLITZ RIVER

Bedlands, exchange: HB 1844, **\*SB 5863, CH 150 (2001)**

CRAB (See SHELLFISH)

#### CREDIT UNIONS

Directors and committee members, liability protection: HB 1537, **\*SHB 1537, CH 120 (2001)**, SB 5570  
Privacy, restrictions on use of social security numbers for identification: HB 1977  
Regulations revised and low-income credit union designation established: **\*HB 1366, CH 83 (2001)**, SSB 5068

## CRIME LABORATORY SYSTEM (See STATE PATROL)

## CRIME VICTIMS (See VICTIMS OF CRIMES)

## CRIMES (See also CRIMINAL OFFENDERS, DRIVING UNDER THE INFLUENCE, SENTENCING, SEX OFFENSES AND OFFENDERS)

Abandoned vehicles, violations clarified for garbage and junk vehicles: HB 1163, \***SHB 1163, CH 139 (2001)**

Aggravated escape, sexually violent predators: HB 2226

Assault in the fourth degree, class C felony if minor is present: HB 1733

Assault in the third degree, assault of a health care provider: HB 1816

Assault, school employee or sports official: HB 1465

Breathalyzer tests, admissibility into evidence of a refusal to submit: \***HB 1243, CH 142 (2001)**, SSB 5557

Child and dependent adult abuse, failure to make a reasonable effort to aid: HB 1966

Commercial bribery, reenacted in response to State v. Thomas: \***HB 1614, CH 224 (2001)**

Controlled substances violations, civil forfeitures of property: \***SHB 1995, CH 168 (2001)**

Custodial interference 1, penalties: HB 1822

DUI, penalty procedures: \***SSB 5558, CH 247 (2001)**

Digital signatures and digital certificates, fraudulent acquisition and use: HB 1632, \***SHB 1632, CH 39 (2001)**

Domestic violence and stalking compensation benefit: HB 2211

Driving records, misuse of abstracts of driving records: \***HB 1567, CH 309 (2001)**

Ephedrine, pseudoephedrine, and phenylpropanolamine, sale limited and suspicious transactions required to be reported to pharmacy board, violation penalties established: HB 1370, SHB 1370, \***SSB 5017, CH 96 (2001)**

Ephedrine, sale limited and violations penalized as gross misdemeanor: HB 1370, SHB 1370, \***SSB 5017, CH 96 (2001)**

Escape, sexually violent predators: HB 2243, \***SSB 5123, CH 287 (2001)**, \***SSB 6151, CH 12 E2 (2001)**

Escaping from custody and bail jumping, provisions revised: \***HB 1227, CH 264 (2001)**

Failure to summon assistance for person in need, penalties: HB 1238

False or misleading material statements to a public servant, reenacted in response to State v. Thomas: \***HB 1564, CH 308 (2001)**

Firearms industry, actions against limited, penalties for wrongful actions established: HB 1224

Firearms, storing or leaving loaded firearms within reach or access of child unlawful, penalties: HB 1121

Firearms, unwitting possession established as an affirmative defense to charge of unlawful possession: HB 1148

Gambling, penalties for cheating revised: HB 1307, SB 5064

Gender crimes, cause of action established: SB 5451

Guide dogs and service animals, penalties for crimes against: HB 2136, \***SSB 5942, CH 112 (2001)**

Harassment, protection orders against persons under eighteen: HB 1041, SHB 1041, \***2SHB 1041, CH 260 (2001)**

Harassment, service of orders: HB 1591, \***SHB 1591, CH 311 (2001)**

Hate crimes, exceptional sentence authorized: HB 1663

Hit and run, injury to body of deceased person: HB 1649, \***SHB 1649, CH 145 (2001)**

Hit and run-death, seriousness ranking increased: \***HB 1280, CH 17 (2001)**

Hit-and-run vehicular assault, crime victims' compensation authorized: \***HB 1040, CH 136 (2001)**

Identity crimes, credit protection for victims: HB 1321, \***SSB 5449, CH 217 (2001)**

Identity crimes, penalties increased: HB 1272

Identity theft, bureau: HB 2009, SHB 2009

Indecent exposure, breastfeeding: HB 1590, SHB 1590, \***2SHB 1590, CH 88 (2001)**

Kidnappers and sex offenders, definitions harmonized under criminal and registration statutes: \***SSB 5014, CH 95 (2001)**

Law enforcement officers, retaliatory crimes against: HB 1398, SHB 1398

Mail, obstruction or destruction and receipt of stolen mail established as crimes: HB 1150, SHB 1150, SB 5459

Malicious harassment, gender expression or identity included in sexual orientation definition: HB 2032

Methamphetamine manufacturing, child negligence: HB 2082, SHB 2082

Methamphetamine manufacturing, penalties increased: HB 1197, HB 1863, SHB 1863, HB 2003, 2SSB 5419

Motor vehicle fuel theft, penalties: \***HB 1895, CH 325 (2001)**

Motor vehicle theft, definition and penalties: HB 1556, SHB 1556  
Motor vehicle violations, local criminal justice funding provided through additional fines: HB 1101, SHB 1101, \*SSB 5309, CH 289 (2001)  
Murder of a child, Valiree Jackson act established and penalties increased: HB 2149  
Obstructing a law enforcement officer, reenacted in response to State v. Thomas: \*HB 1564, CH 308 (2001)  
Perjury, reenacted in response to State v. Thomas: \*HB 1692, CH 171 (2001)  
Profiteering, reenacted in response to State v. Thomas: \*HB 1578, CH 222 (2001)  
Railroads, right of way trespass: HB 1453  
Rural garbage dumping, provisions modified for unlawful dumping: SB 5093  
Sabotage, definition and sentencing provisions revised: HB 1938, SHB 1938  
Sales, criminal penalties imposed for unauthorized sale of certain products by an unused property merchant: \*SB 5374, CH 160 (2001)  
Sex offenders and kidnappers, definitions harmonized under criminal and registration statutes: \*SSB 5014, CH 95 (2001)  
Sexual misconduct with a minor, second and first degree defined in regard to K-12 employees and students: HB 1091, SHB 1091, HB 2262  
Sexually motivated crimes, penalties: HB 1412, SHB 1412  
Sexually violent predators, escape: HB 2226  
Stalking, victim address confidentiality: \*HB 1546, CH 28 (2001)  
Substance abuse and crime prevention act, community custody sentencing for drug crimes: HB 1722  
Trapping, unlawful trapping does not include rat, mouse, or mole: HB 2197  
Unlawful practice of law, reenacted in response to State v. Thomas: \*HB 1579, CH 310 (2001)  
Unlicensed practice of a profession or business, reenacted in response to State v. Thomas: \*HB 1694, CH 207 (2001)  
Vehicular assault, definition: \*SB 5790, CH 300 (2001)  
Vehicular homicide, penalties increased for vehicular homicide while intoxicated: HB 1308  
Voluntary intoxication used as a defense against a criminal charge prohibited: HB 1109

#### CRIMINAL JUSTICE SERVICES

Essential state community justice facilities, siting requirements: HB 1532, HB 2168  
Funding, local governments provided increased revenue: HB 1101, SHB 1101, \*SSB 5309, CH 289 (2001)  
Local costs, state reimbursement required for offenses referred to cities and counties by state agencies: HB 1263

#### CRIMINAL JUSTICE TRAINING COMMISSION

Peace officers, certification provisions: \*HB 1062, CH 167 (2001)  
Racial profiling, routine traffic stop reports: HB 2017, SHB 2018  
Railroad police, commissioning and training provisions revised: \*HB 1067, CH 72 (2001)  
Training and conference center relocation, commission authorized to own facilities: \*HB 1066, CH 166 (2001)

#### CRIMINAL OFFENDERS (See also SEX OFFENSES AND OFFENDERS)

Community custody, chemical dependence treatment: HB 1738  
Community custody, community supervision: HB 1738  
Conviction history, vacation of records for misdemeanor and gross misdemeanor offenses authorized: HB 1174, \*SHB 1174, CH 140 (2001)  
Criminally insane, exam procedures: SB 5886  
DNA identification system expanded to include convicted felons: HB 1335  
DNA, testing of evidence: HB 1889, SHB 1889, \*SSB 5896, CH 301 (2001)  
Drug offenders, chemical dependency treatment services: HB 1863, SHB 1863, HB 2003, 2SSB 5419  
Firearms, right to possess restoration: SHB 1484  
Firearms, sales or transfers at gun shows prohibited: HB 1944  
Interstate compacts, adult offender supervision compact enacted, commission created: \*SSB 5118, CH 35 (2001)  
Kidnappers and sex offenders, definitions harmonized under criminal and registration statutes: \*SSB 5014, CH 95 (2001)  
Kidnappers, transient offender reporting requirements established: \*HB 1952, CH 169 (2001)

Persistent offender definition revised: **\*SSB 5013, CH 7 (2001)**

Persistent offenders, mandatory minimum sentence: HB 1957

Sex offenders and kidnappers, definitions harmonized under criminal and registration statutes: **\*SSB 5014, CH 95 (2001)**

Sex offenders, transient offender reporting requirements established: **\*HB 1952, CH 169 (2001)**

Substance abuse and crime prevention act, community custody sentencing for drug crimes: HB 1722

Three strikes you're out, convictions considered strikes clarified: HB 1039, SHB 1039

#### CRIMINAL PROCEDURE (See also SENTENCING)

Confinement of offenders, state required to pay costs for referrals to counties: HB 1262

Court-ordered restitution obligations, enforcement provided: HB 1117, **\*SHB 1117, CH 115 (2001)**

Criminally insane, exam procedures: SB 5886

DNA, testing of evidence: HB 1889, SHB 1889, **\*SSB 5896, CH 301 (2001)**

DUI, admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration: **\*HB 1243, CH 142 (2001)**, SSB 5557

Death penalty task force and study: HB 1648

Death penalty task force and study, executions stayed: HB 1647

Dependent adults, hearsay admissible as evidence in proceeding: HB 1425, HB 2077

Failure to summon assistance for person in need, penalties: HB 1238

Firearms, unwitting possession established as an affirmative defense to charge of unlawful possession: HB 1148

Harassment, protection orders against persons under eighteen: HB 1041, SHB 1041, **\*2SHB 1041, CH 260 (2001)**

Harassment, service of orders: HB 1591, **\*SHB 1591, CH 311 (2001)**

Sex offenses, no-contact with victim order issued as pretrial release condition for sex offenders: HB 1270

Sex offenses, registration requirements: **\*HB 2086, CH 170 (2001)**

Speedy trial requirements: HB 2228

Voluntary intoxication used as a defense against a criminal charge prohibited: HB 1109

Witnesses, admissibility of out-of-court statements: HB 2151, SHB 2151

#### CULTURAL FACILITIES

Local government and other entities, funding: HB 1834

Public centers districts: HB 1497, HB 1817

#### DAIRIES (See AGRICULTURE)

#### DAY CARE

Child care, tax credit for employer-provider benefits: HB 2112

Firearms prohibited in public or private day care facilities and preschools: HB 1226

Sex offenders, persons with certain sex offense felony convictions disqualified from employment with unsupervised children: HB 1086

#### DEAF PERSONS

Interpreters, licensing standards provided: HB 1192

#### DEATH

Sudden unexplained deaths of children under three, investigative procedures enhanced: **\*HB 1216, CH 82 (2001)**

#### DEATH PENALTY

Task force and study: HB 1648

Task force and study, executions stayed: HB 1647

#### DEFENSES (See CRIMINAL PROCEDURE)



DEFERRED PROSECUTION (See CRIMINAL PROCEDURE)

#### DENTAL HYGIENISTS

School sealant endorsement program: \***SSB 6020, CH 93 (2001)**

#### DENTISTS AND DENTISTRY

Dental devices, sales and use tax exemptions: HB 1979

Insurance, general anesthesia for dental services: HB 1364, \***SHB 1364, CH 321 (2001)**

Medical directors for carriers offering dental only coverage are required to be dentists: SSB 5099

Out-of-state and military licensed dentists, in-state licensing without examination: HB 1519

#### DEPENDENT ADULTS (See also VULNERABLE ADULTS)

Abuse and neglect, hearsay admissible as evidence in proceeding: HB 1425, HB 2077

Abuse and neglect, investigation reporting provisions enhanced: HB 1734, \***SSB 5184, CH 233 (2001)**

Abuse, failure to make a reasonable effort to aid, penalties: HB 1966

#### DEVELOPMENTALLY DISABLED

Assault in the third degree, assault of a health care provider: HB 1816

Caregivers, business and occupation tax exemption provided: HB 1638

Community-based services, funding provisions revised: HB 1251, HB 1994

Community-based services, public-private partnership pilot project: HB 1659, SHB 1659

Employment, business and occupation tax credit for employing disabled persons: HB 1526

Employment, expanded opportunities through state agency purchase of products and services: HB 1640

Jose' "Pepe" Lladro' act, business and occupation tax credit for employing disabled persons: HB 1526

Ombudsman program: HB 1338

Public transportation: HB 1596, \***SHB 1596, CH 89 (2001)**

Public transportation, program for agency coordinated transportation: HB 2155, SB 5739

Young adults, employment and community program funding: HB 1513

#### DIKING DISTRICTS (See also SPECIAL DISTRICTS)

#### DISABLED PERSONS

Employment and training services, improvements to state system: SJM 8014

Employment, business and occupation tax credit for employing disabled persons: HB 1526

Employment, expanded opportunities through state agency purchase of products and services: HB 1640

Fish and wildlife commission advisory committee: HB 1655, \***SHB 1655, CH 312 (2001)**

Health care insurance, benefit premiums subsidized for retired or disabled school and state employees: HB 1129

Health care insurance, retired or disabled school employees and retired state employees allowed to purchase: HB 1128

Jose' "Pepe" Lladro' act, business and occupation tax credit for employing disabled persons: HB 1526

Medical assistance extended for employed persons: HB 1390, \***HB 2230, CH 15 E2 (2001)**

Parking, determination of disability by nurse practitioners: SSB 5795

Parking, fines for violations: HB 2259

Parking, photo identification card requirements removed: HB 1303, \***SSB 5434, CH 67 (2001)**

Property tax, retirees provided an exemption from state levy equal to tax imposed on assessed value: HB 1574

Public transportation: HB 1596, \***SHB 1596, CH 89 (2001)**

Public transportation, program for agency coordinated transportation: HB 2155, SB 5739

#### DISASTER RELIEF (See EMERGENCY SERVICES)

#### DISCRIMINATION

Boy Scouts of America, state government prohibited from discriminating against private entities in receiving any public benefits or privileges: HB 1250

Civil unions, same sex: HB 1758

DNA, employment discrimination based on DNA screening prohibited: SSB 5283

DNA, screening in insurance transactions prohibited: SSB 5282

National guard and reserves, employment rights: HB 1147, \***SSB 5263, CH 133 (2001)**

Sexual orientation, employment discrimination protection: HB 1524

Volunteer fire fighters, employment and discrimination protections: HB 1420, \***SHB 1420, CH 173 (2001)**

#### DISSOLUTION OF MARRIAGE (See also CHILD CUSTODY, CHILD SUPPORT, MARRIAGE AND MARRIED PERSONS)

Child custody, uniform child custody jurisdiction and enforcement act enacted: \***SB 5348, CH 65 (2001)**

Family law court files, information requirements: \***HB 1864, CH 42 (2001)**

#### DISTANCE EDUCATION (See also COLLEGES AND UNIVERSITIES, COMMUNITY AND TECHNICAL COLLEGES, SCHOOLS AND SCHOOL DISTRICTS)

#### DISTRESSED AREAS

Call centers, sales and use tax exemptions: 2SSB 5094

Community revitalization financing, tax allocations for public improvements: HB 1418, \***SHB 1418, CH 212 (2001)**, SSB 5720

#### DISTRICT COURT

Bench warrants, agreements between courts and bail bond agents: HB 1483

Civil jury trial fees increased: HB 1955, SB 5253

Court-ordered restitution obligations, enforcement provided: HB 1117, \***SHB 1117, CH 115 (2001)**

Jurisdiction period extended: HB 2140

Nonelected judicial officers and commissioners, election requirements: HB 1825

Probation hearings, time period tolled for failure to appear: \***SSB 5970, CH 94 (2001)**

Small claims appeals, proceedings revised: HB 1273, \***SB 5491, CH 156 (2001)**

Small claims court, collection cost recovery fee authorized: HB 1298

Small claims court, jurisdiction amount increased: \***SB 5389, CH 154 (2001)**

Speedy trial requirements: HB 2228

Unfunded mandates, courts prohibited from imposing: HB 1861, HJR 4213

Venue provisions revised: \***SSB 5241, CH 45 (2001)**

Venue, emergency and electronic procedures established: HB 1956, \***SB 5252, CH 15 (2001)**

#### DIVORCE (See DISSOLUTION OF MARRIAGE)

#### DNA (DEOXYRIBONUCLEIC ACID)

Commission established to study policies and issues involving DNA technology, DNA information protected from disclosure: SSB 5207

Criminal evidence, testing: HB 1889, SHB 1889, \***SSB 5896, CH 301 (2001)**

Disclosure, DNA included in health care information definition, disclosure protection: HB 1902

Employment discrimination based on DNA screening prohibited: SSB 5283

Identification system expanded to include convicted felons: HB 1335

Informed consent required for testing: SSB 5284

Insurance transactions, DNA screening prohibited: SSB 5282

#### DOCKS (See also MOORAGE FACILITIES)

## DOGS (See also ANIMALS)

Guide dogs and service animals, penalties for crimes against: HB 2136, \***SSB 5942, CH 112 (2001)**

## DOMESTIC RELATIONS (See also CHILD CUSTODY, DISSOLUTION OF MARRIAGE, MARRIAGE AND MARRIED PERSONS)

Child abuse, negligent treatment or maltreatment definition: HB 1344, SHB 1344

Child custody, third-party visitation rights: HB 1054, HB 2065, HB 2251, HB 2252

Child custody, visitation rights in nonparental actions, provisions revised: HB 1165

Civil unions, same sex: HB 1758

## DOMESTIC VIOLENCE

Unemployment compensation allowed when claimant leaves work due to domestic violence or stalking: HB 1248, SB 5189

Victims, domestic violence and stalking compensation benefit: HB 2211

## DONATIONS (See GIFTS)

## DRAINAGE DISTRICTS (See also SPECIAL DISTRICTS)

## DRIVERS' LICENSES

Abandoned vehicles, license suspension and fines: HB 2001

Commercial, exemption for private tree farm vehicles: HB 2166

Commercial, positive drug or alcohol employment or preemployment tests must be reported to licensing department, disqualification of commercial license required: HB 1179

Drivers' mailing address, address of record: HB 1566

Emergency contact information allowed on license: HB 1038

Escort vehicles, driver certification: HB 2208

Intermediate licenses, car pooling: HB 1804

Juveniles, privileges revoked for making bomb threats: HB 1699

Occupational, juveniles: HB 2033

Private vendors providing services to the department of licensing must agree in contract that licenses and identicards will not contain certain private information: SSB 5364

Surcharge on licenses imposed to fund driver education campaign, task force created: HB 1122

## DRIVING UNDER THE INFLUENCE

Breathalyzer tests, admissibility into evidence of a refusal to submit: \***HB 1243, CH 142 (2001)**, SSB 5557

Ignition interlock, driving record notation: \***HB 1419, CH 55 (2001)**, SB 5260

Ignition interlock, penalty procedures: \***SSB 5558, CH 247 (2001)**

Penalty procedures: \***SSB 5558, CH 247 (2001)**

Vehicular homicide, penalties increased for vehicular homicide while intoxicated: HB 1308

## DRUG ABUSE (See ALCOHOL AND DRUG ABUSE)

## DRUGS

Contraceptive health care services and prescriptions, exclusion or restriction by health carrier or plan prohibited: HB 2194

Controlled substance prescriptions, dispense by facsimile: HB 1469, SHB 1469, \***SSB 5565, CH 248 (2001)**

Controlled substances violations, civil forfeitures of property: \***SHB 1995, CH 168 (2001)**

Ephedrine, pseudoephedrine, and phenylpropanolamine, sale limited and suspicious transactions required to be reported to pharmacy board, violation penalties established: HB 1370, SHB 1370, \***SSB 5017, CH 96 (2001)**

Ephedrine, sale limited and violations penalized as gross misdemeanor: HB 1370, SHB 1370, \***SSB 5017, CH 96 (2001)**

Epinephrine, administration to students: SB 5835

Epinephrine, expiration date for emergency administration procedures removed: \***HB 1317, CH 24 (2001)**, SB 5835

Federal drug asset forfeiture laws, national guard designated as law enforcement agency for purpose of receiving property: HB 1186

Marijuana for medical use, provisions revised: SSB 5176

Methamphetamine manufacturing, child negligence: HB 2082, SHB 2082

Methamphetamine manufacturing, penalties increased: HB 1197, HB 1863, SHB 1863, HB 2003, 2SSB 5419

Nonprescription drugs, criminal penalties imposed for unauthorized sale: \***SB 5374, CH 160 (2001)**

Paraphernalia, penalties set for infractions: HB 1112

Prescription drugs, Congress requested to add a prescription drug benefit to medicare program: HJM 4003

Prescription drugs, Northwest states encouraged to explore cooperative strategies in order to address the high cost of prescriptions: SJM 8001

Prescription drugs, drug utilization and education program and committee: HB 1645

Prescription drugs, drug utilization review program and board: HB 1550

Prescription drugs, fair pricing act: HB 1703

Prescription drugs, federal medicaid demonstration waiver for prescription assistance program: HB 1720

Prescription drugs, legislative intent to pursue strategies that will ensure availability of affordable prescription drugs declared: HB 1319

Prescription drugs, medical assistance medication outreach program: HB 1753

Prescription drugs, nurse practitioner prescriptive authority: HB 1621

Prescription drugs, optometrist education requirements guidelines: HB 2034, SHB 2034

Prescription drugs, senior pharmacy assistance program: HB 1774, SHB 1774, 2SHB 1774

Prescription drugs, therapeutic and cost-effective education and utilization system: HB 1652, SHB 1652

Prescription drugs, therapeutic substitution for medicaid services prohibited: HB 2022

Prescription drugs, uniform prescription drug information cards required: HB 1301, SHB 1301, \***SSB 5566, CH 106 (2001)**

Public employees' benefits board, uniform medical plan pilot disease management programs: HB 1652, SHB 1652

Substance abuse and crime prevention act, community custody sentencing for drug crimes: HB 1722

DRUNK DRIVING (See DRIVING UNDER THE INFLUENCE)

E-MAIL (See INTERNET, TELECOMMUNICATIONS)

#### EARTHQUAKES

Emergency management assistance compact enacted: \***SB 5256, CH 288 (2001)**

Nisqually earthquake, funding for emergency services: \***HB 2258, CH 26 E2 (2001)**

#### EASTERN WASHINGTON UNIVERSITY

Physical therapist, doctorate level degrees: HB 1910, \***SB 5921, CH 252 (2001)**

#### ECOLOGY, DEPARTMENT

Capital budget investments in the environment, review of natural resource-related programs: HB 1785, \***SHB 1785, CH 227 (2001)**

Dairy farms, water pollution investigations: HB 1773

Outdoor burning, reasonably economical definition: HB 1034

Rule-making authority, limitations: HB 1609

Shoreline guidelines, legislative approval: HB 1656

Shoreline master programs, integration into growth management planning: HB 1561, HB 1964, SB 6208

Shoreline protection and critical area ordinances: HB 1963

Transportation projects, environmental mitigation interagency programmatic agreements: HB 1447

Vessels, financial responsibility requirements: 2SSB 5909

Water metering or measuring: HB 1873  
Water resource inventory area, receipt of planning funds: HB 1608, SSB 5586  
Water rights, general stream adjudication: \***HB 1350, CH 220 (2001)**  
Water storage facility, Wenatchee river basin: HB 2133  
Water storage projects, site location assessment included in watershed planning: \***SSB 5919, CH 19 E2 (2001)**  
Watersheds, monitoring and assessments for salmon recovery and watershed health: \***SSB 5637, CH 298 (2001)**  
Wells, environmental investigation wells: HB 2203  
Yakima basin ground water study, funding: HB 2271

#### ECONOMIC DEVELOPMENT

Agricultural products export, market development and promotion matching fund program: HB 1891, \***SHB 1891, CH 324 (2001)**  
Agriculture, export of products promoted through contracts with Pacific Northwest economic region members and overseas contractors: HB 1208, HB 1852  
Community development financial institutions, tax credit allowed for deposits: HB 1377  
Community empowerment zones, tax deferrals: 2SSB 5469  
Community revitalization board authority to make loans and grants to Indian tribes clarified: HB 1265, SSB 5400  
Community revitalization financing program created, local sales and use tax and property tax increment financing authorized: HB 1115  
Community revitalization financing, tax allocations for public improvements: HB 1418, \***SHB 1418, CH 212 (2001)**, SSB 5720  
Community revitalization, Washington main street program created and tax exemptions provided: HB 1204  
Distressed areas, call center sales and use tax exemption for construction of center: 2SSB 5094  
Distressed areas, military base restructuring and job loss included in definition: HB 1164  
Downtown neighborhood and commercial district revitalization program, tax incentives and technical assistance: HB 1723  
Growth management planning: HB 2056  
Industrial land banks, outside of urban growth areas: HB 1626, SHB 1626, HB 1997, \***SHB 1997, CH 326 (2001)**, HB 2072  
Infrastructure improvement projects: HB 1518, SHB 1518  
Jobs initiative program: HB 1431  
King Street station, renovation procedures and account: HB 1096, \***SSB 5224, CH 62 (2001)**  
Rural areas, tax exemptions provided to encourage the deployment of telecommunications services in rural areas: HB 1239, SHB 1239  
Rural counties, industrial land banks: HB 1593

#### ECONOMIC DEVELOPMENT FINANCE AUTHORITY

Bond provisions revised: HB 1295, \***SHB 1295, CH 304 (2001)**

#### EDUCATION (See COLLEGES AND UNIVERSITIES, COMMUNITY AND TECHNICAL COLLEGES, DISTANCE EDUCATION, SCHOOLS AND SCHOOL DISTRICTS)

#### EDUCATION, STATE BOARD

College awareness project act, underserved population participation in higher education: HB 1755  
Compensation for board members, class four group: HB 1617, SB 5546  
Professional educator standards board, board of education teacher preparation duties transferred: HB 1890  
School nurses, certification and requirements: HB 1768

#### EDUCATIONAL SERVICE DISTRICTS (See also SCHOOLS AND SCHOOL DISTRICTS)

#### ELECTED OFFICIALS (See PUBLIC OFFICERS AND EMPLOYEES)

## ELECTIONS (See also INITIATIVE AND REFERENDUM, VOTING)

Absentee ballots, procedures for voting, counting, and mailing revised: HB 1331, HB 1552, HB 1554, \***SB 5275, CH 241 (2001)**

Absentee ballots, time frame for requesting ballot limited: HB 1111

Administrators, certification and training: HB 1754

Ballots, order of candidates: HB 1715

Campaign advertising, disclosure requirements: HB 1354, \***SB 6109, CH 54 (2001)**

Campaign contributions, primary losers: \***HB 1770, CH 208 (2001)**, SB 5870

Campaigns, voluntary spending limits program: HB 1917

Candidates, filing date requirements revised: HB 1230, SHB 1230, \***SB 5273, CH 46 (2001)**

Candidates, filing location clarified: HB 1231

Candidates, order on ballots: HB 1715

Candidates, political party certification: HB 1551

Candidates, political party designation: \***HB 1577, CH 30 (2001)**

Citizen's clean elections act, election provisions revised: HB 1916

Complaints, web page and toll-free number: HB 1739, \***SHB 1739, CH 41 (2001)**

Conservation districts, procedures: SSB 5904

Costs, state payment enhanced: HB 1228

County commissioners: HB 2008

County elections, Secretary of state and staff authorized to make unannounced on-site visits: HB 1108

Electors, election process modified: HB 1143, HB 1602

Federal elections, Congress requested to set minimum standards: HJM 4000

Initiative and referendum, amendment adopted to require geographic distribution of initiative petition signatures: HJR 4207, 2SSJR 8206

Initiative and referendum, comprehensive summary required in voters' pamphlets and on line: HB 1559, SHB 1559

Initiative and referendum, fiscal and legal review committees: HB 1509

Initiative and referendum, fiscal impact statements required in voters' pamphlets and on line: HB 1229, HB 1543, HB 1559, SHB 1559

Initiative and referendum, specification of funding source needed to implement: HB 1901, HJR 4214

Initiatives and referendum, amendment to require legislative method for approving initiatives with fiscal impact: HJR 4206

Instant runoff voting, pilot project for nonpartisan city offices: HB 2141

Parks and recreation commissioners, primaries: HB 1437

Political party registration, voluntary voter registration: HB 1551

Primaries, blanket primaries: HB 1551, HJM 4001

Primaries, dates changed: HB 1230, SHB 1230, HB 1539

Primaries, house select committee established to develop legislation on conducting primaries for partisan elective offices: HR 4602

Primaries, partisan elected offices: HB 2265, SB 6183

Primaries, procedures for partisan and nonpartisan primaries: HB 2240

Primaries, voters' pamphlets: HB 1721

Public disclosure violations, penalties adjusted: HB 1353

Punch card voting systems eliminated: HB 1696

Recount procedures: HB 1644, \***SHB 1644, CH 225 (2001)**

School levies and bonds, simple majority of voters voting may authorize: HB 1009, HJR 4201, HJR 4209

Senatorial districts, two districts established: HB 1225

Voter registration, data base: HB 1414, SHB 1414

Voter registration, information in foreign languages: HB 1739, \***SHB 1739, CH 41 (2001)**

Voter rights, protection of rights and integrity of elections: HB 1739, \***SHB 1739, CH 41 (2001)**

Voters' pamphlets, primaries: HB 1721

**ELECTRIC UTILITIES**

Cities and towns, volumetric tax in lieu of gross receipts tax: SHB 1207

Direct service industrial customer, tax credits for purchase of natural or manufactured gas: **\*HB 2247, CH 214 (2001)**,  
2SSB 6177

Diversification of electricity supply and demand management act: HB 2102, SHB 2102, 2SSB 6027

Electric generating facilities, sales and use tax exemption allowed for facilities powered by wind, sun, or landfill gas: HB  
1105

Energy efficiency investment standards for energy conservation, renewable energy research and development, and  
low-income energy services: HB 1840

Irrigation pumping installations, electricity rate structure: **\*HB 1606, CH 122 (2001)**

Landlord and tenant, notification provided to property owners of tenants' utility payment delinquencies: HB 1293

Landlord and tenant, utility charges to be collected from tenant requesting service, liens against landlord's property for  
nonpayment prohibited: HB 1294

Public utility districts, joint agreements for ownership and operation of generation facilities: HB 2101

Public utility tax credit for energy payment reductions to customers with health problems: HB 1981

Public utility tax, measure of tax changed to volumetric basis: SHB 1207

Renewable energy resources, customer option to purchase: 2SSB 6177

Smart metering technology, tax exemptions: HB 2102

Taxation of electricity providers modified, wholesale energy transaction account created: HB 1007

**ELECTRICAL BOARD**

Membership increased, outside line worker appointed by governor: HB 1324

**ELECTRICAL INSTALLATIONS**

Electricians and electrical installations, RCW 19.28 technical corrections: **\*HB 1369, CH 211 (2001)**

Residential property management, electrical work on owner's residential property: HB 1986

**ELECTRICITY**

Alternative energy sources, tax incentives to promote production and generation: HB 2245

California requested to increase customer utility rates to guarantee payment for Washington power: SSJM 8015

California, Congress requested to end transfers to California: HJM 4006

Cogeneration, public utility tax deduction: HB 1405, SHB 1405, 2SHB 1405

Contractor licensing and certification, requirements for registered sex offenders: HB 2177

Diversification of electricity supply and demand management act: HB 2102, SHB 2102, 2SSB 6027

Electrical companies, electricity generation resource acquisition: HB 1440

Electrical generating facilities, sales and use tax exemptions provided: HB 1191, HB 2120, HB 2245

Energy assistance programs, public utility tax credit for light and power and gas distribution businesses: HB 1443, SHB  
1443, 2SHB 1443, 2SSB 5540

Energy facility site evaluation council membership and siting procedures: **\*HB 2247, CH 214 (2001)**, 2SSB 5912, 2SSB  
6177

Federal property, taxation requirements for land previously owned by federal government: HB 2005

Fuel cell and biomass energy generating facilities, sales and use tax exemption: SSB 5541

Fuel cell electric generating facilities, sales and use tax exemptions: **\*HB 1859, CH 213 (2001)**

Generation facilities, public utility district joint agreements for ownership and operation: HB 2101

Industrial facilities, tax deferrals for electrical generating equipment and facilities: HB 2274

Light and power business, public utility tax deduction: HB 2245

Major public energy project, definition revised: HB 1221

Major public energy project, definition revised and cost-effectiveness study required: SSB 5292, 2SSB 6177

Management of state energy supply: **\*HB 2247, CH 214 (2001)**

Natural gas-fired thermal electric generating facility, air pollution control sales and use tax exemption: HB 1406, SHB 1406, \***HB 2247, CH 214 (2001)**

Producers, Congress requested to pass a tax on windfall profits: HJM 4011

Providers, tax credits for providing electricity to direct service industrial customers: HB 1404, SHB 1404, 2SHB 1404

Specialty electricians, certification: HB 1373

Strategic energy planning commission established to implement energy policy, tax exemptions provided: HB 1207

Wholesale costs, Congress requested to lower: HJM 4004, SJM 8012

Wind and solar energy generating facilities, sales and use tax exemption: HB 1442, SSB 5541

#### ELECTROLOGY (See COSMETOLOGY)

#### EMERGENCY MEDICAL SERVICE PROVIDERS (See EMERGENCY MEDICAL TECHNICIANS)

#### EMERGENCY MEDICAL TECHNICIANS

Paramedics allowed to transfer retirement to law enforcement officers' and fire fighters' retirement system: HB 1285

#### EMERGENCY SERVICES

Agricultural employment, unemployment benefits: HB 2282

Communication systems and facilities, county sales and use tax: HB 1477, SHB 1477

Crisis nurseries, licensing: \***HB 1898, CH 230 (2001)**

Crop damage relief, funding: HB 2281

Drought conditions, emergency water withdrawal: HB 2257

Drought, funding for emergency conditions: \***HB 2258, CH 26 E2 (2001)**

Energy supply alerts, governor allowed to enter orders for conservation: HB 2250

Epinephrine, expiration date for emergency administration procedures removed: \***HB 1317, CH 24 (2001)**, SB 5835

Humanitarian relief council and account: HB 1336

Landslide areas, certain labor and services exempted from sales tax, expiration date extended: \***HB 1018, CH 113 (2001)**

Management assistance compact enacted: \***SB 5256, CH 288 (2001)**

Natural disaster benefits, partial wage and income replacement: HB 2280

Nisqually earthquake, funding for emergency services: \***HB 2222, CH 5 (2001)**, \***HB 2258, CH 26 E2 (2001)**

Schools, mapping: HB 1838, SHB 1838

#### EMERGENCY TELEPHONE SYSTEMS (See 911)

#### EMINENT DOMAIN (See also CONDEMNATION)

Relocation assistance, provisions revised: HB 1795, SHB 1795

#### EMPLOYMENT

Breastfeeding, "infant-friendly" designation on employer promotional material: \***2SHB 1590, CH 88 (2001)**

Breastfeeding, "mother-friendly" designation on employer promotional material: HB 1590, SHB 1590

Check cashing, labor pool prohibited from charging a fee to cash day laborers' checks: HB 1302

Child care, tax credit for employer-provider benefits: HB 2112

Commute trip reduction, employer tax credits for providing financial incentives to employees: HB 1988, SSB 6008

DNA, employment discrimination based on DNA screening prohibited: SSB 5283

Disabled persons, business and occupation tax credit for employing: HB 1526

Distressed areas, call center sales and use tax exemption for construction of center: 2SSB 5094

Domestic violence, unemployment compensation allowed when claimant leaves work due to domestic violence or stalking: HB 1248, SB 5189

Ergonomics, business and occupation tax credit for rule compliance: HB 2164

Family and medical leave, provisions revised: HB 2209

Family leave insurance program and benefits established: HB 1520



Family leave insurance program and benefits, need to establish declared: HB 1185  
Health care facilities, employee overtime: HB 1527  
Job reference information, immunity provided for work-related disclosures: HB 1881  
Jobs initiative program: HB 1431  
Jose' "Pepe" Lladro' act, business and occupation tax credit for employing disabled persons: HB 1526  
Sex offenders, persons with certain sex offense felony convictions disqualified from employment with unsupervised children: HB 1086  
Sexual orientation, employment discrimination protection: HB 1524  
TANF, credits for hiring TANF recipients: HB 1430  
Tips, adjusted minimum tipped wage rate provisions: HB 1973  
Tips, distribution to employees: HB 1935  
Unfair practices, firing or limiting public employees to avoid providing benefits prohibited: SSB 5264  
Victims of crimes, employment leave provisions extended and violation penalties established: SSB 5329  
Volunteer fire fighters, employment and discrimination protections: HB 1420, **\*SHB 1420, CH 173 (2001)**  
Work force training and education coordinating board comprehensive plan update adopted: HCR 4402, SSCR 8404

#### ENDANGERED SPECIES (See SALMON, WILDLIFE)

#### ENERGY

Assistance programs, public utility tax credit for light and power and gas distribution businesses: HB 1443, SHB 1443, 2SHB 1443, 2SSB 5540  
California requested to increase customer utility rates to guarantee payment for Washington power: SSJM 8015  
Cities and counties, energy facility siting requirements: 2SSB 5912  
Climate, joint select committee on climate change, study of climate change impacts: SHB 1921  
Conservation, governor allowed to issue orders during energy supply alerts: HB 2250  
Diversification of electricity supply and demand management act: HB 2102, SHB 2102, 2SSB 6027  
Efficiency investment standards for energy conservation, renewable energy research and development, and low-income energy services: HB 1840  
Efficient lights and appliances, tax exemptions: HB 1441, SHB 1441  
Electric generating facilities, sales and use tax exemption allowed for facilities powered by wind, sun, or landfill gas: HB 1105  
Electrical companies, electricity generation resource acquisition: HB 1440  
Electricity, Congress requested to end transfers to California: HJM 4006  
EnergySmart Washington program: 2SSB 6177  
Facility site evaluation council membership and siting procedures: **\*HB 2247, CH 214 (2001)**, 2SSB 5912, 2SSB 6177  
Facility site evaluation council, joint select committee and study: 2SSB 5912  
Fuel cell and biomass energy generating facilities, sales and use tax exemption: SSB 5541  
Fuel cell and other alternative energy sources, sales and use tax exemption: HB 2200  
Geothermal energy, statute extended ten years: HB 2189, **\*SB 6107, CH 215 (2001)**  
Green base building, sales and use tax exemption for construction: HB 2111  
Greenhouse gases, Washington climate center: HB 1921, HB 1922, SSB 5674  
Light and power and gas distribution, measure of tax changed to volumetric basis: SHB 1207  
Major public energy project, definition revised: HB 1221  
Major public energy project, definition revised and cost-effectiveness study required: SSB 5292, 2SSB 6177  
Management of state energy supply: **\*HB 2247, CH 214 (2001)**  
Natural gas-fired thermal electric generating facility, air pollution control sales and use tax exemption: HB 1406, SHB 1406, **\*HB 2247, CH 214 (2001)**  
Payment assistance program funding: HB 1860, SSB 5717  
Pipeline safety act of 2000, technical and clarifying amendments: SSB 5126  
Producers, Congress requested to pass a tax on windfall profits: HJM 4011  
Registry of energy service contractors, department of general administration: **\*HB 2247, CH 214 (2001)**, 2SSB 6177

State buildings, energy efficiency standards: HB 1403, \***HB 2247, CH 214 (2001)**, SSB 5647, 2SSB 6177  
 Strategic energy planning commission established to implement energy policy, tax exemptions provided: HB 1207  
 Thermal power plant, construction certification: HB 1631  
 Wholesale costs, Congress requested to lower: HJM 4004, SJM 8012  
 Wind and solar energy generating facilities, sales and use tax exemption: HB 1442, SSB 5541

#### ENERGY FACILITY SITE EVALUATION COUNCIL

Applications, processing and dispute assistance: HB 2131, SHB 2131  
 Efficiency evaluation of council, governor: \***HB 2247, CH 214 (2001)**  
 Membership and siting procedures: \***HB 2247, CH 214 (2001)**, 2SSB 6177  
 Membership and siting procedures, joint select committee study of council: 2SSB 5912  
 Oversight threshold: HB 1382

#### ENGINEERS (See also SURVEYORS)

Licenses and certificates, licensing department authorized to establish renewal fee, renewal interval, and date of renewal:  
 HB 1161, SHB 1161  
 Public works, reporting requirements for engineering firms: HB 2095

#### ENGLISH LANGUAGE

School bilingual instruction program, evaluation system to measure increases in English proficiency: HB 2025, SHB  
 2025, \***SHB 2025, CH 6 E1 (2001)**

#### ENVIRONMENT

Capital budget investments in the environment, review of natural resource-related programs: HB 1785, \***SHB 1785, CH  
 227 (2001)**  
 Citizen enforcement of health and environmental laws: HB 1961  
 Citizen enforcement of land use and shoreline laws, civil action: HB 1960  
 Environmental health violations, public health districts authorized to issue civil penalties: HB 1087  
 Environmental permit process, task force to review coordination of state and local processes: HB 1941  
 Flood plains, environmental impact statement: HB 1510  
 SEPA, exemptions: HB 1535  
 Schools, environmental education partnership fund and activities: HB 2026  
 Transportation projects, environmental mitigation interagency programmatic agreements: HB 1447  
 Transportation projects, environmental permit process streamlining requirements: HB 1685  
 Transportation projects, environmental permit process streamlining requirements and task force: HB 2229  
 Transportation projects, transportation permit efficiency and accountability committee: HB 2241, SSB 5765, \***SB 6188,  
 CH 2 E1 (2001)**  
 Transportation, mitigation actions in county six-year program submittal: HB 1679  
 Wells, environmental investigation wells: HB 2203

#### ESTATES (See also PROBATE, WILLS)

Animals, validation of trusts for nonhuman animals: HB 2046, \***SHB 2046, CH 327 (2001)**  
 Dispute resolution, technical corrections: \***SSB 5052, CH 14 (2001)**  
 Perpetuities, rule against perpetuities modified: \***SB 5054, CH 60 (2001)**  
 Power of attorney, provisions modified: HB 1135, \***SHB 1135, CH 203 (2001)**  
 Psychiatric advance directives, regulations provided: HB 1299  
 Reconveyance of deeds of trust, provision modified: HB 1158

#### ESTHETICIANS (See COSMETOLOGY)

#### ETHICS IN GOVERNMENT

Charitable fund-raising activities, state officers and employees: HB 2130  
Citizens' alliance for government accountability established, account created: HB 1276, SHB 1276  
Elected officials, mailings and public service broadcasts restrictions: HB 1908, SHB 1908  
Higher education research and technology transfer agreements, ethics requirements: HB 1820  
Local air authorities, employment with an entity regulated by local air authority prohibited: HB 1033

#### EVIDENCE

DNA, testing: HB 1889, SHB 1889, \***SSB 5896, CH 301 (2001)**  
Out-of-court statements, admissibility: HB 2151, SHB 2151

EXCISE TAX (See TAXES - EXCISE TAX)

EXECUTION (See DEATH PENALTY)

#### EXPLOSIVES

Schools, possession penalties: HB 2137, SHB 2137

EYE CARE (See VISION CARE)

#### FAIRS AND EXHIBITIONS

Agricultural, state allocation requirements: HB 1897, SHB 1897, \***SSB 5734, CH 157 (2001)**  
Fair fund, money from general fund transferred into fair fund: HB 1025, \***SSB 5237, CH 16 E2 (2001)**  
Special license plates, fairs: SSB 5997

FAMILY LEAVE (See EMPLOYER AND EMPLOYEE, EMPLOYMENT)

#### FAMILY LIFE

Alternative medical reproductive technology, establishment of parent and child relationship provided: SSB 5433  
Child dependency, coordination of services: \***SSB 6056, CH 256 (2001)**  
Child dependency, juvenile justice case information sharing: \***SSB 5995, CH 52 (2001)**  
Civil unions, same sex: HB 1758  
Domestic partner benefits, legislative reversal of eligibility directed, voter approval required: HB 1760  
Family and medical leave, provisions revised: HB 2209  
Family reconciliation act, children in need of services and at-risk youth provisions: HB 1958, SHB 1958, 2SHB 1958  
Same sex unions not recognized as valid, benefits denied: HB 1970

FAMILY PLANNING (See BIRTH CONTROL)

FAMILY POLICY COUNCIL (See SOCIAL AND HEALTH SERVICES, DEPARTMENT)

#### FARMS

Burning, tax exemptions for reduction: HB 2070  
Chickens, propane and natural gas sales tax exemption: HB 1887, HB 2138, \***SHB 2138, CH 25 E2 (2001)**  
Crop damage relief, funding: HB 2281  
Dairy farms, water pollution investigations: HB 1773  
Dairy nutrient management and anaerobic digesters, tax credits and exemptions: HB 1888, HB 2138  
Dairy nutrient management and anaerobic digesters, tax exemptions: \***2SSB 5947, CH 18 E2 (2001)**  
Dairy product manufacturers, business and occupation tax rate: HB 2138, \***SHB 2138, CH 25 E2 (2001)**  
Egg-laying hens, animal cruelty restrictions and facility inspections: HB 1807  
Egg-laying hens, forced molting: HB 1726  
Equipment and machinery, property tax exemption: HB 1906, \***SHB 1906, CH 24 E2 (2001)**, HB 2138

Equipment and machinery, regulations for suppliers and dealers revised: HB 1182  
 Equipment and machinery, sales and use tax exemptions: HB 2138  
 Family farms, local government authorized to rezone, conditions: HB 1151  
 Farmers, tax equity and exemptions: HB 1339, \***SHB 1339, CH 118 (2001)**  
 Fur farms, criminal sabotage penalties: HB 1938, SHB 1938  
 Future Farmers of America license plate: SSB 5571  
 Livestock rangeland, wildlife damage claims: HB 1752, SHB 1752, \***2SHB 1752, CH 274 (2001)**  
 Products, committee to establish central filing system for farm products and liens: HCR 4408, SHCR 4408  
 Small farm direct marketing assistance program: HB 1885, \***HB 1984, CH 3 E2 (2001)**  
 Water rights, family farm permits: \***SHB 1832, CH 237 (2001)**, HB 1870, HB 1878, SSB 5914

FAX (See FACSIMILE DEVICES, TELEPHONES)

#### FEDERAL AGENCIES

Land, property tax requirements for land previously owned by federal government: HB 2005

#### FEES

Basic parkland access fees prohibited: SSB 5024  
 Building permit fee to fund building code council account increased: HB 1363, SB 5352  
 Businesses, city general license fee: HB 2109  
 Civil jury trial fees increased: HB 1955, SB 5253  
 College and university tuition fees, adjustments: HB 1833  
 Commercial fishing license fees and taxes: HB 2045  
 County auditor recording fees, surcharge increased: HB 1926, \***SHB 1926, CH 13 E2 (2001)**  
 Court filing fees for tax warrants and recovery of agency overpayments: \***SHB 1793, CH 146 (2001)**  
 Courts, surcharge on probate or civil filings authorized to fund county law libraries: HB 1470, SB 5426  
 Crab industry, license fee to fund Puget Sound crab pot buoy tag program: \***SSB 6110, CH 234 (2001)**  
 Driver's instruction permit: HB 2263  
 Drivers' licenses, surcharge imposed to fund driver education campaign, task force created: HB 1122  
 Ferry fares, local impact surcharge: HB 2113  
 Fishing and hunting license fee transaction fee limited: HB 1013  
 Future Farmers of America license plate fees: SSB 5571  
 Higher education student fees, imposition or expenditure authorized by student vote: HB 2006  
 Higher education technology fees, provisions revised: HB 1073  
 Hiking-only trail pass program: HB 2081  
 Impaired physician license surcharge increased: HB 1093, SHB 1093, \***SB 5903, CH 109 (2001)**  
 Mobile homes, transfer of title fee imposed: HB 1630  
 Motor vehicle emission inspections, fee provisions adjusted: HB 1563, SHB 1563, SSB 5240  
 Motor vehicle licenses, fee distribution revised: HB 2214, HB 2216, SHB 2216, SSB 5078  
 Motor vehicle licenses, refund for overpayment of fees and taxes: HB 2058  
 Motor vehicle licenses, surcharge: HB 1993, SHB 1993  
 Motor vehicle licensing subagent service and registration fees increased: HB 1310  
 Motor vehicles, rebuilt vehicle inspection fee: \***HB 2029, CH 125 (2001)**  
 Pipeline safety, companies required to pay annual fees to fund: HB 1452, SHB 1452, 2SHB 1452, \***SSB 5182, CH 238 (2001)**  
 Puget Sound shrimp pot experimental fishery permit, license fee refund: HB 1536  
 Recording instruments related to real property, surcharge to fund housing projects: HB 2060  
 Recording instruments, surcharge to fund housing projects: 2SSB 5936  
 Small claims court, collection cost recovery fee authorized: HB 1298  
 Snowmobiles, license fees: HB 1831  
 Solid waste businesses and services, franchise fees: HB 1710

Studded tires, sales surcharge: HB 1670  
Surface mining, reclamation permit fees: \***HB 1845, CH 5 E1 (2001)**  
Trucks and tractors, combined licensing fee surcharge on gross weight portion: HB 1666  
Unclaimed property, fees for locating: HB 2176  
Utilities, public service company regulatory fees: HB 1529  
Wells, environmental investigation wells: HB 2203

#### FERRIES

Alcohol, sales prohibited: HB 1386  
Crossings, ten-mile restriction: HB 1682, HB 1693  
Employment notice requirements allowed to be sent electronically: \***HB 1100, CH 19 (2001)**  
Fares, increase in excess of fiscal growth factor allowed: \***SB 6181, CH 1 E1 (2001)**  
Fares, increase in excess of fiscal growth factor allowed, study of ferry traffic impact: HB 1012  
Fares, local impact surcharge: HB 2113  
Funding, baseline allocation requirements: HB 1689, HB 1691  
Motorist assault on highway and ferry workers, employee reimbursement for costs established: HB 1176, SB 5513  
New auto ferries, procurement process: \***SHB 1680, CH 226 (2001)**, HB 1987  
Operating costs, review of costs compared to fare revenue: HB 1459  
Passenger-only, fares: HB 1701  
Procurement of large equipment, transportation department contract provisions: HB 2092, HB 2221, \***SHB 2221, CH 59 (2001)**  
Repairs, transportation department contract provisions: HB 2091, HB 2221, \***SHB 2221, CH 59 (2001)**  
Ticket sales, private vendors: HB 2103, HB 2186  
Vehicles boarding ferries, traffic violations established for blocking driveways and cutting in line: HB 2139, SB 5091  
Washington ferry department created: HB 2122, HB 2123

#### FERTILIZERS

Commercial fertilizers, urban area soil testing requirements: HB 1505

FILM (See MOTION PICTURES, VIDEOTAPE)

FINANCIAL AID (See COLLEGES AND UNIVERSITIES)

FINANCIAL INSTITUTIONS (See also BANKS AND BANKING, CREDIT UNIONS)

Community development financial institutions, tax credit allowed for deposits: HB 1377  
First-time home buyers, financial assistance provided through auction sale of tax credits: HB 2152  
Privacy, restrictions on use of social security numbers for identification: HB 1977  
Salmon recovery, business and occupation tax deduction for subordinating mortgages on property donated for conservation purposes: HB 1104

FINANCIAL INSTITUTIONS, DEPARTMENT

Financial services regulation fund created: \***HB 1211, CH 177 (2001)**, SB 5035

FINANCIAL MANAGEMENT, OFFICE

Agency budget, accounting, and reporting requirements: HB 1569, SB 5629  
Agency contracts, accountability: HB 1808  
Capital budget investments in the environment, review of natural resource-related programs: HB 1785, \***SHB 1785, CH 227 (2001)**  
Fiscal notes, joint legislative fiscal note process: HB 2114  
Higher education state need grant program, recommendations for increase options: HB 1743  
Initiatives, fiscal impact review process revised: HB 1008

Personal service contract guidelines: HB 1345

#### FINE ARTS (See ART WORKS)

#### FIRE FIGHTERS

Deputy state fire marshals, transfer into law officers' and fire fighters' retirement system: HB 2143

Killed in line of duty, health insurance benefits for survivors: HB 1371, \***SHB 1371, CH 165 (2001)**

Occupational diseases, workers' compensation coverage extended to include heart problems, cancer, and infectious diseases: HB 1990

Peer support services, privileged communications: HB 1783

Volunteers, disability and survivor benefit payments adjusted: \***SHB 1004, CH 134 (2001)**

Volunteers, disability payments adjusted: HB 1004

Volunteers, employment and discrimination protections: HB 1420, \***SHB 1420, CH 173 (2001)**

#### FIRE PROTECTION

Apartments and single-family dwellings, fire protection and building safety information landlord-tenant notice requirements: HB 1433, SB 5624

Apartments, automatic sprinkler system: HB 1434, HB 1435

Code violations, inspection of tenant dwellings: SB 6001

Fire alarm systems, contractor licensing and technician certificate of competency: HB 1585

Fire-fighting apparatus, weight limit exemptions: \***HB 1095, CH 262 (2001)**, HB 1657, SSB 5681

Fireboats, first class cities: HB 2021

Forest fire protection, assessment fees for landowners revised: HB 1061, HB 2104, \***SHB 2104, CH 279 (2001)**

Forest fire protection, state funding: HB 2104, \***SHB 2104, CH 279 (2001)**

Landowner contingency forest fire suppression account, unappropriated money must remain in account and interest must be credited to account: HB 1014, SHB 1014

State director, building code council: HB 1612, SB 5683

#### FIRE PROTECTION DISTRICTS (See also SPECIAL DISTRICTS)

Annexation and mergers, equitable adjustment of bonded indebtedness: HB 1798

Levies, additional levies authorized: HB 1172

Materials, purchasing provisions revised: \***HB 1173, CH 79 (2001)**

Warrants, issuance options: HB 2169

#### FIREARMS

Children, storing or leaving loaded firearms within reach or access of child unlawful, penalties: HB 1121

Day care facilities and preschools, firearms prohibited: HB 1226

Dealers required to provide or offer to sell a safety device and to post a sign regarding children and safety laws: HB 1121

Gun shows, dealer requirements: HB 2202

Gun shows, sales or transfers by felons prohibited: HB 1944

Gunshot and knife wounds, reporting requirements: HB 1730, SHB 1730

Hospitals, restrictions: HB 1604, SHB 1604

Juvenile offenders, right to possess restoration: HB 1484

Liability, actions against firearms industry limited, penalties for wrongful actions established: HB 1224

Offenders, right to possess restoration: SHB 1484

Pistol purchases or transfers, department of licensing authority to retain records removed: HB 1737

Unlawful possession, unwitting possession established as an affirmative defense: HB 1148

#### FIRST RESPONDERS (See EMERGENCY MEDICAL TECHNICIANS)

#### FISH (See also SALMON, SHELLFISH, STEELHEAD)

Canada, free and fair trade of aquaculture products between the United States and Canada: SJM 8016  
Farms, marine fin fish aquaculture escape prevention: HB 1499, SHB 1499, \***SHB 1499, CH 86 (2001)**  
Forest practices board, forest and fish report time extension for rules process: HB 2106, SHB 2106  
Hatcheries, fish and wildlife department prohibited from destroying hatchery origin salmon for the purposes of destroying viable eggs, priority distribution of eggs provided: HB 1286, \***SHB 1286, CH 337 (2001)**, HB 1705  
Initiatives and referenda, voter approval: HJR 4212  
Leavenworth national fish hatchery, Congress requested to make modifications: SJM 8006  
Reclaimed water, agricultural definitions revised to include brewing and fish rearing facilities: HB 2276  
Salmon and other fish recovery, placement of large woody debris in streams provided immunity: HB 1178

#### FISH AND WILDLIFE COMMISSION

Disabled persons, advisory committee: HB 1655, \***SHB 1655, CH 312 (2001)**  
Hatchery salmon, directives to allow for natural spawning: \***SHB 1286, CH 337 (2001)**  
Lands vehicle use permit, provisions revised: \***SSB 5438, CH 243 (2001)**  
Membership provisions revised: HB 1019, SHB 1019, \***SB 5440, CH 155 (2001)**  
Membership provisions revised, person with a disability required to be appointed: HB 1290

#### FISH AND WILDLIFE, DEPARTMENT

Capital budget investments in the environment, review of natural resource-related programs: HB 1785, \***SHB 1785, CH 227 (2001)**  
Commercial fishing, Dungeness crab resource plan provisions: HB 1821, \***SHB 1821, CH 228 (2001)**  
Commercial fishing, certain gear allowed under the authority of a trial or experimental fishing permit: HB 1306, \***SSB 5442, CH 163 (2001)**  
Commercial fishing, renewal dates for salmon troll fishery license changed: \***SSB 5443, CH 244 (2001)**  
Crab industry, license fee to fund Puget Sound crab pot buoy tag program: \***SSB 6110, CH 234 (2001)**  
Dangerous wild animals, private possession: HB 1725  
Derelict fishing gear, removal program: HB 2183  
Enforcement officer killed in line of duty, health insurance benefits for survivors: HB 1371  
Enforcement officers, authority and requirements: HB 2153, SSB 6076  
Enforcement officers, membership in law enforcement officers' and fire fighters' retirement system allowed: HB 1175, HB 1580  
Equipment fund: HB 1472  
Fish farms, marine fin fish aquaculture escape prevention: HB 1499, SHB 1499, \***SHB 1499, CH 86 (2001)**  
Fishing and hunting license transaction fee limited: HB 1013  
Fishing and hunting licenses, officers may require photo identification for licenses purchased over the internet: SB 5437  
Fishing and hunting licenses, photo identification for licenses purchased over the internet: HB 1498, \***SHB 1498, CH 306 (2001)**  
Fishing guides, licensing provisions modified: SB 5439  
Hydraulic permits, pamphlets allowed to be issued in lieu of hydraulic approval permits: HB 1304, SHB 1304  
Lands vehicle use permit, provisions revised: HB 1017, SHB 1017, HB 1020, HB 1199, \***SSB 5438, CH 243 (2001)**  
Point Roberts, pilot program to allow landing of fish: HB 1697  
Public disclosure, exemptions: HB 1996, \***SHB 1996, CH 278 (2001)**  
Salmon eggs, department prohibited from destroying hatchery origin salmon for the purposes of destroying viable eggs, priority distribution of eggs provided: HB 1286, \***SHB 1286, CH 337 (2001)**, HB 1705  
Salmon recovery office eliminated: HB 2207  
Salmon recovery, lead entities allowed to apply for grants from department: HB 1016  
Salmon spawning beds, pilot project to protect beds on Skagit river: HB 1880  
Salmon, surplus annual report: \***SHB 1286, CH 337 (2001)**  
Shellfish culturing, oyster reserve land pilot project: HB 1658, SHB 1658, \***SHB 1658, CH 273 (2001)**, SSB 5837  
Shoreline protection and critical area ordinances: HB 1963  
Statutes, technical corrections: \***SSB 5961, CH 253 (2001)**

Transportation projects, environmental mitigation interagency programmatic agreements: HB 1447  
Trapping, unlawful trapping does not include rat, mouse, or mole: HB 2197  
Watersheds, monitoring and assessments for salmon recovery and watershed health: **\*SSB 5637, CH 298 (2001)**  
Wildlife damage claims, livestock rangeland: HB 1752, SHB 1752, **\*2SHB 1752, CH 274 (2001)**

#### FISHING, COMMERCIAL (See also SALMON)

Crab industry, license fee to fund Puget Sound crab pot buoy tag program: **\*SSB 6110, CH 234 (2001)**  
Derelict fishing gear, removal program: HB 2183  
Dungeness crab, resource plan provisions: HB 1821, **\*SHB 1821, CH 228 (2001)**  
Farms, marine fin fish aquaculture escape prevention: HB 1499, SHB 1499, **\*2SHB 1499, CH 86 (2001)**  
Guides, licensing provisions modified: SB 5439  
Initiatives and referenda, voter approval: HJR 4212  
Licenses, fees and taxes: HB 2045  
Licenses, renewal dates for salmon troll fishery license changed: **\*SSB 5443, CH 244 (2001)**  
Licenses, shrimp pot and trawl: HB 1756, **\*SB 5531, CH 105 (2001)**  
Licenses, vessel designation and alternate operator: HB 1756, **\*SB 5531, CH 105 (2001)**  
Puget Sound shrimp pot experimental fishery permit, license fee refund: HB 1536  
Salmon, certain gear allowed under the authority of a trial or experimental fishing permit: HB 1306, **\*SSB 5442, CH 163 (2001)**

#### FISHING, RECREATIONAL (See also SALMON)

Derelict fishing gear, removal program: HB 2183  
Initiatives and referenda, voter approval: HJR 4212  
Lands vehicle use permit, provisions revised: HB 1017, SHB 1017, HB 1020, HB 1199, **\*SSB 5438, CH 243 (2001)**  
Licenses, photo identification for licenses purchased over the internet: HB 1498, **\*SHB 1498, CH 306 (2001)**, SB 5437  
Licenses, transaction fee limited: HB 1013  
Point Roberts, pilot program to allow landing of fish: HB 1697  
Right to hunt and fish, amendment to declare the right to hunt and fish: HJR 4204

#### FITNESS CENTERS (See HEALTH STUDIOS)

#### FLEA MARKETS

Criminal penalties imposed for unauthorized sale of certain products by an unused property merchant: **\*SB 5374, CH 160 (2001)**

#### FLOOD CONTROL

Emergency management assistance compact enacted: **\*SB 5256, CH 288 (2001)**  
Mining, environmental impact statement for mining in flood plains: HB 1510  
Surface water runoff, authority for charges based on runoff characteristics of property eliminated: HB 2076

#### FLOOD CONTROL DISTRICTS (See also SPECIAL DISTRICTS)

#### FLOOR RESOLUTIONS, HOUSE

4-H youth development program delegates welcomed: HR 4637  
Al Edwards recognized and the end of slavery day celebrated: HR 4665  
Arts, honored: HR 4613  
Automotive youth educational systems, honored: HR 4611  
Black history month, recognized: HR 4616  
Bone Marrow Donor Program, minority donor day recognized: HR 4632  
Boy Scouts of America, recognized: HR 4614  
Braunsteiner, Helmut "Brownie", honored: HR 4645



Brown, Timothy K., honored: HR 4642  
Children's day, recognized: HR 4618  
Cole, Grace, remembered: HR 4638  
Community and migrant health centers, commended: HR 4617  
Corps of Discovery's epic achievement, honored: HR 4633  
Earthquake, state patrol, legislative security office, and the general administration department recognized: HR 4628  
Elections, select committee established to develop legislation on conducting primaries for partisan elective offices: HR 4602  
Executive rules committee, interim: HR 4666  
Firefighters in "Thirty-Mile Fire" honored: HR 4671  
Guide Dogs for the Blind, Inc. and 4-H organization, honored: HR 4604  
Henderson, Katie, recognized as Teacher of the Year: HR 4643  
Holy Names Academy recognized: HR 4648  
House organized and ready to conduct business, senate notified: HR 4601  
Hunter, Justice Robert T., honored: HR 4658  
Hyppa, Elmer, honored: HR 4607  
Kalama family, honored: HR 4620  
Keeler, Bill, honored: HR 4634  
Kenney Presbyterian retirement community recognized: HR 4663  
King, Martin Luther Jr., honored: HR 4603  
Lake Forest Park recognized: HR 4668  
Lundin, Steve, honored: HR 4672  
McLean, Vivian, honored: HR 4657  
Mercer Island High School boys' water polo team honored: HR 4652  
Mercer Island High School girls' water polo team recognized: HR 4659  
Mooring, Cheryl, honored: HR 4605  
Morrison, Sid, recognized: HR 4653  
Mount Vernon High School boys' basketball team honored: HR 4646  
Multiple Sclerosis, May declared MS Awareness Month: HR 4651  
National Tartan Day, recognized: HR 4635  
National guard honored: HR 4606  
Peninsula High School Economics Team, honored: HR 4619  
Pharmacists, recognized: HR 4608  
Potato industry, honored: HR 4622  
Public works, interim task force created to study lowest possible bidder method: HR 4630  
Puyallup Valley Daffodil Festival, recognized and honored: HR 4644  
Quann, Megan, honored: HR 4623  
Richmond Beach Public Library honored: HR 4669  
Rotary Club of Chehalis No. 814, honored: HR 4615  
Rules for the fifty-seventh legislature adopted: HR 4600  
School boards of the year honored: HR 4610  
Scott, Patricia "Pat", honored: HR 4612  
Shoreline Historical Museum recognized: HR 4670  
Simpson Timber Company, honored: HR 4627  
Skagit Valley Tulip Festival recognized: HR 4640  
Snohomish County Prosecutor's office, honored: HR 4629  
Stefaniw, Esther, remembered: HR 4662  
Toastmasters International and Toastmaster Clubs, honored: HR 4609  
Tukwila School District, honored: HR 4631  
U.S.S. Washington officers and crewmen honored: HR 4654  
Vietnam Veterans Memorial recognized and Vietnam Veterans honored: HR 4673

Volunteers honored: HR 4647

Washington scholars of 2001, honored: HR 4621

Whidbey Island Naval Air Station, women and men honored: HR 4650

Woodward, Walt, honored: HR 4636

Workers' Memorial Day, workers who have died or been injured on the job recognized: HR 4656

YMCA, 150th anniversary recognized: HR 4661

YMCA, Snohomish County YMCA and Mukilteo Family YMCA recognized: HR 4660

#### FLOOR RESOLUTIONS, SENATE

Arbor Day recognized: HR 4639

#### FOOD AND FOOD PRODUCTS (See also ORGANIC FOOD)

Almond Roca Buttercrunch, state candy: HB 1930

Carbonated beverage tax credit, business and occupation tax: HB 1762

Halal food consumer protection act: HB 2283

Service regulations, study: HB 1533

Vending machine, food products sales and use tax exemptions: HB 1329, SHB 1329, HB 1778

#### FOREST FIRES (See FIRE PROTECTION)

#### FOREST LAND (See also TIMBER AND TIMBER INDUSTRIES)

Farm and agricultural land excluded from forest land definition and forest practices act: **\*SSB 5497, CH 102 (2001)**

Fire protection, assessment fees for landowners revised: HB 1061, HB 2104, **\*SHB 2104, CH 279 (2001)**

Fire protection, state funding: HB 2104, **\*SHB 2104, CH 279 (2001)**

Forest practices board, forest and fish report time extension for rules process: HB 2106, SHB 2106

Property tax, exemption from back taxes for certain land transfers: HB 1450, **\*SHB 1450, CH 305 (2001)**

Property tax, valuation and assessment: **\*SSB 5702, CH 249 (2001)**

Small forest landowners, riparian easement program: HB 2105, **\*SHB 2105, CH 280 (2001)**

Taxation provisions revised: HB 2027

Timber sales, processed streamlined for sale of valuable material: HB 1847, **\*SSB 5862, CH 250 (2001)**

Watersheds, conveyance of certain forest board transfer lands allowed to protect municipal drinking water: HB 1060, SHB 1060

#### FOREST PRACTICES (See also TIMBER AND TIMBER INDUSTRIES)

Citizen enforcement of health and environmental laws: HB 1961

Farm and agricultural land excluded from forest land definition and forest practices act: **\*SSB 5497, CH 102 (2001)**

Forest products commission, assessment levied on each species of forest products: HB 1835, SHB 1835, **\*2SHB 1835, CH 314 (2001)**, SSB 5880

Short-rotation hardwoods, exemption from rules: SHB 1024

Short-rotation hardwoods, growth cycle increased: HB 1024, SHB 1024, **\*SB 5108, CH 97 (2001)**

Small forest landowners, riparian easement program: HB 2105, **\*SHB 2105, CH 280 (2001)**

Unprocessed timber, task force review of federal forest resources conservation and shortage relief act: HB 2107, HCR 4410

#### FOREST PRACTICES BOARD

Forest and fish report, time extension for rules process: HB 2106, SHB 2106

#### FOREST PRODUCTS INDUSTRY (See TIMBER AND TIMBER INDUSTRIES)

#### FORFEITURES

Federal drug asset forfeiture laws, national guard designated as law enforcement agency for purpose of receiving property: HB 1186

#### FOSTER CARE

Accreditation of children's administration offices: \***2SHB 1249, CH 265 (2001)**

Accreditation of children's administration programs supported and exploration of nationwide foster care projects required, respite care provided to foster parents: HB 1249, SHB 1249

Complaints against foster parents, unfounded complaints exempt from public disclosure: SSB 5984

Endowed scholarship program created to help students in foster care attend institutions of higher education: HB 1244, SHB 1244

Evaluation of children, pilot project to establish methods: \***SSB 6055, CH 255 (2001)**

Foster parents' rights, provisions revised: \***HB 1102, CH 318 (2001)**

Limitations on out-of-home placement of child provided when conflict of interest exists, penalties established for placement violations: SSB 5049

Medical assistance and living services provided to individuals up to age twenty-one: HB 1259, \***SHB 1259, CH 192 (2001)**

Parent retention pilot program for foster parents of children who act out sexually: HB 1525

Placement, guidelines provided and reimbursement for county juvenile detention costs required: HB 1288

#### FRAUD (See CRIMES)

#### FUELS (See also OIL AND GAS)

Ethyl tertiary-butyl ether: \***HB 1015, CH 218 (2001)**

Motor fuels marketing fair competition act of 2001: HB 1998

Motor vehicle fuel taxation, bond requirements for distributors: \***HB 1407, CH 270 (2001)**

Motor vehicle fuel taxation, definition of supplier: \***HB 1407, CH 270 (2001)**

#### FUNDS (See PUBLIC FUNDS AND ACCOUNTS)

#### GAMBLING (See also LOTTERY)

Charitable and nonprofit organizations, electronic bingo games allowed: HB 1446, SHB 1446

Cheating, penalties revised: HB 1307, SB 5064

Pathological, study of pathological gambling in chemical dependency treatment programs: HB 1622

Tribal/state gaming compacts, dispute resolution: HB 1797, \***SSB 5905, CH 236 (2001)**

#### GAMBLING COMMISSION

Enforcement officer killed in line of duty, health insurance benefits for survivors: HB 1371

#### GARBAGE (See SOLID WASTE)

#### GAS COMPANIES

Landlord and tenant, notification provided to property owners of tenants' utility payment delinquencies: HB 1293

Landlord and tenant, utility charges to be collected from tenant requesting service, liens against landlord's property for nonpayment prohibited: HB 1294

Liquefied petroleum gas, sales and use tax exemption allowed for home heating use: HB 1322

#### GASOLINE (See OIL AND GAS)

#### GAYS AND LESBIANS (See SEXUAL ORIENTATION)

#### GENERAL ADMINISTRATION, DEPARTMENT

Construction waste, management planning and recycling: HB 1907, SHB 1907

Criminal justice training and conference center relocation, commission authorized to own facilities: **\*HB 1066, CH 166 (2001)**

Energy efficiency in state buildings, standards: HB 1403, **\*HB 2247, CH 214 (2001)**, SSB 5647, 2SSB 6177

Energy service contractors, registry: **\*HB 2247, CH 214 (2001)**, 2SSB 6177

Law library services, contracts with county libraries to share state library online electronic research tools and services, study: HB 2064

Prescription drug fair pricing act: HB 1703

Product standards, strawboard standards adopted and provisions modified: HB 1136, **\*SHB 1136, CH 77 (2001)**

Public printer, transfer to department: HB 1654

Services account funds: HB 1342, SHB 1342, **\*SSB 5474, CH 292 (2001)**

Veterans memorial plaza designated: HB 1132

#### GENERAL OBLIGATION BONDS (See BONDS)

#### GENETIC INFORMATION (See DNA (DEOXYRIBONUCLEIC ACID))

#### GEODUCKS (See SHELLFISH)

#### GEOLOGY AND GEOLOGISTS

Geothermal energy, statute extended ten years: HB 2189, **\*SB 6107, CH 215 (2001)**

Licensing provisions revised: **\*SB 5206, CH 61 (2001)**

#### GOVERNOR

Citizens' alliance for government accountability established, account created: HB 1276, SHB 1276

Community mobilization programs expanded to include tobacco and violence, authority transferred to community, trade, and economic development department: HB 1362, **\*SB 5367, CH 48 (2001)**

Education reform, flexibility grant program and alternative compensation grant program: HB 1786

Energy conservation, governor allowed to issue orders during energy supply alerts: HB 2250

Energy facility site evaluation council, efficiency evaluation: **\*HB 2247, CH 214 (2001)**

Executive branch rules, amendment to allow legislature to invalidate rules: HJR 4210

International trade, Washington state trade representative office duties: HB 2075

Nisqually earthquake, funding for emergency services: **\*HB 2222, CH 5 (2001)**

Reports, eliminated: HB 2119

Transportation, appointment of secretary: SSB 5755

Transportation, appointment of secretary and members of accountability commission: HB 1664

Tribal-state motor fuel tax compact act: HB 1803

Tribes, tax compacts: HB 1749, SHB 1749

#### GRANDPARENTS

Relative caregiver program, caregiver benefits for relatives caring for children: HB 1397

Visitation rights revised: HB 1165

#### GRAYS HARBOR

Port district pilotage services: **\*SB 6194, CH 22 E2 (2001)**

#### GROCERY STORES

Distribution cooperatives, business and occupation tax: **\*HB 2260, CH 9 E1 (2001)**

#### GROWTH MANAGEMENT (See also LAND USE PLANNING)

Capital facility projects, requirements and budget provisions revised: HB 1000, **\*SHB 1000, CH 131 (2001)**

Churches and private schools, urban growth exclusion: HB 2097  
Citizen enforcement of land use and shoreline laws, civil action: HB 1960  
Comprehensive plans and development regulations, schedule for review: HB 1588, HB 2278, SSB 5841  
Comprehensive plans, family planning services: HB 2132  
Comprehensive plans, transportation element concurrency planning: HB 1815  
Development rights, incentive programs to transfer: HB 1962  
Economic development planning: HB 2056  
Family farms, local government authorized to rezone, conditions: HB 1151  
Family planning services, comprehensive plan requirements: HB 2132  
Hearings boards, authority to invalidate local plans and regulations: HB 1473  
Impact fees imposed for impact to state-owned transportation facilities: HB 1085  
Industrial land banks, outside of urban growth areas: HB 1626, SHB 1626, HB 1997, \***SHB 1997, CH 326 (2001)**, HB 2072  
Local project review, land use project permit application timeline for final decisions: HB 1458, \***SHB 1458, CH 322 (2001)**  
Local project review, second open record hearing and closed record appeal allowed: HB 1088  
Population projections, water resources and rights: HB 1843  
Recreation, agricultural and forest land use for active recreation: HB 2004  
Residential construction, local ordinance provided to collect impact fees at time of title transfer: HB 1089, HB 1247  
Rural counties, alternative methods of achieving planning goals authorized: HB 1592, SSB 5107  
Rural counties, industrial land banks: HB 1593  
Shoreline master programs, integration into growth management planning: HB 1561, HB 1964, SB 6208  
Shoreline protection and critical area ordinances: HB 1963  
Short subdivisions, lots in urban growth area: HB 1662, SB 5832  
Urban development, comprehensive plans: HB 1616

#### GUARDIANSHIP

Proceedings, medical reports by nurse practitioners: HB 1920, \***SHB 1920, CH 148 (2001)**

#### GUNS (See FIREARMS)

#### HANDICAPPED PERSONS (See DEVELOPMENTALLY DISABLED, DISABLED PERSONS)

#### HANFORD

Fast flux test facility, Congress requested to develop facility for medical and tritium purposes: HJM 4014

#### HANFORD REACH (See COLUMBIA RIVER)

#### HARASSMENT (See also CRIMES)

Schools, harassment and bullying policy: HB 1444, SSB 5528  
Victims, domestic violence and stalking compensation benefit: HB 2211

#### HATE CRIMES (See CRIMES)

#### HAZARDOUS MATERIALS

Derelict vessels, removal and disposal funded: \***SHB 1349, CH 27 (2001)**  
Rail shipping and manufacture of rail shipping containers, inspections: HB 1454, SB 5633  
Release, public notification requirements: HB 1411

#### HAZARDOUS WASTE

Citizen enforcement of health and environmental laws: HB 1961

Disposal, property containing substances of a lesser degree: HB 1824

**HEALTH CARE (See also HEALTH SERVICES ACT OF 1993, HOSPICE CARE, LONG-TERM CARE, MEDICAL RECORDS, NURSING HOMES)**

Basic health plan, long-term care paraprofessionals: HB 1637, SHB 1637

Basic health plan, regional health care access demonstration projects: HB 1742, SHB 1742

Blue ribbon commission on health care costs and access established: SHCR 4406

Breast and cervical cancer medical assistance: HB 1058, SHB 1058, **\*2SHB 1058, CH 4 E1 (2001)**, 2SSB 5820

Cancer coordination and control advisory committee: HB 2218

Charitable trusts, health care service contractor and maintenance organization trust protections: HB 1651

Chemical dependency treatment, involuntary commitment provisions revised: HB 1292, SHB 1292, **\*SB 5051, CH 13 (2001)**

Community health center assistance program and trust fund account: HB 1850, SHB 1850, SB 5836

DNA included in health care information definition, disclosure protection: HB 1902

Disturbed youth services, blended funding demonstration project: HB 1913, SHB 1913

Domestic partner benefits, legislative reversal of eligibility directed, voter approval required: HB 1760

Energy payment reductions, public utility tax credit for reductions to customers with health problems: HB 1981

Facilities, employee overtime: HB 1527

Forms, standardized health care transaction forms for state purchased care: HB 1731

Hypodermic syringes and needles, sale and possession: HB 1759, SHB 1759

Information disclosure, safeguards required to prevent transmission of incorrect or outdated information by fax or computer: **\*SB 5258, CH 16 (2001)**

Insurance, RCW technical corrections: **\*HB 1633, CH 196 (2001)**, SHB 1633

Insurance, benefit premiums subsidized for retired or disabled state and school employees: HB 1129

Insurance, benefits for survivors of emergency services personnel killed in line of duty: HB 1371, **\*SHB 1371, CH 165 (2001)**

Insurance, blind vendors' benefits: HB 1741, SHB 1741

Insurance, carrier duties regarding primary care providers: HB 2059

Insurance, child hearing screening: HB 2238

Insurance, cranial hair prostheses for alopecia areata conditions included in coverage: SB 5430

Insurance, exclusion or restriction of contraceptive services and prescriptions by health carrier or plan prohibited: HB 2194

Insurance, general anesthesia for dental services: HB 1364, **\*SHB 1364, CH 321 (2001)**

Insurance, holding company act for service contractors and maintenance organizations: HB 1792, **\*SHB 1792, CH 179 (2001)**, SSB 5793

Insurance, medical directors for carriers offering dental only coverage are required to be licensed dentists: SSB 5099

Insurance, mental health services at parity with medical and surgical services required, provisions for children and adults established: HB 1080, SSB 5211

Insurance, neurodevelopmental therapies: HB 1911

Insurance, retired and disabled local government employees: HB 1799, SHB 1799, SSB 5777

Insurance, retired and disabled members of the public employees' retirement system allowed to continue participation in health plan: HB 1167

Insurance, retired state employees and retired or disabled school employees allowed to purchase: HB 1128

Insurance, small businesses: HB 2157

Insurance, small employer definition to include school districts: **\*HB 1851, CH 147 (2001)**

Insurance, uniform prescription drug information cards required: HB 1301, SHB 1301, **\*SSB 5566, CH 106 (2001)**

Marijuana for medical use, provisions revised: SSB 5176

Medical assistance, pilot project to contract with health carriers and managed care systems: HB 1540

Medical care, blue ribbon commission established: HCR 4406

Medical records, DNA included in health care information definition, disclosure protection: HB 1902

Mental health services, coverage at parity with medical and surgical services required, provisions for children and adults established: HB 1080, SSB 5211  
Multiple sclerosis, survey of patients by University of Washington conducted: SB 5220  
Oriental medicine, references changed to Asian medicine: SB 5954  
Prescription drugs, Congress requested to add a prescription drug benefit to medicare program: HJM 4003  
Prescription drugs, legislative intent to pursue strategies that will ensure availability of affordable prescription drugs declared: HB 1319  
Prescription drugs, senior pharmacy assistance program: HB 1774, SHB 1774, 2SHB 1774  
Professional and providers, business and occupation tax deduction for services: HB 1959

#### HEALTH CARE AUTHORITY

Prescription drugs, senior pharmacy assistance program: HB 1774, SHB 1774, 2SHB 1774  
Prescription drugs, therapeutic and cost-effective education and utilization system: HB 1652, SHB 1652  
Public employees' benefits board, uniform medical plan pilot disease management programs: HB 1652, SHB 1652  
Regional health care access demonstration projects: HB 1742, SHB 1742  
Transaction forms, standard forms for state purchased care: HB 1731

#### HEALTH CARE INSURANCE (See INSURANCE)

#### HEALTH CARE PROFESSIONS

Assault in the third degree, assault of a health care provider: HB 1816  
Boards, pro tem membership provisions revised: HB 1069, \***SB 5359, CH 101 (2001)**  
Business and occupation tax deduction for health services: HB 1959  
Dental hygienists, school sealant endorsement program: \***SSB 6020, CH 93 (2001)**  
Emergency medical technicians, expiration date for emergency administration of epinephrine procedures removed: \***HB 1317, CH 24 (2001)**, SB 5835  
Gunshot and knife wounds, reporting requirements: SHB 1730  
Health care information, safeguards required to prevent fax or computer transmission of incorrect or outdated information: \***SB 5258, CH 16 (2001)**  
Hemodialysis technicians, task force: \***HB 1309, CH 22 (2001)**  
Licenses, surrender of license allowed in lieu of other sanctions: HB 1094, \***SHB 1094, CH 195 (2001)**  
Long-term care in-home services, home care quality authority and standards: HB 1576  
Mental health counselors, marriage and family therapists, and social workers, licensing standards: HB 1761, \***SSB 5877, CH 251 (2001)**  
Nurse practitioners, prescriptive authority: HB 1621  
Physical therapy assistants, licensing requirements: HB 1360  
Psychiatric advance directives, regulations provided: HB 1299  
School health aide position created, registration required: HB 1083, HB 1328  
School health assistant position created, registration required: SHB 1328

#### HEALTH DEPARTMENTS, LOCAL

Environmental health violations, districts authorized to issue civil penalties: HB 1087  
Rules and regulations, local government authorities must ratify board rules and regulations: HB 1794

#### HEALTH STUDIOS

Physical fitness services, business and occupation tax: HB 1575

#### HEALTH, DEPARTMENT

Acupuncture-related practices, naturopathic physicians: HB 1388  
Athlete trainers, certification and standards: HB 1830, SSB 5598  
Automated external defibrillators, placement in state and local public buildings: HB 1999

Cancer coordination and control advisory committee: HB 2218  
Egg-laying hens, forced molting: HB 1726  
Food service regulation, study: HB 1533  
HIV/AIDS prevention study and committee: SSB 5679  
Hazardous substance release, public notification requirements: HB 1411  
Health care transaction forms, standard forms for state purchased care: HB 1731  
Health professions' boards, pro tem membership provisions revised: HB 1069, **\*SB 5359, CH 101 (2001)**  
Hemodialysis technicians, task force: **\*HB 1309, CH 22 (2001)**  
Infant and child products, brochure of recalled products: HB 1365  
Infant and child products, safety education campaign: **\*SHB 1365, CH 257 (2001)**  
Lead, public health education program to reduce childhood exposure: HB 2115, SB 5478  
Marijuana for medical use, provisions revised: SSB 5176  
Mental health counselors, marriage and family therapists, and social workers, licensing standards: HB 1761, **\*SSB 5877, CH 251 (2001)**  
Public health supplemental account: HB 1180, SHB 1180, **\*2SHB 1180, CH 80 (2001)**  
Public psychiatric facilities, licensing provisions: HB 2011  
Public psychiatric facilities, licensing provisions for county or municipal facilities: **\*SSB 5986, CH 254 (2001)**  
Public water supply systems, annual withdrawal volumes determined: HB 1876, HB 1879  
Public water supply systems, conservation and efficiency standards and safeguards adopted by health department: HB 1874  
Shellfish, on-site sewage grant program: HB 1658  
Smoking, rules to protect the health of nonsmokers: SSB 5993  
Tattoos and electrology, sterilization requirements established: HB 1042, **\*SHB 1042, CH 194 (2001)**

#### HEARING AIDS

Telecommunications services program for hearing and speech impaired, provisions revised: HB 1884, **\*SHB 1884, CH 210 (2001)**, SSB 5875

HIGH CAPACITY TRANSPORTATION SYSTEMS (See PUBLIC TRANSIT, TRANSPORTATION)

HIGH-OCCUPANCY VEHICLE LANES (See ROADS AND HIGHWAYS)

HIGHER EDUCATION (See COLLEGES AND UNIVERSITIES, COMMUNITY AND TECHNICAL COLLEGES)

#### HIGHER EDUCATION COORDINATING BOARD

Background checks, higher education employees having unsupervised contact with minors: HB 1707  
College awareness project act, underserved population participation in higher education: HB 1755  
College savings program: **\*HB 2126, CH 184 (2001)**  
Comprehensive master plan, multimodal transportation: HB 2047  
Conditional scholarships, college tuition for teacher preparation programs: HB 2088  
Earned income training credit pilot project: HB 1848, SHB 1848  
Public interest attorney loan repayment program and account created: HB 1978, SSB 5336  
Veterans, higher education coordinating board and joint committee on pension policy directed to study eligibility of benefits for veterans as a result of revised definition of veterans: HB 1326  
Washington state scholars program, Oregon and Idaho private schools: HB 1893, SB 5699  
Washington's promise scholarship program created: HB 1466

HIGHWAYS (See ROADS AND HIGHWAYS)

#### HISTORIC PRESERVATION

Archaeological site, protection enforced and violation penalties established: HB 1189, SHB 1189



Earthquake damaged buildings, sales and use tax exemptions: HB 2246

HIV (See AIDS)

#### HOLIDAYS AND OBSERVANCES

Day of peace, April 20th recognized as state day of peace: HB 1279

HOME SCHOOLING (See SCHOOLS AND SCHOOL DISTRICTS)

HOMOSEXUALS (See SEXUAL ORIENTATION)

#### HORSES AND HORSE RACING

Compact, live horse racing committee and compact established: HB 1027, \***SHB 1027, CH 18 (2001)**

License fees, reimbursement: HB 2040, \***SB 6022, CH 53 (2001)**

Simulcast, provisions for import from out-of-state racing facilities revised: HB 1571, SHB 1571, \***SSB 5407, CH 10 E1 (2001)**

Thoroughbreds, business and occupation tax exemption provided for sale of horses: HB 1114

Thoroughbreds, sales tax exemption: SHB 1114, SSB 5266

#### HOSPICE CARE

Controlled substance prescriptions, dispense by facsimile: HB 1469, SHB 1469, \***SSB 5565, CH 248 (2001)**

#### HOSPITAL DISTRICTS

Administrative powers modified: \***HB 1131, CH 76 (2001)**

Cooperative agreements: SB 5829

Leased property, property tax exemption: HB 2191, \***SHB 2191, CH 126 (2001)**

#### HOSPITALS

Abuse of vulnerable adults, definitions and reporting requirements: HB 1417

Employees, overtime: HB 1527

Gunshot and knife wounds, reporting requirements: HB 1730, SHB 1730

Rural areas, reimbursement system for state's medical assistance programs created: \***HB 1162, CH 2 E2 (2001)**

Rural counties, sales and use tax exemptions provided to encourage the development of nonprofit hospitals: SB 5102

Weapons, restrictions: HB 1604, SHB 1604

#### HOTELS AND MOTELS (See also TAXES - LODGING TAX)

Furnishing of lodging, business and occupation tax definition of sale: HB 1531, SHB 1531, SSB 5894

Sales and use tax, combined local tax rate limited: HB 1125, \***SHB 1125, CH 6 (2001)**

HOURS OF LABOR (See WAGES AND HOURS)

#### HOUSING

Eminent domain, relocation provisions revised: HB 1795, SHB 1795

Federally assisted housing preservation task force created: HB 2180

Fire code violations, inspection of tenant dwellings: SB 6001

Fire protection and building safety information, landlord-tenant notice requirements: HB 1433, SB 5624

Fire protection, automatic sprinkler system: HB 1434, HB 1435

First-time home buyers, financial assistance provided through auction sale of tax credits: HB 2152

First-time home buyers, property tax exemption: HB 2061, HJR 4217

Housing projects, recording instruments surcharge to fund projects: HB 2060, 2SSB 5936

Impact statements required to be prepared by state agencies and departments if proposed rules will have an adverse affect on housing: HB 1183

Local real estate tax proceeds for development of very low, low, and moderate housing: HB 2165

Low-income, county real estate excise tax for development of affordable housing: HB 1972, SSB 5965

Low-income, property tax exemption for very low-income housing: \***HB 2098, CH 7 E1 (2001)**, SB 6092

Public assistance rental payments, department of social and health services to make direct payments to landlords: HB 1145

Rentals, security deposit interest paid to tenant: HB 1942

Teachers mortgage loan program: HB 1819

#### HOUSING AUTHORITIES

Consolidation of authorities: SB 5594

Resident training programs, trainers and trainees exempted from membership in retirement system: HB 1047, \***SB 5145, CH 37 (2001)**

#### HOUSING FINANCE COMMISSION

First-time home buyers, financial assistance provided through auction sale of tax credits: HB 2152

Private bond allocation ceilings adjusted: \***SB 5197, CH 330 (2001)**

Teachers' mortgage loan program: HB 1819

#### HULK HAULERS AND SCRAP PROCESSORS (See TRUCKS AND TRUCKING)

#### HUMAN RIGHTS COMMISSION

Sexual orientation, employment discrimination protection: HB 1524

#### HUMANE SOCIETIES

Veterinary medical facilities and services, care and control agencies and nonprofit humane societies: SSB 6037

#### HUNTING

Initiatives and referenda, voter approval: HJR 4212

Lands vehicle use permit, provisions revised: HB 1017, SHB 1017, HB 1020, HB 1199, \***SSB 5438, CH 243 (2001)**

Licenses, photo identification for licenses purchased over the internet: HB 1498, \***SHB 1498, CH 306 (2001)**, SB 5437

Licenses, transaction fee limited: HB 1013

Right to hunt and fish, amendment to declare the right to hunt and fish: HJR 4204

Trapping, body-gripping trap definition does not include mole or gopher traps: HB 1090

Trapping, body-gripping trap definition does not include mole traps: HB 1110

#### HYDRAULIC PERMITS

Pamphlets allowed to be issued in lieu of hydraulic approval permits: HB 1304, SHB 1304

#### IDENTIFICATION

Disabled persons' parking, photo identification card requirements removed: HB 1303, \***SSB 5434, CH 67 (2001)**

Drivers' licenses and identicards, private vendors providing services to the department of licensing must agree in contract that licenses and identicards will not contain certain private information: SSB 5364

Identity crimes, credit protection for victims: HB 1321, \***SSB 5449, CH 217 (2001)**

#### IMMIGRATION

Children, immigration and naturalization services exempt from child care regulations: \***HB 1346, CH 144 (2001)**

#### IMMUNITY

Child dependency and adult protective services case workers, limited liability: SSB 5355

Credit union directors and committee members, liability protection: HB 1537, \***SHB 1537, CH 120 (2001)**, SB 5570  
Job reference information, immunity provided for work-related disclosures: HB 1881  
Salmon and other fish recovery, placement of large woody debris in streams provided immunity: HB 1178  
Sex offender treatment providers, limited immunity: SSB 5465  
Water conservancy boards: HB 1340

#### IMMUNIZATION

Long-term care facilities, requirements: HB 1945, SSB 5291

#### IMPACT FEES (See also FEES)

Residential construction, local ordinance provided to collect impact fees at time of title transfer: HB 1089, HB 1247  
Transportation facilities, fees imposed for impact to state-owned facilities: HB 1085

#### IN-HOME CARE PROVIDERS (See HEALTH CARE PROFESSIONS)

#### INDIANS

Cigarettes, governor allowed to enter into cooperative agreements with Indians, tribal cigarette tax in lieu of state retail sales and use taxes: HB 1201, HB 2268, \***SSB 5372, CH 235 (2001)**, \***SB 6198, CH 21 E2 (2001)**  
Community development, infrastructure improvement projects: HB 1518, SHB 1518  
Community revitalization board authority to make loans and grants to Indian tribes clarified: HB 1265, SSB 5400  
Gambling, tribal/state gaming compact dispute resolution: HB 1797, \***SSB 5905, CH 236 (2001)**  
Legislative/tribal relations joint select committee and study: HCR 4405  
State and tribal relations, joint select committee created to review: SSCR 8403  
State and tribe tax compacts: HB 1749, SHB 1749  
Tribal-state motor fuel tax compact act: HB 1803  
Unemployment insurance, coverage for employees of tribes: HB 2069, \***SSB 6007, CH 11 E1 (2001)**

#### INDUSTRIAL DEVELOPMENT (See ECONOMIC DEVELOPMENT)

#### INDUSTRIAL INSURANCE (See WORKERS' COMPENSATION)

#### INDUSTRIAL SAFETY AND HEALTH

Citations, time for appeal extended: HB 2219  
Ergonomics, awareness education and pilot demonstration projects: SB 5882  
Hazardous substance release, public notification requirements: HB 1411  
Industrial hygiene and safety, certification procedures: HB 2074  
Musculoskeletal disorders, implementation of rules postponed: HB 1127, HB 1896, SB 5882  
Safety and health impact grant program: SB 5882

#### INFANTS (See CHILDREN)

#### INFORMATION SERVICES, DEPARTMENT

Internet information services, state service may not require a person to accept placement of information or software on their computer: HB 1053

#### INITIATIVE 601

Increase in limit provided for any general fund spending measure approved by voters: HB 1242

#### INITIATIVE AND REFERENDUM (See also TAXES - REFERENDUM MEASURES)

Ballot measure review committee, constitutionality of measure: HB 1732  
Comprehensive summary required in voters' pamphlets: HB 1559, SHB 1559

Fiscal impact statements required in voters' pamphlets and on line: HB 1229, HB 1543, HB 1559, SHB 1559  
 Fiscal impact, amendment to require legislative method for approving initiatives: HJR 4206  
 Fiscal impact, initiatives with negative impact required to specify reductions: HJR 4200  
 Fiscal impact, review process revised: HB 1008  
 Fish and wildlife issues, voter approval: HJR 4212  
 Funding, specification of funding source needed to implement initiative: HB 1901, HJR 4214  
 Initiative fiscal review and legal review committees: HB 1509  
 Petitions, amendment adopted to require geographic distribution of initiative petition signatures: HJR 4207, 2SSJR 8206

INSURANCE (See also MEDICAL RECORDS, WORKERS' COMPENSATION)

Agents and brokers, licensing: \***HB 1547, CH 56 (2001)**  
 Agents and brokers, surplus line broker licensing: \***HB 1729, CH 91 (2001)**  
 Annuities, structured settlement protection act: \***HB 1347, CH 178 (2001)**  
 Charitable gift annuity business, separate reserve fund: HB 2160  
 Charitable trusts, health care service contractor and maintenance organization trust protections: HB 1651  
 Contraceptive health care services and prescriptions, exclusion or restriction by health carrier or plan prohibited: HB 2194  
 Contracts, admissibility of application as evidence: HB 2117  
 DNA, screening in insurance transaction prohibited: SSB 5282  
 Fraud, casualty or property insurance costs: HB 1618  
 Health care, RCW technical corrections: \***HB 1633, CH 196 (2001)**, SHB 1633  
 Health care, alcohol and drug related injuries: SB 5708  
 Health care, basic health provisions for long-term care paraprofessionals: HB 1637, SHB 1637  
 Health care, benefit premiums subsidized for retired or disabled state employees and school employees: HB 1129  
 Health care, benefits for survivors of emergency services personnel killed in line of duty: HB 1371, \***SHB 1371, CH 165 (2001)**  
 Health care, blind vendors: HB 1741, SHB 1741  
 Health care, carrier duties regarding primary care providers: HB 2059  
 Health care, child hearing screening: HB 2238  
 Health care, cranial hair prostheses for alopecia areata conditions included in coverage: SB 5430  
 Health care, exclusion or restriction of contraceptive services and prescriptions by health carrier or plan prohibited: HB 2194  
 Health care, general anesthesia for dental services: HB 1364, \***SHB 1364, CH 321 (2001)**  
 Health care, holding company act for service contractors and maintenance organizations: HB 1792, \***SHB 1792, CH 179 (2001)**, SSB 5793  
 Health care, medical directors for carriers offering dental only coverage are required to be licensed dentists: SSB 5099  
 Health care, neurodevelopmental therapies: HB 1911  
 Health care, retired and disabled local government employees: HB 1799, SHB 1799, SSB 5777  
 Health care, retired and disabled members of the public employees' retirement system allowed to continue participation in health plan: HB 1167  
 Health care, retired state employees and retired or disabled school employees allowed to purchase: HB 1128  
 Health care, small businesses: HB 2157  
 Health care, small employer definition to include school districts: \***HB 1851, CH 147 (2001)**  
 Health care, standardized health care transaction forms for state purchased care: HB 1731  
 Health care, third-party administrators: HB 1728, SHB 1728, 2SHB 1728  
 Health care, uniform prescription drug information cards required: HB 1301, SHB 1301, \***SSB 5566, CH 106 (2001)**  
 Insurer's estate, distribution of claims: \***HB 1634, CH 40 (2001)**  
 Insurers, investment limits for noninsurance subsidiaries: \***HB 1727, CH 90 (2001)**  
 Insurers, investments in depository institutions restricted: \***HB 1296, CH 21 (2001)**  
 Insurers, tax credits for hiring TANF recipients: HB 1430  
 Juveniles life, underwriting standards developed: HB 1661, \***SHB 1661, CH 197 (2001)**

Life and disability insurance guaranty association act: **\*SSB 5958, CH 50 (2001)**  
Mental health services, coverage at parity with medical and surgical services required, provisions for children and adults established: HB 1080, SSB 5211  
Motor vehicle, driving record abstracts provided to insurance companies: HB 2255  
Motor vehicle, low-income persons: HB 1641  
Motor vehicle, proof of insurance required for registration: HB 2167  
Public disclosure, commissioner exempt: HB 1763, **\*SHB 1763, CH 57 (2001)**, SSB 5776  
Social security numbers, use as identification prohibited: HB 2248  
Specialty producer, licensing: HB 2224  
Surplus line brokers, licensing: **\*HB 1729, CH 91 (2001)**  
Third party administrators: HB 1383

#### INSURANCE COMMISSIONER

Health care transaction forms, standard forms for state purchased care: HB 1731  
Health care, third-party administrator task force: 2SHB 1728  
Life and disability insurance guaranty association act: **\*SSB 5958, CH 50 (2001)**  
Public disclosure, exemption: HB 1763, **\*SHB 1763, CH 57 (2001)**, SSB 5776  
Specialty producer, licensing: HB 2224

#### INTEREST RATES

Tort judgments, interest revised: HB 2071

#### INTERNATIONAL RELATIONS

Aquaculture products, free and fair trade between the United States and Canada: SJM 8016  
Humanitarian relief council and account: HB 1336

#### INTERNATIONAL TRADE

Agriculture product export, market development and promotion matching fund program: HB 1891, **\*SHB 1891, CH 324 (2001)**  
Agriculture, export of products promoted through contracts with Pacific Northwest economic region members and overseas contractors: HB 1208, HB 1852  
Office of Washington state trade representative, duties: HB 2075

#### INTERNET

Adoption advertisement: SSB 5537  
Data base licensing service, access to commercially produced information data base products: HB 2253  
Digital signatures and digital certificates, fraudulent acquisition and use: HB 1632, **\*SHB 1632, CH 39 (2001)**  
Pornography, Congress requested to create a specific domain designation site to identify: SJM 8007  
Sexual exploitation of minors, computer images: HB 1512  
Sexual matter or performance harmful to minors, display or dissemination prohibited, state preemption of regulation established and penalties set for violations: HB 1316  
Telework, business and occupation and public utility tax credits provided to encourage telework: HB 1478, SHB 1478

#### INTERPRETERS

Deaf, licensing standards provided: HB 1192

#### INTERSTATE COMPACTS

Adult offender supervision compact enacted, commission created: **\*SSB 5118, CH 35 (2001)**  
Emergency management assistance compact enacted: **\*SB 5256, CH 288 (2001)**  
Live horse racing compact established: HB 1027, **\*SHB 1027, CH 18 (2001)**

## INVOLUNTARY COMMITMENT

Alternative commitment, provisions relating to determination of less restrictive commitment revised: **\*SB 5048, CH 12 (2001)**

Chemical dependency treatment, provisions revised: HB 1292, SHB 1292, **\*SB 5051, CH 13 (2001)**

Outpatient treatment provisions established: HB 1318

## IRRIGATION

Facilities, general obligation bond funding for clean water projects: HB 2147

Landscaping, water conservation standards for automatic irrigation systems: HB 1599

## IRRIGATION DISTRICTS (See also SPECIAL DISTRICTS)

Administration provisions: **\*HB 2037, CH 149 (2001)**

Conveyance and drainage facilities, classification, jurisdiction and use provisions: HB 2036

## JAILS

Alternative detention and rehabilitation facilities: HB 1481

Confidential informant information, public disclosure exemption: HB 1717

Confidential information, public disclosure exemption: SHB 1717

Confinement of offenders, state required to pay costs for referrals to counties: HB 1262

Construction, general obligation bonds to fund construction: HB 2128

County jail employees, retirement system membership: HB 1714

Facilities, joint select committee on local jail facilities: HCR 4412

Private contractors, contracts for jail services: HB 1766

Victim notification system integrated into statewide city and county jail booking and reporting system: HB 1063, SSB 5179

## JOB TRAINING (See EMPLOYMENT)

## JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE (See LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT)

## JOINT MEMORIALS

Aquaculture products, free and fair trade between the United States and Canada: SJM 8016

California requested to increase customer utility rates to guarantee payment for Washington power: SSJM 8015

Columbia River salmon and trout, Congress requested to appoint a contact person to oversee the multifederal agency recovery effort: SSJM 8000

Conservation reserve enhancement program, secretary of agriculture requested to review: SJM 8019

Dependent care tax credit, Congress requested to extend credit to parents who stay home with children: HJM 4005

Disabled persons, employment and training services: SJM 8014

Elections, Congress requested to provide blanket primaries: HJM 4001

Electricity, Congress requested to end transfers to California: HJM 4006

Energy producers, Congress requested to pass a tax on windfall profits: HJM 4011

Energy, Congress requested to lower wholesale energy costs: HJM 4004, SJM 8012

Federal elections, Congress requested to set minimum standards: HJM 4000

Federal taxes, Congress requested to support President Bush's tax relief plan: HJM 4008

Filipino veterans, Congress requested to provide benefits: HJM 4002

Hanford Reservation, Congress requested to fund cleanup: HJM 4015

Hanford fast flux test facility, Congress requested to develop facility for medical and tritium purposes: HJM 4014

Internet pornography, Congress requested to create a specific domain designation site to identify: SJM 8007

Leavenworth national fish hatchery, Congress requested to make modifications: SJM 8006

Oil spill prevention and response, Congress requested to appropriate funding for a tug boat in the Strait of Juan de Fuca: SJM 8004  
Oregon income tax reduction for Washington residents working in Oregon: HJM 4009, HJM 4010, SHJM 4010  
Oregon-Washington committee on taxation established: SJM 8008  
Prescription drugs, Congress requested to add a prescription drug benefit to medicare program: HJM 4003  
Prescription drugs, Northwest states encouraged to explore cooperative strategies in order to address the high cost of prescriptions: SJM 8001  
Social security numbers, Congress requested to eliminate collection requirements: HJM 4013  
Teachers, Congress requested to expand education loan and grant opportunities: HJM 4012  
U.S. Highway 99, historic designation: HJM 4007

#### JOINT RESOLUTIONS

Elected officials, amendment to allow job sharing: HJR 4216  
Executive branch rules, amendment to allow legislature to invalidate rules: HJR 4210  
First-time home buyers, property tax exemption: HJR 4217  
Fish and wildlife initiatives and referenda, voter approval: HJR 4212  
Hunting and fishing, amendment to declare the right to hunt and fish: HJR 4204  
Initiatives, amendment adopted to require geographic distribution of petition signatures: HJR 4207, 2SSJR 8206  
Initiatives, amendment to require initiatives with negative fiscal impact to specify reductions: HJR 4200  
Initiatives, amendment to require legislative method for approving initiatives with fiscal impact: HJR 4206  
Initiatives, amendment to require specification of funding source needed to implement: HJR 4214  
Investment board funds, amendment to revise investing provisions: HJR 4202, SJR 8209  
Judge pro tempore, amendment to revise superior court provisions: HJR 4205, SJR 8208  
New counties, procedures to establish set forth: HJR 4211  
Property tax, amendment to allow phase-in of valuation increases: HJR 4208  
Property taxes, amendment to authorize a state tax credit: HJR 4215  
Property taxes, amendment to require voter approval for levies: HJR 4218  
School levies and bonds, simple majority of voters voting may authorize: HJR 4201, HJR 4209  
Supreme court, amendment to provide for election of justices from judicial districts: HJR 4203  
Unfunded court mandates, amendment to prohibit courts from imposing: HJR 4213

#### JUDGES

Nonelected judicial officers and commissioners, election requirements: HB 1825  
Pro tempore, amendment to revise superior court provisions: HJR 4205, SJR 8208  
Pro tempore, superior court provisions revised: HB 1300, SB 5394  
Superior court, Benton and Franklin county judges increased: HB 1068, SHB 1068, SB 5156  
Supreme court, election from judicial districts: HB 1241, HJR 4203

#### JUDGMENTS

Creditor/debtor personal property exemptions updated: SSB 5187  
Tort judgments, interest revised: HB 2071

#### JURIES

Compensation established: HB 1141, SHB 1141  
Service time restricted: HB 1081, SSB 5070  
Sole caregiver exemption: SB 5591

#### JUVENILE COURT

Basic training camp program, provisions revised: \***HB 1070, CH 137 (2001)**, SB 5454  
Chemical dependency treatment, disposition alternative: HB 1337, SHB 1337, \***SSB 5468, CH 164 (2001)**  
Child dependency hearings, request for open public hearing: SSB 5984

Child dependency, coordination of services: **\*SSB 6056, CH 256 (2001)**

Child dependency, juvenile justice case information sharing: **\*SSB 5995, CH 52 (2001)**

Child dependency, shelter care follow up and accountability improved, right to counsel clarified: **\*SSB 5413, CH 332 (2001)**

Emancipation of minors, petition hearing proceedings revised: HB 1274, SHB 1274, **\*SB 5392, CH 161 (2001)**

Family reconciliation act, children in need of services and at-risk youth provisions: HB 1958, SHB 1958, 2SHB 1958

Records, sealing: HB 1212, **\*SHB 1212, CH 174 (2001)**, HB 1471, **\*SHB 1471, CH 175 (2001)**, **\*SB 5691, CH 49 (2001)**

Release and parole, social and health services department provisions: **\*SB 5972, CH 51 (2001)**

Schools, juvenile justice information regarding offenders: HB 1991, HB 1992, SHB 1992

Truancy, petition and record provisions revised: HB 1297, **\*SB 5393, CH 162 (2001)**

Youth courts, juvenile offenses: HB 2042, SB 5692

#### JUVENILE OFFENDERS

BECCA and HOPE acts revised: SSB 5500

Basic training camp program, provisions revised: **\*HB 1070, CH 137 (2001)**, SB 5454

Chemical dependency treatment, disposition alternative: HB 1337, SHB 1337, **\*SSB 5468, CH 164 (2001)**

Community justice facilities, siting requirements for essential facilities: HB 1532, HB 2168

Firearms, right to possess restoration: HB 1484

Harassment, protection orders against persons under eighteen: HB 1041, SHB 1041, **\*2SHB 1041, CH 260 (2001)**

Records, sealing: HB 1212, **\*SHB 1212, CH 174 (2001)**, **\*SB 5691, CH 49 (2001)**

Release and parole, social and health services department provisions: **\*SB 5972, CH 51 (2001)**

School bomb threats and arson, mental health evaluation of minors who commit: HB 1939

School bomb threats, driving privileges revoked: HB 1699

Schools, juvenile justice information regarding offenders: HB 1991, HB 1992, SHB 1992

Sex offenses, registration: HB 1764

Youth courts: HB 2042, SB 5692

#### JUVENILES (See CHILDREN)

#### KIDNEY DIALYSIS (See RENAL DISEASE)

#### KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS

Firearms prohibited in public or private day care facilities and preschools: HB 1226

#### LABOR

Apprenticeship laws revised in response to 1999 United States department of labor audit: HB 1234, **\*SHB 1234, CH 204 (2001)**, SB 5276

Check cashing, labor pool prohibited from charging a fee to cash day laborers' checks: HB 1302

Family and medical leave, provisions revised: HB 2209

Health care facilities, employee overtime: HB 1527

Sexual orientation, employment discrimination protection: HB 1524

Tips, distribution to employees: HB 1935

Unfair practices, firing or limiting public employees to avoid providing benefits prohibited: SSB 5264

Waterfront operations, hourly requirements for power equipment operators: HB 1598

#### LABOR AND INDUSTRIES, DEPARTMENT

Ergonomics, awareness education and pilot demonstration projects: SB 5882

Ergonomics, business and occupation tax credit for rule compliance: HB 2164

Family leave insurance program and benefits established: HB 1520

Family leave insurance program and benefits, need to establish declared: HB 1185



Industrial safety and health citations, time for appeal extended: HB 2219  
Mobile homes, alteration: HB 1953, SHB 1953, \***SSB 5703, CH 335 (2001)**  
Plumbers, certificate of competency for backflow prevention assembly: HB 2172, \***SHB 2172, CH 281 (2001)**  
Rule-making authority, limitations: HB 1609  
Safety and health impact grant program: SB 5882  
Tips, adjusted minimum tipped wage rate provisions: HB 1973  
WISHA, implementation of rules for musculoskeletal disorders postponed: HB 1127, HB 1896, SB 5882

#### LABOR RELATIONS

Higher education, collective bargaining in four-year institutions regulated: HB 1814

#### LABOR SURPLUS AREAS (See DISTRESSED AREAS)

#### LAKE MANAGEMENT DISTRICTS

Creation of districts, election provisions: HB 2170

#### LAND DEVELOPMENT

Growth management, impact fees imposed for impact to state-owned transportation facilities: HB 1085  
Growth management, local project review second open record hearing and closed record appeal allowed: HB 1088  
Residential construction, local ordinance provided to collect impact fees at time of title transfer: HB 1089, HB 1247

#### LAND SURVEYORS (See SURVEYORS)

#### LAND USE PLANNING (See also GROWTH MANAGEMENT, ZONING)

Churches and private schools, urban growth exclusion: HB 2097  
Citizen enforcement of land use and shoreline laws, civil action: HB 1960  
Comprehensive plans, urban development: HB 1616  
Family farms, local government authorized to rezone, conditions: HB 1151  
Growth management hearings boards, authority to invalidate local plans and regulations: HB 1473  
Growth management, schedule for review of comprehensive plans and development regulations: HB 1588, HB 2278, SSB 5841  
Growth management, short subdivision lots in urban growth area: HB 1662, SB 5832  
Industrial land banks, outside of urban growth areas: HB 1626, SHB 1626, HB 1997, \***SHB 1997, CH 326 (2001)**, HB 2072  
Local project review, land use project permit application timeline for final decisions: HB 1458, \***SHB 1458, CH 322 (2001)**  
Rural counties, alternative methods of achieving growth management planning goals authorized: HB 1592, SSB 5107  
Rural counties, industrial land banks: HB 1593  
Subdivisions and short subdivisions, definition: HB 1534  
Transportation, integration: HB 1673, SSB 5748

#### LANDFILLS (See SOLID WASTE)

#### LANDLORD AND TENANT

Eviction from mobile home lot, sale of manufactured home or personal property: HB 1357, HB 2073  
Fire code violations, inspection of tenant dwellings: SB 6001  
Fire protection and building safety information, landlord-tenant notice requirements: HB 1433, SB 5624  
Fire protection, automatic sprinkler system: HB 1434, HB 1435  
Mobile home parks, landlord may request utility services in name of tenant, costs are responsibility of tenant: HB 1142  
Mobile homes, landlord exempt from certificate requirements when moving mobile if mobile is abandoned or restitution has been found for landlord: HB 1037

Public assistance rental payments, department of social and health services to make direct payments to landlords: HB 1145

Security deposits, interest paid to tenant: HB 1942

Service of legal document, provisions revised: HB 1277

Utilities, notification provided to property owners of tenants' utility payment delinquencies: HB 1293

Utility charges to be collected from tenant requesting service, liens against landlord's property for nonpayment prohibited: HB 1294

#### LANDSCAPING

Automatic irrigation systems, water conservation standards: HB 1599

Commercial fertilizers, urban area soil testing requirements: HB 1505

Transportation projects, managed competition pilot program: HB 1684

#### LAUNDRY FACILITIES

Linen and uniform supply services, sales and use tax: \***HB 1385, CH 186 (2001)**

Self-service, sales tax exemption provided: HB 1258

#### LAW ENFORCEMENT (See also POLICE, SHERIFFS, STATE PATROL)

Confidential informant information, public disclosure exemption: HB 1717

Confidential information, public disclosure exemption: SHB 1717

Identity theft bureau: HB 2009, SHB 2009

Mobilization plan and policy board created: HB 1065

Police service dog teams, certification and oversight mechanism created: HB 1558

Racial profiling, report and policy requirements: HB 2018, SHB 2018, SB 5852

Racial profiling, routine traffic stop reports: HB 2017, SHB 2018

School mapping, study: HB 1838, SHB 1838

#### LAW ENFORCEMENT OFFICERS (See also POLICE, SHERIFFS, STATE PATROL)

Actions and proceedings against officers, payment for costs: HB 1744, SSB 5791

County jail employees, retirement system membership: HB 1714

Crimes against, retaliatory crimes: HB 1398, SHB 1398

Killed in line of duty, health insurance benefits for survivors: HB 1371, \***SHB 1371, CH 165 (2001)**

Nuclear power plant employees included in definition of uniformed personnel for collective bargaining purposes: HB 1218

Obstructing a law enforcement officer, reenacted response to State v. Thomas: \***HB 1564, CH 308 (2001)**

Peace officers, certification provisions: \***HB 1062, CH 167 (2001)**

Personal information, publication limited: HB 2249

#### LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)

County jail employees, transfer: HB 1714

Death benefits, surviving spouses: HB 1432

Deputy state fire marshals, transfer: HB 2143

Disability actuarial reduction age reduced: \***HB 1045, CH 261 (2001)**

Fish and wildlife enforcement officers admitted to system: HB 1175, HB 1580

Liquor control board enforcement officers, transfer option: HB 1480

Medical benefits risk pool established for noninsured medical costs of long-term care and major medical services, accounts and board created: HB 1072

Paramedics allowed to transfer retirement to law enforcement officers' and fire fighters' retirement system: HB 1285

Parks and recreation commission enforcement officers, transfer option: HB 1480

Plan 1, termination and restatement: SSB 6166

Plan 2, matching contributions included in basic salary: HB 1223  
Split payment benefits to ex spouses, benefits continued for certain plan 1 members: HB 1215  
Supplemental actuarially reduced survivor benefit created for plan 1 members: HB 1050, SB 5144

LAWYERS (See ATTORNEYS)

LEAD

Childhood exposure to lead, public health education program: HB 2115, SB 5478

LEGAL AID

Administrator of the courts required to assess the civil needs of low-income persons and develop a funding plan: HB 1275, SHB 1275  
County public defense services, reimbursement: HB 1857

LEGAL NOTICES

Law enforcement notification, sex and kidnapping offenders: SB 5888  
Legal newspaper, definition revised: SB 5888

LEGEND DRUGS (See DRUGS)

LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT

Agency and department performance and outcome measures, review: HB 2148  
Ergonomics, study of rules and demonstration project results: SB 5882  
Mental health system, legislative support of recommendations: \***SSB 5583, CH 334 (2001)**  
Oversight, legislative: HB 1391, \***SHB 1391, CH 259 (2001)**  
School district financial management evaluation system: HB 1989, SHB 1989  
Transportation department, performance review: HB 1665

LEGISLATIVE BUILDING (See STATE BUILDINGS)

LEGISLATURE

Agency rules, legislative oversight: HB 1810, HB 1969  
Agency rules, legislative review requirements: HB 1968  
Audit and review authority: HB 1601  
Citizens' alliance for government accountability established, account created: HB 1276, SHB 1276  
Civil forfeitures of property, joint select committee: HCR 4414  
Climate, joint select committee on climate change, study: SHB 1921  
Clore, Walter, recognized: HR 4667  
Cutoff dates amended for 2001 regular session: SCR 8411, SCR 8415  
DNA commission established to study policies and issues involving DNA technology, DNA information protected from disclosure: SSB 5207  
Executive branch rules, amendment to allow legislature to invalidate rules: HJR 4210  
Farm products, committee to establish central filing system for farm products and liens: HCR 4408, SHCR 4408  
Fiscal notes, joint legislative fiscal note process: HB 2114  
Health care costs and access, blue ribbon commission established: SHCR 4406  
House executive rules committee, interim: HR 4666  
Initiatives, amendment to require legislative method for approving initiatives with fiscal impact: HJR 4206  
Jails, joint select committee on local jail facilities: HCR 4412  
Legislative/tribal relations joint select committee and study: HCR 4405  
Local air authorities, legislators allowed to be board members: HB 1033  
Local parks and recreation maintenance and operations, legislative task force: HB 1836, \***SHB 1836, CH 275 (2001)**

Mailings and public service broadcasts restrictions: HB 1908, SHB 1908

Mailings electronic mailings sent to constituents limited: HB 1103

Medical care costs and access, blue ribbon commission established: HCR 4406

Memorial service to recognize members who have passed away: HCR 4403

Nisqually earthquake, funding for emergency services: **\*HB 2222, CH 5 (2001)**

Nursing home payment system, task force on nursing home rates created: **\*SHB 2242, CH 8 E1 (2001)**

Public works, interim task force created to study lowest possible bidder method: HR 4630

Quality improvement programs: HB 1517, SHB 1517

Reports, eliminated: HB 2119

School construction funding, joint select committee: HCR 4411

Sexually violent predators, committee on the equitable distribution of community transition facilities: **\*SSB 6151, CH 12 E2 (2001)**

Shoreline guidelines, legislative approval: HB 1656

Statutory committees, oversight: HB 1391, **\*SHB 1391, CH 259 (2001)**

Trade missions, protocols for legislative participation in executive agency trade missions established: SCR 8406

Tribal relations, joint select committee created to review legislative and tribal relations: SSCR 8403

Unprocessed timber, task force review of federal forest resources conservation and shortage relief act: HB 2107, HCR 4410

Veterans and military affairs, joint select committee: HB 1325, **\*SHB 1325, CH 268 (2001)**, SB 5627

#### LIABILITY, IMMUNITY FROM (See IMMUNITY)

#### LIBRARIES

County law libraries, funding alternatives: HB 2063

County law libraries, surcharge on probate or civil filings authorized to fund: HB 1470, SB 5426

Data base licensing service, access to commercially produced information data base products: HB 2253

Law library services, contracts with county libraries to share state library online electronic research tools and services: HB 1757, HB 2064

Trustees, elections: HB 1712

#### LIBRARY DISTRICTS (See also SPECIAL DISTRICTS) , HB 1712

Trustees, elections and administration: HB 1900

#### LICENSE PLATES

Clean fuel vehicles, use of high-occupancy vehicle lanes extended to clean fuel vehicles, special license plate issued: HB 1031

Fairs, special license plate: SSB 5997

Future Farmers of America: SSB 5571

Help kids speak license plate and program developed: SSB 5488

Mandatory replacement repealed: HB 1200

Veterans, special plate: HB 1767

#### LICENSING, DEPARTMENT

Abandoned vehicles, license suspension and fines: HB 2001

Accountants, in-state practice privilege permit: HB 1586

Budgeting, performance-based budgeting process: HB 2121

Commercial drivers' licenses, positive drug or alcohol employment or preemployment tests must be reported to department, disqualification of commercial license required: HB 1179

Cosmetology, licensing provisions revised: HB 1985, SHB 1985

Driver training schools, licensing provisions: HB 1568

Drivers' licenses and identicards, private vendors providing services to the department must agree in contract that licenses and identicards will not contain certain private information: SSB 5364

Drivers' licenses, address of record: HB 1566

Driving records, abstracts provided to insurance companies: HB 2255

Driving records, misuse of abstracts of driving records: \***HB 1567, CH 309 (2001)**

Motor vehicle dealers, license educational and bonding requirements: SHB 1736

Motor vehicle licenses, surcharge: HB 1993, SHB 1993

Motor vehicle licensing subagent service and registration fees increased: HB 1310

Motor vehicle licensing subagents, appointment process revised: \***SSB 5274, CH 331 (2001)**

Motor vehicles, licensing department required to compare driver's license data with registration data to identify residents who operate vehicles registered in another state: HB 1233

Motor vehicles, study of salvaged and rebuilt provisions: SHB 1157

Off-road vehicle and nonhighway road recreational activities, study of funds: HB 2171, SHB 2171

Pistol purchases or transfers, department authority to retain records removed: HB 1737

Professional licenses, use of social security and driver's license numbers prohibited: HB 1899, \***SHB 1899, CH 276 (2001)**

Public works, design-build process: HB 1680

Special license plates, fairs: SSB 5997

Telephone solicitations, commercial telephone solicitation do not call list: HB 1600

Vehicle licensing subagents allowed to transfer appointments: HB 1311

## LIENS

Agricultural liens, bailor and bailee: HB 1503

Contractors, consumer protection provisions enhanced: HB 1635, SHB 1635, \***SSB 5101, CH 159 (2001)**

Farm products, committee to establish central filing system for farm products and liens: HCR 4408, SHCR 4408

Utility charges to be collected from tenant requesting service, liens against landlord's property for nonpayment prohibited: HB 1294

## LIMITED LIABILITY COMPANIES

Annual reports, electronic filing: HB 1501, \***SHB 1501, CH 307 (2001)**

LIMOUSINES (See MOTOR VEHICLES)

LIQUOR (See ALCOHOLIC BEVERAGES)

## LIQUOR CONTROL BOARD

Border area, definition modified: \***SSB 5015, CH 8 (2001)**

Controlled purchase program, under age violation exemption: \***SB 5604, CH 295 (2001)**

Enforcement officer killed in line of duty, health insurance benefits for survivors: HB 1371

Enforcement officers, retirement system transfer option: HB 1480

Private clubs, special event endorsement to liquor license: \***HB 1855, CH 198 (2001)**, SB 5527

Private industry control of liquor sales established: HB 1130

Vendor stores, payment of agency commissions: HB 1781, \***SHB 1781, CH 313 (2001)**

Wine and beer, retail sale pricing for liquor control board stores: HB 1806

## LITTER AND LITTERING

Rural garbage dumping, provisions modified for unlawful dumping: SB 5093

## LIVESTOCK

Criminal sabotage penalties: HB 1938, SHB 1938

Health products, sales and use tax exemption: \***SSB 5496, CH 17 E2 (2001)**

Health products, sales tax exemption: HB 1886, HB 2138

Rangeland, wildlife damage claims: HB 1752, SHB 1752, \***2SHB 1752, CH 274 (2001)**

#### LOANS

Consumer loan act, provisions revised and violations established: \***HB 1205, CH 81 (2001)**

#### LOBBYISTS

Public disclosure violations, penalties adjusted: HB 1353

#### LOCAL GOVERNMENT (See also CITIES AND TOWNS, COUNTIES, SPECIAL DISTRICTS)

Agency rules, local government regulatory fairness act: HB 1813

Art and cultural facilities, funding for local government and other entities: HB 1834

Automated external defibrillators, placement in public buildings: HB 1999

Business subsidies, department of revenue report requirements: HB 1954

Business taxation by cities, system for uniform treatment and to avoid multiple taxation: HB 1854

Campaigns, public funding for local offices allowed: HB 2030

Community empowerment zones, tax deferrals: 2SSB 5469

Community revitalization financing program created, local sales and use tax and property tax increment financing authorized: HB 1115

Community revitalization financing, tax allocations for public improvements: HB 1418, \***SHB 1418, CH 212 (2001)**, SSB 5720

Developmentally disabled community-based services, funding provisions revised: HB 1251, HB 1994

Environmental permit process, task force to review coordination of state and local processes: HB 1941

Family farms, authority to rezone provided, conditions: HB 1151

Ferry fares, local impact surcharge: HB 2113

Growth management, authority to rezone family farms provided, conditions: HB 1151

Growth management, capital facility project requirements and budget provisions revised: HB 1000, \***SHB 1000, CH 131 (2001)**

Growth management, shoreline master programs and growth management planning integration: HB 1561, HB 1964, SB 6208

Health boards, local government authorities must ratify board rules and regulations: HB 1794

Health care insurance, retired and disabled employees: HB 1799, SHB 1799, SSB 5777

Jails, general obligation bonds to fund construction: HB 2128

Jobs initiative program: HB 1431

Law enforcement officers, payment for costs of action or proceeding against officer: HB 1744, SSB 5791

Management, quality management programs: HB 1517, SHB 1517

Motor vehicle excise tax, repealed: HB 2125, HB 2234, SB 5959, SB 6036

POW/MIA flag required to be displayed: SSB 5097

Privacy, information privacy policy requirements: HB 2016

Privacy, private and public entities required to destroy personal information records: HB 2015

Property tax, multiple-unit dwellings: HB 1708, SB 5872

Public centers districts: HB 1497, HB 1817

Public works board, project administration: HB 2116

Public works projects, general obligation bonds issued to provide loans: HB 2206

Public works projects, prevailing wage exemption for rural counties: HB 1589

Public works, limited public works process: \***SB 5063, CH 284 (2001)**

Public works, prequalifying contractors: HB 1748

Public works, reporting requirements for architectural and engineering firms: HB 2095

Records management training and grant program: \***SHB 1926, CH 13 E2 (2001)**

Records management, funding process: HB 1925, SHB 1925

Regulatory fairness act: HB 1609

Shoreline guidelines, legislative approval: HB 1656

Shoreline master programs, guideline review and amendment schedule provisions revised: HB 1261, HB 1934, HB 1946, SSB 5378

Smoking, local regulation of indoor smoking allowed: HB 1448

Tortious conduct, serving of claims: \***HB 1530, CH 119 (2001)**

Transportation, infrastructure financing act: HB 1666

Transportation, regions: HB 1667

Volunteer liability: HB 1643, \***SHB 1643, CH 209 (2001)**

LOCAL HEALTH DEPARTMENTS (See HEALTH DEPARTMENTS, LOCAL)

LOCAL IMPROVEMENT DISTRICTS (See also SPECIAL DISTRICTS)

LOCKOUTS (See LABOR RELATIONS)

LOGS AND LOGGING (See TIMBER AND TIMBER INDUSTRIES)

LONG-TERM CARE (See also NURSING HOMES)

Abuse of vulnerable adults, definitions and reporting requirements: HB 1417

Adult family home resident protection and violation enforcement, resident protection standards joint task force created: HB 2041

Adult family home resident protection and violation enforcement, temporary management program: \***SHB 2041, CH 193 (2001)**

Caregiver registry established: HB 1506

Community residential services, home and community-based waiver: HB 1341, \***SHB 1341, CH 269 (2001)**

Controlled substance prescriptions, dispense by facsimile: HB 1469, SHB 1469, \***SSB 5565, CH 248 (2001)**

Developmentally disabled, business and occupation tax exemption provided to caregivers: HB 1638

Immunization requirements: HB 1945, SSB 5291

In-home services, home care quality authority and standards: HB 1576

PACE program, requirements outlined: \***HB 1099, CH 191 (2001)**, SSB 5235

Paraprofessional workers, wage enhancement program: HB 1637, SHB 1637

Psychiatric advance directives, regulations provided: HB 1299

LOTTERY (See also GAMBLING)

LOTTERY COMMISSION

Shared lottery games, legislative authority to participate: HB 2173

LOW-INCOME PERSONS

Automobile liability insurance, purchase assistance: HB 1641

Civil needs, administrator of the courts required to assess needs and develop a funding plan: HB 1275, SHB 1275

Community health center assistance program and trust fund account: HB 1850, SHB 1850, SB 5836

Energy assistance program funding: HB 1860, SSB 5717

First-time home buyers, financial assistance provided through auction sale of tax credits: HB 2152

First-time home buyers, property tax exemption: HB 2061, HJR 4217

Health care, regional health care access demonstration projects: HB 1742, SHB 1742

Higher education, earned income training credit pilot project: HB 1848, SHB 1848

Housing projects, recording instruments surcharge to fund projects: HB 2060, 2SSB 5936

Housing, county real estate excise tax for development of affordable housing: HB 1972, SSB 5965

Housing, local real estate tax proceeds for development of very low, low, and moderate housing: HB 2165

Housing, property tax exemption for very low-income housing: \***HB 2098, CH 7 E1 (2001)**, SB 6092

Jobs initiative program: HB 1431

Medical assistance, pilot project to contract with health carriers and managed care systems: HB 1540

Prescription drugs, senior pharmacy assistance program: HB 1774, SHB 1774, 2SHB 1774

Property tax increase deferrals: HB 1494

Public transportation: HB 1596, \***SHB 1596, CH 89 (2001)**

Rental housing, financial assistance for elderly renters: HB 2142

TANF, credits for hiring TANF recipients: HB 1430

Telephone assistance program and community service voice mail program, eligibility: SB 5999

Water-sewer district payment assistance programs, fund raising activities: HB 2096

Women, breast and cervical cancer medical assistance: HB 1058, SHB 1058, \***2SHB 1058, CH 4 E1 (2001)**, 2SSB 5820

## MAIL

Crimes, obstruction or destruction and receipt of stolen mail established as crimes: HB 1150, SHB 1150, SB 5459

MALT LIQUOR (See ALCOHOLIC BEVERAGES)

MANICURISTS (See COSMETOLOGY)

MANUFACTURED HOUSING (See also MOBILE HOMES)

Alteration of mobile/manufactured homes, permit process study: \***SSB 5703, CH 335 (2001)**

Eviction from mobile home lot, sale of manufactured home or personal property: HB 1357, HB 2073

Landlord and tenant, consumer protection act applied to violations of the manufactured/mobile home landlord-tenant act:  
HB 2187

Siting provisions revised: HB 1801

## MANUFACTURING

Assembly activities, business and occupation tax exemption for pumping, motor, or compressor equipment: HB 1500

Electrical generating equipment and facilities, tax deferrals: HB 2274

Straw waste raw materials, pilot project to manufacture straw board: HB 2019

MARINAS (See MOORAGE FACILITIES)

MARRIAGE AND MARRIED PERSONS (See also DISSOLUTION OF MARRIAGE, DOMESTIC RELATIONS)

MASS TRANSIT (See PUBLIC TRANSIT, TRANSPORTATION)

## MASSAGE THERAPY

Animal massage practitioners, endorsement: HB 1724, \***SSB 5621, CH 297 (2001)**

MATERNITY CARE (See PREGNANCY)

MEDIATION (See also ARBITRATION)

Strategy discussions exempt from public disclosure requirements: SB 5058

## MEDICAID

Disabled persons, medical services extended for employed persons: HB 1390, \***HB 2230, CH 15 E2 (2001)**

Nursing home rates, capital authorization: HB 2242, \***SHB 2242, CH 8 E1 (2001)**

MEDICAL ASSISTANCE (See PUBLIC ASSISTANCE)

MEDICAL EXAMINERS



Sudden unexplained deaths of children under three, investigative procedures enhanced: \***HB 1216, CH 82 (2001)**  
Unidentified persons, time limit for transmittal of information: \***HB 1613, CH 172 (2001)**

#### MEDICAL RECORDS

Health care provider's billing statements, legal presumption of reasonable value established from the certification of health records: SSB 5028

#### MEDICAL TECHNOLOGISTS

Epinephrine, expiration date for emergency administration procedures removed: \***HB 1317, CH 24 (2001)**, SB 5835

#### MEDICARE

PACE program, requirements outlined: \***HB 1099, CH 191 (2001)**, SSB 5235

Prescription drugs, Congress requested to add a prescription drug benefit to medicare program: HJM 4003

#### MEDICINE AND MEDICAL DEVICES

Contraceptive health care services and prescriptions, exclusion or restriction by health carrier or plan prohibited: HB 2194

Home medical equipment, sales and use tax exemptions: HB 1468

Hypodermic syringes and needles, sale and possession: HB 1759, SHB 1759

Orthotic devices, tax exemptions for sale or use clarified: \***HB 1116, CH 75 (2001)**, SB 5390

Sales, criminal penalties imposed for unauthorized sale: \***SB 5374, CH 160 (2001)**

#### MEETINGS (See OPEN PUBLIC MEETINGS)

#### MEMORIALS

North Spokane corridor project named Washington veterans of foreign wars memorial highway: HB 2178

#### MENTAL HEALTH

Children, mental health programs and delivery service plan evaluated, comprehensive review requirements: HB 1124, SHB 1124

Community mental health services, performance measures and evaluations: HB 1650, \***SHB 1650, CH 323 (2001)**, HB 2264

Counselors, marriage and family therapists, and social workers, licensing standards: HB 1761, \***SSB 5877, CH 251 (2001)**

Disturbed youth services, blended funding demonstration project: HB 1913, SHB 1913

Insurance, service coverage at parity with medical and surgical services required, provisions for children and adults established: HB 1080, SSB 5211

Ombudsman office and program: HB 1629, SHB 1629, SSB 5522

Public mental health system, joint legislative audit and review committee recommendations: \***SSB 5583, CH 334 (2001)**

Social and health services department administrative costs, auditing procedures revised: HB 1232

#### MENTAL HOSPITALS

Licensing provisions: HB 2011

Licensing provisions, county or municipal hospitals: \***SSB 5986, CH 254 (2001)**

#### MENTALLY ILL PERSONS

Alternative commitment, provisions relating to determination of less restrictive alternative commitment revised: \***SB 5048, CH 12 (2001)**

Assault in the third degree, assault of a health care provider: HB 1816

Criminally insane, exam procedures: SB 5886

Involuntary commitment, outpatient treatment provisions established: HB 1318

## MERCHANTS (See BUSINESSES)

## METROPOLITAN PARK DISTRICTS (See also SPECIAL DISTRICTS)

Public works, small works roster process: \***HB 1548, CH 29 (2001)**

## MILITARY (See also VETERANS)

Emergency management assistance compact enacted: \***SB 5256, CH 288 (2001)**

Joint select committee created to make recommendations regarding changes in programs, laws, and administrative practices: HB 1325, \***SHB 1325, CH 268 (2001)**, SB 5627

Law enforcement mobilization plan and policy board created: HB 1065

National guard and reserves, public employee leave provisions: \***HB 1028, CH 71 (2001)**

Nisqually earthquake, funding for emergency services: \***HB 2222, CH 5 (2001)**

POW/MIA flag required to be displayed: SSB 5097

Pier 91 property disposal authorized: HB 1188, SHB 1188

Reserves, employment rights: HB 1147, \***SSB 5263, CH 133 (2001)**

## MILITIA (See MILITARY)

## MILK AND MILK PRODUCTS (See AGRICULTURE)

## MINES AND MINING

Flood plains, environmental impact statement: HB 1510

Surface mining reclamation permit fees: \***HB 1845, CH 5 E1 (2001)**

## MINIMUM WAGE (See WAGES AND HOURS)

## MINORITIES (See also AFRICAN-AMERICANS, ASIAN AMERICANS, HISPANIC-AMERICANS, INDIANS)

## MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Linked deposit program, information and performance reports: HB 1587

## MINORS (See CHILDREN)

## MISCELLANEOUS AND MUTUAL CORPORATIONS (See NONPROFIT CORPORATIONS)

## MOBILE HOMES (See also MANUFACTURED HOUSING)

Alteration of mobile home, definition: HB 1953, \***SSB 5703, CH 335 (2001)**

Alteration of mobile home, state building code requirements: SHB 1953

Alteration of mobile/manufactured homes, permit process study: \***SSB 5703, CH 335 (2001)**

Eviction from mobile home lot, sale of mobile home or personal property: HB 1357, HB 2073

Landlord and tenant, consumer protection act applied to violations of the manufactured/mobile home landlord-tenant act: HB 2187

Moving of mobile home, landlord exempt from certificate requirements if mobile is abandoned or restitution has been found for landlord: HB 1037

Park managers, certification program: HB 1791

Park model trailers, motor vehicle excise tax provisions: HB 2184, \***SHB 2184, CH 282 (2001)**

Parks, property tax exemption for very low-income housing: \***HB 2098, CH 7 E1 (2001)**

Transfer of title, fee imposed and relocation assistance provisions revised: HB 1630

Utility services, landlord may request utility services in name of tenant, costs are responsibility of tenant: HB 1142

## MOORAGE FACILITIES (See also DOCKS)

Marinas, cities authorized to manage state-owned aquatic lands for purpose of operating a marina: HB 1107

Publicly owned marinas, cities authorized to manage state-owned aquatic lands for purpose of operating a marina: HB 1805

## MOTELS (See HOTELS AND MOTELS)

## MOTION PICTURES

Motion picture and video production businesses, business and occupation tax exemption: HB 2146

## MOTOR HOMES (See RECREATIONAL VEHICLES)

## MOTOR VEHICLE FUEL TAX (See TAXES - MOTOR VEHICLE FUEL TAX)

## MOTOR VEHICLES (See also DRIVERS' LICENSES, DRIVING UNDER THE INFLUENCE, LICENSE PLATES, MOTORCYCLES, TRAFFIC, TRUCKS AND TRUCKING)

Abandoned vehicles, license suspension and fines: HB 2001

Abandoned vehicles, violations clarified for garbage and junk vehicles: HB 1163, \***SHB 1163, CH 139 (2001)**

All terrain vehicles, definition: HB 2080

Car pooling, intermediate license holders: HB 1804

Child passenger restraint systems, requirements revised: HB 1772, HB 2182, SSB 5112

Clean alternative fuel vehicles, tax exemptions authorized to encourage use of clean vehicles, review and evaluation directed: HB 1030

Clean fuel vehicles, use of high-occupancy vehicle lanes extended to clean fuel vehicles, special license plate issued: HB 1031

Commercial drivers' licenses, positive drug or alcohol employment or preemployment tests must be reported to licensing department, disqualification of commercial license required: HB 1179

Dealers and manufacturers, licensing provisions: \***HB 1581, CH 272 (2001)**

Dealers, business and occupation tax provisions modified for sales of new and used vehicles: HB 1119, \***SHB 1119, CH 258 (2001)**

Dealers, license educational and bonding requirements: HB 1736, SHB 1736

Driver training schools, licensing provisions: HB 1568

Drivers' education, task force created to initiate education campaign, surcharge imposed on licenses: HB 1122

Driving records, misuse of abstracts of driving records: \***HB 1567, CH 309 (2001)**

Electric vehicles, neighborhood electric vehicles: HB 1802

Emission inspections, fee provisions adjusted: HB 1563, SHB 1563, SSB 5240

Emission inspections, transient emission test IM 240 prohibited, conditions: HB 1032

Escort vehicles, driver certification: HB 2208

Excise tax, local tax repealed: HB 2125, HB 2234, SB 5959, SB 6036

Fire-fighting apparatus, weight limit exemptions: HB 1657, SSB 5681

Fuel, motor fuels marketing fair competition act of 2001: HB 1998

Fuel, theft of motor vehicle fuel: \***HB 1895, CH 325 (2001)**

High-occupancy vehicle lanes, clean fuel vehicles allowed to use, special license plate issued: HB 1031

High-occupancy vehicles, definition: HB 1603

Highway signs, distance limit exemption for dead end highways: HB 1711

Hit and run, injury to body of deceased person: HB 1649, \***SHB 1649, CH 145 (2001)**

Hit and run-death, seriousness ranking increased: \***HB 1280, CH 17 (2001)**

Hit-and-run vehicular assault, crime victims' compensation authorized: \***HB 1040, CH 136 (2001)**

Ignition interlock, driving record notation required: \***HB 1419, CH 55 (2001)**, SB 5260

Impound, additional hardship waivers allowed for owners of vehicles: HB 1269

Impound, commercial vehicle release: HB 1713

Impound, payment by personal check: HB 1620  
Impound, tow truck operator notification requirements: HB 1565  
Insurance, driving records abstracts provided to insurance companies: HB 2255  
Insurance, low-income persons: HB 1641  
Licenses, drivers' license required to register vehicles: HB 2145  
Licenses, fee distribution revised: HB 2214, HB 2216, SHB 2216, SSB 5078  
Licenses, fee surcharge: HB 1993, SHB 1993  
Licenses, refund for overpayment of fees and taxes: HB 2058  
Licenses, renewals: **\*HB 1584, CH 206 (2001)**  
Licensing subagent allowed to transfer appointments: HB 1311  
Licensing subagent service and registration fees increased: HB 1310  
Licensing subagents, appointment process revised: **\*SSB 5274, CH 331 (2001)**  
Motorized scooters, regulations: HB 1704  
Noise laws revised: **\*SSB 5494, CH 293 (2001)**  
Off-road vehicle and nonhighway road recreational activities, tax allocations revised and study of fund distribution and use: HB 1653  
Rebuilt and salvaged vehicles, study: SHB 1157  
Rebuilt vehicles, certificate of ownership and registration required to state rebuilt: HB 1157  
Rebuilt vehicles, inspection fee: **\*HB 2029, CH 125 (2001)**  
Registration, licensing department required to compare driver's license data with registration data to identify residents who operate vehicles registered in another state: HB 1233  
Registration, proof of insurance required: HB 2167  
Salvaged and rebuilt vehicles, study: SHB 1157  
Scooters, regulations established for motorized scooters: SSB 5113  
Seat belts, enforcement as primary action: HB 1460  
Seat belts, negligence standards regarding failure to wear: HB 2118  
Seat belts, seats and seat belts required for children riding in pickup beds: HB 1022, HB 1883  
Snowmobiles, license fees: HB 1831  
Taxes, repeal clarified: HB 1927  
Theft, definition and penalties: HB 1556, SHB 1556  
Tires, seasonal dates for studded tire use: HB 1894  
Tires, studded tire sales surcharge: HB 1670  
Traffic safety cameras, regulations: HB 1118, SHB 1118, SSB 5610  
Transportation funding, distribution of new revenues: HB 1686  
VIN inspections: **\*HB 2029, CH 125 (2001)**  
Vehicular assault, definition: **\*SB 5790, CH 300 (2001)**  
Warranties, calculating procedures for the repurchase price of a nonconforming vehicle revised: HB 1289, SHB 1289

#### MOTORCYCLES

Helmet and mirror requirements revised: HB 1010  
Helmet, definition revised: HB 1021  
Motorized scooters, regulations: HB 1704  
Operator training and education program, examination waiver: HB 1583, **\*SB 5518, CH 104 (2001)**  
Operator training and education program, tax exemptions: **\*HB 1582, CH 121 (2001)**  
Operator training and education program, tax exemptions, motorcycle safety education account provisions: HB 1057, **\*SSB 5114, CH 285 (2001)**  
Scooters, regulations established for motorized scooters: SSB 5113  
Taillights, blue dot: HB 1919, SB 5735

MOVIES (See MOTION PICTURES)

## MOVING AND STORAGE COMPANIES

Household goods carriers operating without a permit denied telecommunications services: SSB 5376

## MUNICIPAL COURT

Bench warrants, agreements between courts and bail bond agents: HB 1483

Civil jury trial fees increased: HB 1955, SB 5253

Court-ordered restitution obligations, enforcement provided: HB 1117, \***SHB 1117, CH 115 (2001)**

Jurisdiction period extended: HB 2140

Nonelected judicial officers and commissioners, election requirements: HB 1825

Probation hearings, time period tolled for failure to appear: \***SSB 5970, CH 94 (2001)**

Speedy trial requirements: HB 2228

Termination of agreement for services provided to cities: HB 1264, SHB 1264, \***SSB 5472, CH 68 (2001)**

Unfunded mandates, courts prohibited from imposing: HB 1861, HJR 4213

Venue, emergency and electronic procedures established: HB 1956, \***SB 5252, CH 15 (2001)**

## MUNICIPAL RESEARCH COUNCIL

Membership provisions revised: \***SSB 5319, CH 290 (2001)**

## MUSSELS (See SHELLFISH)

## MUTUAL CORPORATIONS (See NONPROFIT CORPORATIONS)

## NATIONAL GUARD

Employment rights: HB 1147, \***SSB 5263, CH 133 (2001)**

Federal drug asset forfeiture laws, national guard designated as law enforcement agency for purpose of receiving property: HB 1186

Public employees, leave provisions: \***HB 1028, CH 71 (2001)**

Youth program, alternative educational service providers: HB 1646, SHB 1646

## NATURAL GAS

California requested to increase customer utility rates to guarantee payment for Washington power: SSJM 8015

Energy assistance programs, public utility tax credit for light and power and gas distribution businesses: HB 1443, SHB 1443, 2SHB 1443, 2SSB 5540

Energy efficiency investment standards for energy conservation, renewable energy research and development, and low-income energy services: HB 1840

Natural gas, direct service industrial customer tax credits: HB 1404, SHB 1404, 2SHB 1404

Producers, Congress requested to pass a tax on windfall profits: HJM 4011

Public utility tax credit for energy payment reductions to customers with health problems: HB 1981

Public utility tax, measure of tax changed to volumetric basis: SHB 1207

## NATURAL HERITAGE ADVISORY COUNCIL (See NATURAL RESOURCES, DEPARTMENT)

## NATURAL RESOURCES, BOARD

Nonconsumptive wildlife activities allowed on public lands: SB 5299

## NATURAL RESOURCES, DEPARTMENT

Aquatic lands, water-dependent rental rates for marina leases, study: HB 2162, SHB 2162, 2SHB 2162

Capital budget investments in the environment, review of natural resource-related programs: HB 1785, \***SHB 1785, CH 227 (2001)**

Cowlitz river, exchange of bedlands: HB 1844, \***SB 5863, CH 150 (2001)**

Public land, sale of valuable materials: HB 1847, \***SSB 5862, CH 250 (2001)**

Thurston county, sale or exchange of Lacey compound: \***HB 1846, CH 189 (2001)**

Trust lands, certain lands transferred to recreation or conservation status: HB 1106

#### NATUROPATHY

Acupuncture-related practices, analysis of appropriateness: HB 1388

#### NEGOTIABLE INSTRUMENTS (See also CHECKS AND CHECK CASHING)

#### NEWSPAPERS (See also NEWS MEDIA)

Law enforcement notification, sex and kidnapping offenders: SB 5888

Legal newspaper, definition revised: SB 5888

Sex offenders, media notification of level III offender's registered address: \***SSB 6143, CH 283 (2001)**

Statutorily required newspapers, policy to print: \***SSB 6143, CH 283 (2001)**

#### NOISE

Airport noise property tax exemption created: HB 1237

#### NONPROFIT CORPORATIONS (See also CORPORATIONS)

Community health center assistance program and trust fund account: HB 1850, SHB 1850, SB 5836

Damage to property, liability extended to land held in conveyance for conservation or preservation purposes: HB 1305

Governance, nonprofit miscellaneous and mutual corporations act revised: HB 1545, \***SHB 1545, CH 271 (2001)**

Nature conservancy corporation, land exchanges and sales exempt from real estate excise tax: SHB 1254

#### NONPROFIT ORGANIZATIONS (See also CHARITABLE ORGANIZATIONS)

Bingo, electronic games allowed: HB 1446, SHB 1446

Community rehabilitation services for the disabled, state agency purchase of products and services: HB 1640

Entrepreneurial-oriented education programs: HB 1660

Hospitals, sales and use tax exemptions provided to encourage development in rural counties: SB 5102

Housing, federally assisted housing preservation task force created: HB 2180

Housing, property tax exemption for very low-income housing: \***HB 2098, CH 7 E1 (2001)**, SB 6092

Property tax, exemption for land transfer to foundation of an institution of higher education: HB 1789

Property tax, exemption for property leased to higher education institution: HB 2191, \***SHB 2191, CH 126 (2001)**

Veterinary medical facilities, care and control agencies and nonprofit humane societies: SSB 6037

Volunteer liability: HB 1643, \***SHB 1643, CH 209 (2001)**

#### NORPLANT (See BIRTH CONTROL)

#### NUCLEAR POWER

Employees included in definition of uniformed personnel for collective bargaining purposes: HB 1218

Major public energy project, definition revised: HB 1221

Major public energy project, definition revised and cost-effectiveness study required: SSB 5292, 2SSB 6177

Thermal power plant, construction certification: HB 1631

#### NURSE PRACTITIONERS

Disabled person parking, determination of disability by nurse practitioners: SSB 5795

Guardianship proceedings, medical reports: HB 1920, \***SHB 1920, CH 148 (2001)**

Licenses, surrender of license allowed in lieu of other sanctions: HB 1094, \***SHB 1094, CH 195 (2001)**

Prescriptive authority: HB 1621

#### NURSERY SCHOOLS (See KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS)

## NURSES

Caregiver registry established: HB 1506  
Gunshot and knife wounds, reporting requirements: HB 1730, SHB 1730  
Licenses, surrender of license allowed in lieu of other sanctions: HB 1094  
Schools, certification and requirements: HB 1768

## NURSING HOMES (See also LONG-TERM CARE)

Abuse of vulnerable adults, definitions and reporting requirements: HB 1417  
Caregiver registry established: HB 1506  
Certificate of need, time limit for converting beds: HB 1636  
Community residential services, home and community-based waiver: HB 1341, \***SHB 1341, CH 269 (2001)**  
Immunization requirements: HB 1945, SSB 5291  
Medicaid payment system, unallowable costs: HB 1463  
Medicaid rates, capital authorization: HB 2242, \***SHB 2242, CH 8 E1 (2001)**  
Paraprofessional workers, wage enhancement program: HB 1637, SHB 1637  
Payment system, direct care enhancements and funding for capital improvement projects: HB 1379  
Payment system, task force on nursing home rates created: \***SHB 2242, CH 8 E1 (2001)**  
Payment system, task force on the direct care component of the nursing home reimbursement system created, implementation of reimbursement system and rates delayed: HB 1159  
Property costs, certificate of capital authorization established to allocate funds for construction projects: HB 1134  
Retsil, funding appropriated to construct replacement nursing care beds for veterans: HB 1323

## OBSCENITY AND PORNOGRAPHY

Internet pornography, Congress requested to create a specific domain designation site to identify: SJM 8007  
Sexual exploitation of minors, computer images: HB 1512  
Sexual matter or performance harmful to minors, display or dissemination prohibited, state preemption of regulation established and penalties set for violations: HB 1316

## OIL AND GAS (See also FUELS)

Fuels, ethyl tertiary-butyl ether may not be intentionally added to gasoline, motor fuel, or clean fuel: \***HB 1015, CH 218 (2001)**, SB 6025  
Liquified petroleum gas, sales and use tax exemption allowed for home heating use: HB 1322  
Oil spill prevention and response, Congress requested to appropriate funding for a tug boat in the Strait of Juan de Fuca: SJM 8004  
Pipeline safety act of 2000, technical and clarifying amendments: SSB 5126  
Pipelines, companies required to pay annual fees to fund pipeline safety: HB 1452, SHB 1452, 2SHB 1452, \***SSB 5182, CH 238 (2001)**

## OLYMPIC GAMES (See SPORTS)

## OPHTHALMOLOGISTS (See also VISION CARE)

## OPTICIANS (See also VISION CARE)

Refracting opticians certification program: HB 2079, SHB 2079

## OPTOMETRY AND OPTOMETRISTS (See also VISION CARE)

Drugs and prescriptions, education requirements and guidelines: HB 2034, SHB 2034

## OREGON

Taxes, Oregon and Washington joint select committee to review: HCR 4407  
Taxes, Oregon income tax reduction for Washington residents working in Oregon: HJM 4009, HJM 4010, SHJM 4010

## ORGAN DONATIONS (See ANATOMIC GIFTS)

## OUTDOOR BURNING (See AIR POLLUTION)

## OUTDOOR RECREATION

All terrain vehicles, definition: HB 2080

Community outdoor athletic fields advisory council, membership and duties: **\*SB 5495, CH 245 (2001)**

Growth management, agricultural and forest land use for active recreation: HB 2004

Hiking-only trail pass program: HB 2081

Off-road vehicle and nonhighway road recreational activities, tax allocations revised and study of fund distribution and use: HB 1653

Trust lands, certain lands transferred to recreation or conservation status: HB 1106

## OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

Capital budget investments in the environment, review of natural resource-related programs: HB 1785, **\*SHB 1785, CH 227 (2001)**

Hiking-only trail pass program: HB 2081

Off-road vehicle and nonhighway road recreational activities, study of funds: HB 2171, SHB 2171

Off-road vehicle and nonhighway road recreational activities, tax allocations revised and study of fund distribution and use: HB 1653

## PACKAGING (See PLASTIC, RECYCLING)

## PAINTS

Lead, public health education program to reduce childhood exposure: HB 2115, SB 5478

## PARENTS AND PARENTING

Abortion, parental notification and consent of abortion act: HB 1928

Alternative medical reproductive technology, establishment of parent and child relationship provided: SSB 5433

BECCA and HOPE acts revised: SSB 5500

Child dependency hearings, request for open public hearing: SSB 5984

Child dependency, coordination of services: **\*SSB 6056, CH 256 (2001)**

Child dependency, juvenile justice case information sharing: **\*SSB 5995, CH 52 (2001)**

Dependent care tax credit, Congress requested to extend credit to parents who stay home with children: HJM 4005

Newborns, transfer of newborn to qualified person at appropriate location authorized and criminal liability withheld, conditions: HB 1170, SSB 5236

## PARK AND RECREATION DISTRICTS (See also SPECIAL DISTRICTS)

Commissioners, election primaries: HB 1437

## PARKING

Disabled persons, determination of disability by nurse practitioners: SSB 5795

Disabled persons, fines for violations: HB 2259

Disabled persons, photo identification card requirements removed: HB 1303, **\*SSB 5434, CH 67 (2001)**

## PARKING AND BUSINESS IMPROVEMENT AREAS

Boundaries modified: HB 1196

## PARKS (See also STATE PARKS)



Local parks and recreation maintenance and operations, legislative task force: HB 1836, \***SHB 1836, CH 275 (2001)**  
Theme parks, sales and use tax deferrals: HB 2144, SHB 2144

#### PARKS AND RECREATION COMMISSION

Background checks for persons involved in activities with children or vulnerable adults: HB 1849, SHB 1849

Basic parkland access fees prohibited: SSB 5024

Boating, mandatory safety education: HB 2124

Capital budget investments in the environment, review of natural resource-related programs: HB 1785, \***SHB 1785, CH 227 (2001)**

Enforcement officer killed in line of duty, health insurance benefits for survivors: HB 1371

Enforcement officers, retirement system transfer option: HB 1480

Policies declared, biennial report required: SSB 5024

PAROLE (See PROBATION AND PAROLE)

PENSIONS AND RETIREMENT (See RETIREMENT AND PENSIONS)

PERFORMANCE AUDITS (See AUDITORS AND AUDITING)

PERMIT ASSISTANCE CENTER (See ECOLOGY, DEPARTMENT)

PERMITS (See BUILDING CODES/PERMITS)

#### PERSONAL PROPERTY

Creditor/debtor personal property exemptions updated: SSB 5187

Leased equipment, excise tax overpayment offset: SB 5523

Unclaimed property, fees for locating: HB 2176

PERSONAL SERVICE CONTRACTS (See CONTRACTS)

#### PERSONNEL, DEPARTMENT

Civil service reform act of 2001 enacted: HB 1268

Department abolished and powers and duties transferred to department of human resources: HB 1421

#### PESTICIDES

Aerial application, public inspection of ingredients and public disclosure of information: HB 1396

Citizen enforcement of health and environmental laws: HB 1961

Human health risks, agricultural department consultations with public entities for assessments: HB 1823

School facility applicator license: HB 1451, SHB 1451

Schools, pest control policy notification requirements: HB 1451, SHB 1451, \***SSB 5533, CH 333 (2001)**

PETS (See ANIMALS)

#### PHARMACIES AND PHARMACISTS

Controlled substance prescriptions, dispense by facsimile: HB 1469, SHB 1469, \***SSB 5565, CH 248 (2001)**

Ephedrine and derivatives, sale limited and violations penalized as gross misdemeanor: HB 1370, SHB 1370, \***SSB 5017, CH 96 (2001)**

Ephedrine, pseudoephedrine, and phenylpropanolamine, sale limited and suspicious transactions required to be reported to pharmacy board, violation penalties established: HB 1370, SHB 1370, \***SSB 5017, CH 96 (2001)**

PHARMACY, BOARD

Hypodermic syringes and needles, sale and possession: HB 1759, SHB 1759

#### PHYSICAL FITNESS SERVICES (See HEALTH STUDIOS)

#### PHYSICAL THERAPISTS

Assistants, licensing requirements: HB 1360

Doctorate level degrees, Eastern Washington University: HB 1910, \***SB 5921, CH 252 (2001)**

Scope of care limited: HB 2256

#### PHYSICIAN ASSISTANTS

Licenses, surrender of license allowed in lieu of other sanctions: HB 1094, \***SHB 1094, CH 195 (2001)**

Workers' compensation evaluations: HB 1787

#### PHYSICIANS

Abortion, parental notification and consent of abortion act: HB 1928

Gunshot and knife wounds, reporting requirements: HB 1730, SHB 1730

Impaired physician license surcharge increased: HB 1093, SHB 1093, \***SB 5903, CH 109 (2001)**

Licenses, surrender of license allowed in lieu of other sanctions: HB 1094, \***SHB 1094, CH 195 (2001)**

Limited licenses, two-year renewal limit removed: \***HB 1076, CH 114 (2001)**, SSB 5601

#### PIERCE COUNTY

Tacoma Narrows bridge, toll procedures in public-private initiatives clarified: HB 1933, HB 2195, HB 2277, SB 5130

#### PILOTAGE COMMISSIONERS, BOARD

Northwest Maritime safety act of 2001: HB 2174

#### PIPEFITTERS (See PLUMBING AND PLUMBERS)

#### PIPELINES (See OIL AND GAS)

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#### PLATS

Subdivisions and short subdivisions, definition: HB 1534

#### PLUMBING AND PLUMBERS

Backflow prevention assembly, certificate of competency: HB 2172, \***SHB 2172, CH 281 (2001)**

Journeyman pipefitter and journeyman fuel gas fitter, certification: HB 1333

Licensing and certification, requirements for registered sex offenders: HB 2177

#### PODIATRY AND PODIATRISTS

Orthotic devices, tax exemptions for sale or use clarified: \***HB 1116, CH 75 (2001)**, SB 5390

#### POLICE (See also LAW ENFORCEMENT, LAW ENFORCEMENT OFFICERS)

Crimes against, retaliatory crimes: HB 1398, SHB 1398

Law enforcement mobilization plan and policy board created: HB 1065

Racial profiling, report and policy requirements: HB 2018, SHB 2018, SB 5852

Racial profiling, routine traffic stop reports: HB 2017, SHB 2018

Railroad police, commissioning and training provisions revised: \***HB 1067, CH 72 (2001)**

School mapping, study: HB 1838, SHB 1838

Service dog teams, certification and oversight mechanism created: HB 1558

Victim notification system integrated into statewide city and county jail booking and reporting system: HB 1063, SSB 5179

POLLUTION (See also AIR POLLUTION, WATER POLLUTION)

PORNOGRAPHY (See OBSCENITY AND PORNOGRAPHY)

PORT DISTRICTS (See also SPECIAL DISTRICTS)

Airport noise abatement, schools: HB 1544

Airports, airport noise property tax exemption created: HB 1237

Grays Harbor, pilotage services: **\*SB 6194, CH 22 E2 (2001)**

Marinas, cities authorized to manage state-owned aquatic lands for purpose of operating a marina: HB 1107

Public disclosure exemption for commercial information and records supplied to districts: HB 2028

Publicly owned marinas, cities authorized to manage state-owned aquatic lands for purpose of operating a marina: HB 1805

Telecommunications services, rural port districts and public utility districts required to establish a separate utility function for wholesale services: HB 1284

POULTRY (See AGRICULTURE)

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PREGNANCY

Abortion, parental notification and consent of abortion act: HB 1928

Abortion, protection for children born alive: HB 1929

Alternative medical reproductive technology, establishment of parent and child relationship provided: SSB 5433

Contraceptive health care services and prescriptions, exclusion or restriction by health carrier or plan prohibited: HB 2194

Drug-affected infants, identification and filing of dependency petition required, chemical dependency treatment agreements for mothers allowed: HB 1206, SSB 5416

Drug-affected infants, screening of pregnant and lactating women addicted to alcohol and drugs required and birth control information provided: HB 1206, SSB 5416

Medical assistance, pilot project to contract with health carriers and managed care systems: HB 1540

Newborns, transfer of newborn to qualified person at appropriate location authorized and criminal liability withheld, conditions: HB 1170, SSB 5236

PRENATAL CARE (See PREGNANCY)

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PRINTERS AND PRINTING

Public printer, transfer to general administration department: HB 1654

PRISONS AND PRISONERS

Confidential informant information, public disclosure exemption: HB 1717

Confidential information, public disclosure exemption: SHB 1717

Confinement of offenders, state required to pay costs for referrals to counties: HB 1262

Correctional industries programs, inmate participation quotas: HB 2023  
Inmate labor, provisions: HB 2163  
Peace officers authorized to remove persons from correctional facilities: HB 1026, **\*SB 5047, CH 11 (2001)**  
Postsecondary education pilot program: HB 1260, SHB 1260  
Released offenders, study of impact on counties: HB 1702

**PRIVACY (See also PRIVILEGED COMMUNICATIONS)**

Cable television, collection and disclosure of subscriber information: HB 1842  
DNA included in health care information definition and protected from disclosure: HB 1902, SSB 5207  
Drivers' licenses and identicards, private vendors providing services to the department of licensing must agree in contract that licenses and identicards will not contain certain private information: SSB 5364  
Financial institutions, restrictions on use of social security numbers for identification: HB 1977  
Health care information, safeguards required to prevent fax or computer transmission of incorrect or outdated information: **\*SB 5258, CH 16 (2001)**  
Internet information services, state service may not require a person to accept placement of information or software on their computer: HB 1053  
Job reference information, immunity provided for work-related disclosures: HB 1881  
Law enforcement officers and court employees, publication of personal information limited: HB 2249  
Personal information, information privacy policy requirements: HB 2016  
Personal information, private and public entities required to destroy records: HB 2015  
Protection office, attorney general: HB 2014  
Protection office, identity theft prevention and protection office: SHB 2014  
Social security numbers, Congress requested to eliminate collection requirements: HJM 4013  
Traffic safety cameras, regulations: HB 1118, SHB 1118, SSB 5610

**PRIVATE INVESTIGATORS**

License cards must include picture identification: SSB 5190

**PRIVATE SCHOOLS (See SCHOOLS AND SCHOOL DISTRICTS)**

**PRIVILEGED COMMUNICATIONS (See also PRIVACY)**

Fire fighters, peer support services: HB 1783  
Insurance, commissioner exempt from public disclosure act: HB 1763, **\*SHB 1763, CH 57 (2001)**, SSB 5776

**PROBATE (See also ESTATES, WILLS)**

Animals, validation of trusts for nonhuman animals: HB 2046, **\*SHB 2046, CH 327 (2001)**  
Dispute resolution, technical corrections: **\*SSB 5052, CH 14 (2001)**  
Guardianship proceedings, medical reports by nurse practitioners: HB 1920, **\*SHB 1920, CH 148 (2001)**  
Power of attorney, provisions modified: HB 1135, **\*SHB 1135, CH 203 (2001)**  
Reconveyance of deeds of trust, provision modified: HB 1158

**PROBATION AND PAROLE (See also COMMUNITY CORRECTIONS)**

Hearings, time period tolled for failure to appear: **\*SSB 5970, CH 94 (2001)**

**PROPERTY (See PERSONAL PROPERTY, REAL ESTATE AND REAL PROPERTY)**

**PROTECTION ORDERS (See DOMESTIC VIOLENCE)**

**PUBLIC ASSISTANCE (See also MEDICAID, MEDICAL ASSISTANCE)**

Asset tests: HB 1356, 2SSB 5576  
Disabled persons, medical services extended for employed persons: HB 1390, **\*HB 2230, CH 15 E2 (2001)**

Family planning services, waiver of services under section 1115 of federal social security act allowed: HB 1283, SB 5186  
Family policy council, powers and duties transferred: HB 1695, SHB 1695  
Foster care, medical assistance and living services provided to individuals up to age twenty-one: HB 1259, \***SHB 1259, CH 192 (2001)**  
HELP program (higher education for lifelong progress program) established to assist college-qualified parents: HB 1372  
Health and welfare services, taxation of amounts received from public entities: HB 1624, \***SHB 1624, CH 23 E2 (2001)**, HB 2010  
Medicaid nursing home rates, capital authorization: HB 2242, \***SHB 2242, CH 8 E1 (2001)**  
Medical assistance, breast and cervical cancer: HB 1058, SHB 1058, \***2SHB 1058, CH 4 E1 (2001)**, 2SSB 5820  
Medical assistance, drug utilization and education program and committee: HB 1645  
Medical assistance, drug utilization review program and board: HB 1550  
Medical assistance, medication outreach program: HB 1753  
Medical assistance, pilot project to contract with health carriers and managed care systems: HB 1540  
Medical assistance, regional health care access demonstration projects: HB 1742, SHB 1742  
Medical assistance, reimbursement system for state's medical assistance programs in rural hospitals created: \***HB 1162, CH 2 E2 (2001)**  
Medical provider payment, department prohibited from denying payment or imposing penalties for billing practices unless intentional misconduct or negligence is proven: HB 1190  
Out-of-home placement, limitations on placement of child provided when conflict of interest exists, penalties established for placement violations: SSB 5049  
Prescription drugs, federal medicaid demonstration waiver for prescription assistance program: HB 1720  
Prescription drugs, therapeutic substitution prohibited: HB 2022  
Rental housing, financial assistance for low-income elderly renters: HB 2142  
Rental payments, department of social and health services to make direct payments to landlords: HB 1145  
Rural hospitals, reimbursement system for state's medical assistance programs created: \***HB 1162, CH 2 E2 (2001)**  
Supplemental security income, administration of state supplementation: \***HB 2233, CH 5 E2 (2001)**  
TANF, HELP program (higher education for lifelong progress program) established to assist college-qualified parents: HB 1372  
TANF, educational requirements: HB 1507  
TANF, entrepreneurial-oriented education programs: HB 1660  
TANF, medical assistance pilot project to contract with health carriers and managed health care systems: HB 1540  
TANF, tax credits for hiring TANF recipients: HB 1430  
TANF, time limit exemption: HB 1784  
WorkFirst, competitive contracting for activities: HB 1837  
WorkFirst, funding subject to legislative appropriations: HB 1914  
WorkFirst, good cause reasons for failure to participate modified: HB 1144  
WorkFirst, legislative approval for funding expenditures: HB 1514  
World War II veterans, income assistance for veterans returning to the Republic of the Philippines: \***HB 1716, CH 111 (2001)**

## PUBLIC DISCLOSURE

Business subsidies, department of revenue report requirements: HB 1954  
Conservation districts, cooperator files exempt: HB 1771  
Corrections made to inaccurate or procedurally obsolete provisions: HB 1352, SHB 1352  
Financial and proprietary information provided to community, trade, and economic department, exemption: \***HB 1542, CH 87 (2001)**  
Fish and wildlife department data, exemptions: HB 1996, \***SHB 1996, CH 278 (2001)**  
Foster parents, unfounded complaints against foster parents exempt from public disclosure: SSB 5984  
Insurance, commissioner exempt: HB 1763, \***SHB 1763, CH 57 (2001)**, SSB 5776  
Law enforcement and correctional agencies, confidential informant information exemption: HB 1717  
Law enforcement and correctional agencies, confidential information exemption: SHB 1717

Port districts, exemption for commercial information and records supplied to districts: HB 2028

School districts allowed to provide levy information: HB 1113

Strategy discussions involving collective bargaining, professional negotiations, grievance or mediation exempt: SB 5058

Surplus political funds, donation to schools allowed: SB 5188

Terrorism, records containing assessment or response plans exempt from disclosure: HB 1187, SHB 1187, **\*SSB 5255, CH 98 (2001)**

Violations, penalties adjusted: HB 1353

#### PUBLIC DISCLOSURE COMMISSION

Corrections made to inaccurate or procedurally obsolete provisions: HB 1352, SHB 1352

#### PUBLIC EMPLOYEES (See PUBLIC OFFICERS AND EMPLOYEES)

#### PUBLIC EMPLOYEES' BENEFITS BOARD

Uniform medical plan, pilot disease management programs: HB 1652, SHB 1652

#### PUBLIC EMPLOYEES' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)

Annual increase amount, provisions revised for plan 1 members: HB 1051

County jail employees, transfer: HB 1714

Death benefits: HB 1479

Early retirement, plan 2 provisions revised: HB 2044

Extraordinary investment gains, plan 1: HB 2084

Health insurance, retired and disabled members allowed to continue participation in plan: HB 1167

Housing authority resident training programs, trainers and trainees exempted from membership: HB 1047, **\*SB 5145, CH 37 (2001)**

Paramedics allowed to transfer retirement to law enforcement officers' and fire fighters' retirement system: HB 1285

Plan 1, maximum benefit allowance increased: HB 1043

Postretirement employment: HB 1475, **\*SSB 5937, CH 10 E2 (2001)**

Retired employees, time allowed to work without a reduction in allowance calculated in hours: HB 1044

Statutes, corrections: **\*HB 1213, CH 180 (2001)**, SB 5147

#### PUBLIC FACILITIES DISTRICTS (See also SPECIAL DISTRICTS)

Administration, provisions for dissolving district: 2SSB 5514

Cities and towns with population under one million: HB 1387, HB 2188, SHB 2188, 2SSB 5514

Public facility definition and provisions revised: HB 1195

Regional center construction, tax exemptions: 2SSB 5514

#### PUBLIC FUNDS AND ACCOUNTS

Citizen councilor revolving fund: HB 1570

Citizens' alliance for government accountability account created: HB 1276, SHB 1276

City and county advance right-of-way revolving fund: HB 1678, **\*SHB 1678, CH 201 (2001)**

Clean water investment account: HB 2147

College savings program account: **\*HB 2126, CH 184 (2001)**

Colleges and universities authorized to invest surplus funds: **\*HB 1623, CH 31 (2001)**, SB 5159

Commercial telephone solicitation account created: HB 1600

Community health center trust fund account: HB 1850, SHB 1850, SB 5836

Contractor registration account: SHB 1635, **\*SSB 5101, CH 159 (2001)**

Criminal justice treatment account created: SHB 1863, HB 2003, 2SSB 5419

Crop damage management account: HB 2281

Drinking water assistance accounts included in interest-bearing accounts: **\*HB 1198, CH 141 (2001)**, SB 5315

Drought preparedness account, funding: **\*HB 2258, CH 26 E2 (2001)**

Electricity providers, wholesale energy transaction account created: HB 1007  
Energy fund and wholesale energy transaction account created: HB 1207  
Energy permit assistance account: **\*HB 2247, CH 214 (2001)**, 2SSB 5912  
Environmental education partnership fund: HB 2026  
Fair fund, money from general fund transferred into fair fund: HB 1025, **\*SSB 5237, CH 16 E2 (2001)**  
Financial services regulation fund created: **\*HB 1211, CH 177 (2001)**, SB 5035  
Fish and wildlife equipment fund: HB 1472  
Foster care endowed scholarship trust fund and endowment fund created: HB 1244, SHB 1244  
Fruit and vegetable district fund, transfer of funds to plant pest account: **\*HB 1780, CH 92 (2001)**  
Future Farmers of America license fees account: SSB 5571  
General administration services account funds: HB 1342, SHB 1342, **\*SSB 5474, CH 292 (2001)**  
Help kids speak license plate account created: SSB 5488  
Hiking-only trail pass account: HB 2081  
Humanitarian relief account: HB 1336  
Infrastructure improvement account: HB 1518, SHB 1518  
Investment board funds, amendment to revise investing provisions: HJR 4202, SJR 8209  
King Street railroad station facility account: **\*SSB 5224, CH 62 (2001)**  
Landowner contingency forest fire suppression account, unappropriated money must remain in account and interest must be credited to account: HB 1014, SHB 1014  
Law enforcement officers' and fire fighters' medical benefits risk pool account and plan 1 medical subaccount created: HB 1072  
Liquor revolving fund, border area definition revised: **\*SSB 5015, CH 8 (2001)**  
Local leasehold excise tax account, interest distribution: HB 1521  
Main street trust fund account: HB 1723  
Maritime safety subaccount created in pilotage account: HB 2174  
Motorcycle safety education account, provisions revised: HB 1057, **\*SSB 5114, CH 285 (2001)**  
Natural disaster benefits trust account: HB 2280  
Nisqually earthquake account: **\*HB 2222, CH 5 (2001)**  
Nisqually earthquake account, funding: **\*HB 2258, CH 26 E2 (2001)**  
Nondebt-limit reimbursable bond retirement account: HB 2206  
Oyster reserve land account: HB 1658, SHB 1658, **\*2SHB 1658, CH 273 (2001)**, SSB 5837  
Plant pest account, general funds transferred into account: HB 2254  
Public health supplemental account: HB 1180, SHB 1180, **\*2SHB 1180, CH 80 (2001)**  
Public interest attorney loan repayment endowment account created: HB 1978, SSB 5336  
Public works administration account: HB 1416  
Public works administration account, prevailing wage civil penalties deposited into account: **\*HB 1138, CH 219 (2001)**  
Public works assistance account, funds for projects recommended by board authorized: HB 1001, **\*SHB 1001, CH 132 (2001)**  
Public works bond proceeds account: HB 2206  
Puget Sound crab pot buoy account: **\*SSB 6110, CH 234 (2001)**  
Recreation resource account: HB 1619  
Short-term treasury surplus funds, linked deposit program revised: SHB 1445, **\*2SHB 1445, CH 316 (2001)**  
Short-term treasury surplus funds, management provisions revised: HB 1445  
Telework enhancement account: 2SSB 5170  
Wireless enhanced 911 account: HB 2150  
Youth athletic facility account distributions: SB 5493

## PUBLIC HEALTH

Agricultural burning, outdoor burning in urban growth areas: **\*SSB 6012, CH 12 E1 (2001)**  
Citizen enforcement of health and environmental laws: HB 1961  
Environmental health violations, public health districts authorized to issue civil penalties: HB 1087

Funding, public health supplemental account: HB 1180, SHB 1180, **\*2SHB 1180, CH 80 (2001)**

Greenhouse gases, Washington climate center: HB 1921, HB 1922, SSB 5674

HIV/AIDS prevention study and committee: SSB 5679

Hazardous substance release, public notification requirements: HB 1411

Hypodermic syringes and needles, sale and possession: HB 1759, SHB 1759

Lead, public health education program to reduce childhood exposure: HB 2115, SB 5478

Long-term care facilities, immunization requirements: HB 1945, SSB 5291

Rural garbage dumping, provisions modified for unlawful dumping: SB 5093

#### PUBLIC HEALTH DEPARTMENTS (See HEALTH DEPARTMENTS, LOCAL)

#### PUBLIC HOUSING AUTHORITIES (See HOUSING AUTHORITIES)

#### PUBLIC INSTRUCTION, SUPERINTENDENT

Academic achievement and accountability system: HB 1562, SHB 1562, 2SHB 1562, HB 2270, 2SSB 5625

Assessments, advisory review committees: HB 2087

Bilingual instruction program, evaluation system to measure increases in English proficiency: HB 2025, SHB 2025,

**\*2SHB 2025, CH 6 E1 (2001)**

Character education program: HB 2055

College awareness project act, underserved population participation in higher education: HB 1755

Disturbed youth services, blended funding demonstration project: HB 1913, SHB 1913

Education reform, flexibility grant program and alternative compensation grant program: HB 1786

High school program and assessment options: HB 2068, SHB 2210

Professional educator standards board, board of education teacher preparation duties transferred: HB 1890

Teacher certification, alternative routes grant and scholarship programs: HB 1607, SHB 1607, 2SHB 1607, **\*2SSB 5695, CH 158 (2001)**

#### PUBLIC LANDS (See also STATE LANDS)

Aquatic lands, certain entities allowed to use lands for public utility lines: HB 1006

Aquatic lands, cities authorized to manage for purpose of operating a publicly owned marina: HB 1107, HB 1805

Aquatic lands, floating residences in urban growth areas: HB 2024

Aquatic lands, local public utility line easements granted, task force created and study directed: HB 1005

Aquatic lands, mooring at state-owned shoreland buoys: **\*HB 1936, CH 277 (2001)**

Aquatic lands, task force to review coordination of state and local environmental permit processes: HB 1941

Aquatic lands, water-dependent rental rates for marina leases, study: HB 2162, SHB 2162, 2SHB 2162

Aquatic residences, definition of water-dependent use modified: HB 1496

Cowlitz river, exchange of bedlands: HB 1844, **\*SB 5863, CH 150 (2001)**

Nonconsumptive wildlife activities allowed on public lands: SB 5299

Thurston county, sale or exchange of Lacey compound: **\*HB 1846, CH 189 (2001)**

Trust lands, certain lands transferred to recreation or conservation status: HB 1106

Valuable materials, sale: HB 1847, **\*SSB 5862, CH 250 (2001)**

Washington State University, dairy/forage research facility land transferred to Buckley: HB 2134

#### PUBLIC OFFICERS AND EMPLOYEES (See also CAMPAIGNS)

Annual cost-of-living increase: HB 2220

Bereavement leave: HB 1538

Charitable fund-raising activities, provisions: HB 2130

Child dependency and adult protective services case workers, limited liability: SSB 5355

Citizen councilors, office and pilot project: HB 1570

City officials, medical plan adoption procedures for elected officials: HB 1522

County commissioners, elections: HB 2008



Domestic partner benefits denied, same sex unions not recognized as valid: HB 1970  
 Domestic partner benefits, legislative reversal of eligibility directed, voter approval required: HB 1760  
 Elected officials, amendment to allow job sharing: HJR 4216  
 Elected officials, mailings and public service broadcasts restrictions: HB 1908, SHB 1908  
 False or misleading material statements to a public servant, reenacted in response to State v. Thomas: **\*HB 1564, CH 308 (2001)**  
 Family leave insurance program and benefits established: HB 1520  
 Family leave insurance program and benefits, need to establish declared: HB 1185  
 Health care insurance, benefit premiums subsidized for retired or disabled state employees and school employees: HB 1129  
 Health care insurance, retired or disabled school employees and retired state employees allowed to purchase: HB 1128  
 Litigation, executive sessions: HB 1384, **\*SHB 1384, CH 216 (2001)**  
 Managers, civil service definition: HB 1516  
 Personnel system reform act of 2001 enacted: HB 1268  
 Privacy, certain personal information in personnel files exempt from public inspection: **\*HB 1002, CH 70 (2001)**  
 Transportation department, employee reimbursement established for costs resulting from motorist assault on highway and ferry workers by motorists: HB 1176, SB 5513  
 Unfair practices, firing or limiting employees to avoid providing benefits prohibited: SSB 5264

#### PUBLIC POLICY, INSTITUTE

Mental health system, study of long-term client outcomes: **\*SSB 5583, CH 334 (2001)**  
 Released offenders, study of impact on counties: HB 1702

#### PUBLIC RECORDS (See RECORDS)

#### PUBLIC TRANSIT (See also BUSES)

Contract transportation employees, benefits required to be equal to public transportation employees: HB 1168  
 Costs of public transit, cities to pay benefit areas for services or request the county to submit a ballot proposition allowing the benefit area to acquire the city transit system: HB 1156  
 Funding, baseline allocation requirements: HB 1689, HB 1691  
 Local motor vehicle excise tax, repealed: HB 2125, HB 2234, SB 5959, SB 6036  
 Motor vehicle excise taxes, repeal clarified: HB 1927  
 Rail fixed guideway systems, safety audit reimbursement required: HB 1097, **\*SB 5223, CH 127 (2001)**  
 Regional transit authorities, maintenance and preservation management plan: HB 1668, SSB 5764  
 Regional transit authorities, vote to continue authority required: HB 1615, SB 5362  
 Special needs persons, program for agency coordinated transportation: HB 2155, SB 5739  
 Special needs persons, transportation services: HB 1596, **\*SHB 1596, CH 89 (2001)**  
 Transportation, federal funding distribution: HB 1690  
 Utility relocation costs due to construction of high capacity system facilities clarified: HB 1253, HB 2193, SHB 2193  
 Voter approval required if transit authority chooses to deviate from final system plan, periodic voter approval required on continued completion of system plans: HB 1796  
 Voter approved propositions which are significantly altered by actions of the board must be resubmitted to the voters: HB 1194

#### PUBLIC TRANSPORTATION BENEFIT AREAS

Costs of public transit, cities to pay benefit areas for services or request the county to submit a ballot proposition allowing the benefit area to acquire the city transit system: HB 1156  
 Special needs persons, transportation services: HB 1596, **\*SHB 1596, CH 89 (2001)**

#### PUBLIC UTILITIES (See UTILITIES)

## PUBLIC UTILITY DISTRICTS (See also SPECIAL DISTRICTS)

Consumer appliance repair services prohibited: HB 2093, SB 6126  
Electric generation facilities, joint agreements for ownership and operation: HB 2101  
Irrigation pumping installations, electricity rate structure: **\*HB 1606, CH 122 (2001)**  
Municipal water supply purposes defined: HB 1875, HB 1879  
Public works, alternative bid procedure bid limits: HB 2100, SHB 2100  
Telecommunications services, separate utility function for wholesale services required: HB 1284

## PUBLIC UTILITY TAX (See TAXES - PUBLIC UTILITY TAX)

## PUBLIC WATER SUPPLY SYSTEMS (See also WATER COMPANIES)

Conservation and efficiency standards and safeguards adopted by health department: HB 1874  
Interties, new source development definition restriction eliminated: HB 2078  
Municipal water supply purposes defined: HB 1875, HB 1879  
Withdrawals, annual volumes determined: HB 1876, HB 1879

## PUBLIC WORKS

Administration account: HB 1416  
Alternative contracting procedures, public works procurement committee: HB 1553  
Alternative process, procedures and thresholds revised: HB 1155, **\*SSB 5060, CH 328 (2001)**  
Architectural and engineering firms, reporting requirements: HB 2095  
Board, project administration: HB 2116  
Colleges and universities, project cost thresholds for bid requirements: HB 1515, **\*SHB 1515, CH 38 (2001)**  
Construction waste, on-site management: HB 1907, SHB 1907  
Contractors, lowest responsible bidder selection method: HB 1343  
Contractors, prequalification: HB 1748  
Contractors, record of compliance with tax, labor and employment, and environmental laws: HB 1918  
County road construction, day labor allowances: **\*SSB 5733, CH 108 (2001)**  
Design-build process: HB 1680, **\*SHB 1680, CH 226 (2001)**  
East plaza garage repair, general obligation bonds issued: HB 1826, HB 1828, HB 1829, **\*SB 5990, CH 9 E2 (2001)**  
Engineering systems, procedures established for awarding contracts to build: HB 1152, **\*SB 5061, CH 34 (2001)**  
Funds for projects recommended by board authorized: HB 1001, **\*SHB 1001, CH 132 (2001)**  
Job order contracting, procedures established: HB 1153  
Limited public works process: HB 1154, **\*SB 5063, CH 284 (2001)**  
Local public works projects, general obligation bonds issued to provide loans: HB 2206  
Lowest possible bidder method, interim task force created to study: HR 4630  
Metropolitan park districts, small works roster process: **\*HB 1548, CH 29 (2001)**  
Prevailing wage civil penalties deposited into public administration account: **\*HB 1138, CH 219 (2001)**  
Prevailing wage, exemption: HB 1677  
Prevailing wage, monetary penalties required for prevailing wage settlements: HB 1137  
Public utility districts, alternative bid procedure bid limits: HB 2100, SHB 2100  
Rural counties, prevailing wage exemption: HB 1589  
School construction, prevailing wage exemption: HB 1912  
Schools, rejection of bids on basis of students' well-being: HB 1980  
Tacoma Narrows bridge, toll procedures in public-private initiatives clarified: HB 1933, HB 2195, HB 2277, SB 5130

## PUBLIC WORKS BOARD

Capital facility projects, requirements and budget provisions revised: HB 1000, **\*SHB 1000, CH 131 (2001)**  
Funds for projects recommended by board authorized: HB 1001, **\*SHB 1001, CH 132 (2001)**  
Project administration: HB 2116

## PUGET SOUND ACTION TEAM

Shellfish, on-site sewage grant program: SHB 1658, \***SHB 1658, CH 273 (2001)**

Watersheds, monitoring and assessments for salmon recovery and watershed health: \***SSB 5637, CH 298 (2001)**

## PYRAMID SCHEMES (See CONSUMER PROTECTION)

## RADIO (See also NEWS MEDIA)

Property tax exemption provided for community radio stations: HB 1219, HB 1220

## RADIOACTIVE WASTE

Hanford Reservation, Congress requested to fund cleanup: HJM 4015

## RAFFLES

Schools, student associated bodies and groups: SSB 5573

## RAILROADS

County rail districts, funding for passenger service: \***HB 1943, CH 58 (2001)**

Hazardous materials, rail shipment inspections: HB 1454, SB 5633

King Street station, renovation procedures and account: HB 1096, \***SSB 5224, CH 62 (2001)**

Police, commissioning and training provisions revised: \***HB 1067, CH 72 (2001)**

Rail fixed guideway systems, safety audit reimbursement required: HB 1097, \***SB 5223, CH 127 (2001)**

State passenger rail program, maintenance and preservation management plan: HB 1668, SHB 2159, SSB 5764

Train crew size: HB 1436

Trespass, railroad right of way: HB 1453

## RAPE (See SEX OFFENSES AND OFFENDERS)

## RAPID TRANSIT (See PUBLIC TRANSIT, TRANSPORTATION)

## RATITES (See AGRICULTURE)

## REAL ESTATE AND REAL PROPERTY (See also TAXES - PROPERTY TAX)

Appraisers, school district property: HB 1971, \***SHB 1971, CH 183 (2001)**, SSB 5946

Appraisers, temporary practice permit extension provided: \***HB 1160, CH 78 (2001)**

Brokers, auctioneer license exemption: HB 1923

Brokers, business and occupation tax reduced: HB 1217

Civil forfeitures of property, joint select committee: HCR 4414

Civil forfeitures of property, restrictions: HB 1995, \***SHB 1995, CH 168 (2001)**

Civil forfeitures of property, study of laws and practices: \***SHB 1995, CH 168 (2001)**

Condominiums, resale certificate fees: HB 1924

Damage to property, liability extended to land held in conveyance for conservation or preservation purposes: HB 1305

Eminent domain, relocation provisions revised: HB 1795, SHB 1795

Excise tax, land exchanges and sales involving federal government exempt from tax: HB 1254, SHB 1254

Excise tax, land exchanges and sales involving nonprofit nature conservancy corporation exempt from tax: SHB 1254

Excise tax, net value defined and used to calculate tax: HB 1246

First-time home buyers, property tax exemption: HB 2061, HJR 4217

Green base building, sales and use tax exemption for construction: HB 2111

Leasehold interest, excise tax modification for large leasehold interest of residential and recreational lots: \***HB 1055, CH 26 (2001)**

Property tax, burden of proof for appeals of valuation changed: HB 1278

Property tax, exemption extended to persons confined to adult family homes or boarding homes: HB 1438

Property tax, exemption for widows and widowers of veterans: HB 1408

Property tax, senior citizen disposable income definition: HB 1393

Residential construction, labor and services for new construction exempt from sales tax: HB 1245

Residential construction, local ordinance provided to collect impact fees at time of title transfer: HB 1089, HB 1247

Residential property management, electrical work on owner's residential property: HB 1986

SEPA, exemptions: HB 1535

Satellite deployment and space exploration, property used in provision of goods and services exempted from property tax:  
HB 1209

Shoreline regulations, tax exemption for property that has declined in value due to regulations: HB 1949

Transportation, advance right-of-way acquisition funding: HB 1678, \*SHB 1678, CH 201 (2001)

Water-sewer districts, appraisal requirements for property sales: HB 2094

## RECALL

Infant and child products, brochure of recalled products: HB 1365

Infant and child products, safety education campaign: \*SHB 1365, CH 257 (2001)

## RECLAMATION DISTRICTS (See also SPECIAL DISTRICTS)

## RECORDS

Conviction history, vacation of records for misdemeanor and gross misdemeanor offenses authorized: HB 1174, \*SHB  
1174, CH 140 (2001)

Division of archives and records management, local records management funding process: HB 1925, SHB 1925

Health care information, safeguards required to prevent fax or computer transmission of incorrect or outdated  
information: \*SB 5258, CH 16 (2001)

Juvenile court, sealing: HB 1212, \*SHB 1212, CH 174 (2001), HB 1471, \*SHB 1471, CH 175 (2001), \*SB 5691, CH 49  
(2001)

Local records management, funding process: HB 1925, SHB 1925

Management training and grant program for local government: \*SHB 1926, CH 13 E2 (2001)

Missing persons, record retention policies: \*HB 1611, CH 223 (2001)

Pistol purchases or transfers, department of licensing authority to retain records removed: HB 1737

Strategy discussions involving collective bargaining, professional negotiations, grievance or mediation exempt from  
disclosure: SB 5058

Terrorism, records containing assessment or response plans exempt from disclosure: HB 1187, SHB 1187, \*SSB 5255,  
CH 98 (2001)

## RECREATION (See also OUTDOOR RECREATION)

Community outdoor athletic fields advisory council, membership and duties: \*SB 5495, CH 245 (2001)

Resource account: HB 1619

Youth athletic facility account distributions: SB 5493

## RECREATIONAL VEHICLES

Motor homes, use tax exemption modified: HB 1291

Park model trailers, motor vehicle excise tax provisions: HB 2184, \*SHB 2184, CH 282 (2001)

Trailers, license fees: SSB 5078

## RECYCLING

Construction waste, management planning and recycling: HB 1907, SHB 1907

Waste reduction and recycling, provisions set forth to encourage and implement: HB 1907, SHB 1907

## REFERENDUM (See INITIATIVE AND REFERENDUM, TAXES - REFERENDUM MEASURES)

REGIONAL SUPPORT NETWORKS (See MENTAL HEALTH)

REGIONAL TRANSIT AUTHORITIES (See PUBLIC TRANSIT, TRANSPORTATION)

#### REGULATORY REFORM

Housing impact statements required if proposed rules will have an adverse affect on housing: HB 1183

Rules, local government regulatory fairness act: HB 1609

#### RELIGION

Chemical dependency treatment, faith-based programs exempt from state regulations, conditions: HB 1252, SHB 1252

Churches, growth management facility siting requirements: HB 2097

Halal food consumer protection act: HB 2283

#### RENAL DISEASE

Hemodialysis technicians, task force: **\*HB 1309, CH 22 (2001)**

#### RESEARCH AND DEVELOPMENT

Animals, legislative opposition to rules restricting animal use: HCR 4404

Criminal sabotage of research facilities, penalties: HB 1938, SHB 1938

DNA commission established to study policies and issues involving DNA technology, DNA information protected from disclosure: SSB 5207

Fuels and motor vehicles, sales and special fuel tax exemption provided to higher education institutions: HB 1210

Hanford fast flux test facility, Congress requested to develop facility for medical and tritium purposes: HJM 4014

Higher education research and technology transfer agreements, ethics requirements: HB 1820

RESIDENTIAL HABILITATION CENTERS (See DEVELOPMENTALLY DISABLED)

REST AREAS (See ROADS AND HIGHWAYS)

#### RESTAURANTS

Food service regulations, study: HB 1533

Tips, distribution to employees: HB 1935

Wine, off-premises consumption: HB 1508, **\*HB 1951, CH 199 (2001)**, SSB 5813

RETAIL INSTALLMENT SALES (See also CREDIT CARDS)

RETIREMENT AND PENSIONS (See also LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM, PUBLIC EMPLOYEES' RETIREMENT SYSTEM)

Actuarial funding, state retirement systems: **\*SSB 6167, CH 11 E2 (2001)**

Economic assumptions, contribution rates, and valuation methodologies, process to establish modified: HB 2236

Extraordinary investment gains, teachers' plan 1 and public employees' plan 1: HB 2084

Health care insurance, benefit premiums subsidized for retired or disabled state employees and school employees: HB 1129

Health care insurance, retired or disabled school employees and retired state employees allowed to purchase: HB 1128

Higher education, defined contribution plan: HB 2244

Pension board created: HB 2083, HB 2185

State patrol, transfer from public employees' retirement system: HB 1610

Teachers' retirement system, plan 1 military service credit given: HB 1782

Uniform management of public employee retirement systems act: HB 2083

Veterans, higher education coordinating board and joint committee on pension policy directed to study eligibility of benefits for veterans as a result of revised definition of veterans: HB 1326

## RETIREMENT SYSTEMS, DEPARTMENT (See also SCHOOLS AND SCHOOL DISTRICTS)

Actuarial funding, state retirement systems: \***SSB 6167, CH 11 E2 (2001)**

Department abolished and powers and duties transferred to department of human resources: HB 1421

Employee retirement benefits board, membership and duties revised: HB 1214, \***SHB 1214, CH 181 (2001)**

## REVENUE, DEPARTMENT

Assessment improvement plan: HB 1489

Business subsidies, department of revenue report requirements: HB 1954

Direct payer permits: \***HB 1706, CH 188 (2001)**

Excise tax administration and application: \***HB 1361, CH 320 (2001)**

Local sales and use tax, distribution to jurisdictions with low sales tax revenues: HB 2062

Motor vehicles, licensing department required to compare driver's license data with registration data to identify residents who operate vehicles registered in another state: HB 1233

Property tax administrative provisions revised: HB 1202, \***SHB 1202, CH 185 (2001)**, HB 1467, \***SHB 1467, CH 187 (2001)**

Rental housing, financial assistance for low-income elderly renters: HB 2142

Sales and use tax exemption documents and retention requirements, modifications authorized: HB 1203, \***SHB 1203, CH 116 (2001)**

Simpson Investment Co. v. department of revenue, supreme court decision clarified: HB 1853

Study of tax system: HB 2198, SSB 6098

## REVISED CODE OF WASHINGTON

Chapter 9.94A, amendments incorporated and chapter reorganized: HB 1052, \***SB 5038, CH 10 (2001)**

County treasurer statutes, technical corrections: \***SSB 5638, CH 299 (2001)**

Electricians and electrical installations, RCW 19.28 technical corrections: \***HB 1369, CH 211 (2001)**, SB 5308

Fish and wildlife statutes, technical corrections: \***SSB 5961, CH 253 (2001)**

Health insurance, RCW technical corrections: \***HB 1633, CH 196 (2001)**, SHB 1633

Marine safety office, references corrected: \***SB 5121, CH 36 (2001)**

Natural resource laws, technical corrections made: HB 1368

Obsolete language revised: SB 5954

Outdated references and double amendments, corrections: HB 1367, \***SB 5305, CH 64 (2001)**

Pipeline safety act of 2000, technical and clarifying amendments: SSB 5126

Taxation, interpretation of statutes: HB 1462

Trust and estate dispute resolution, technical corrections: \***SSB 5052, CH 14 (2001)**

Uniform commercial code, Article 9A technical corrections: \***SB 5053, CH 32 (2001)**

## RIDE SHARING (See MOTOR VEHICLES, TRANSPORTATION)

## RIVERS

Cowlitz river, exchange of bedlands: HB 1844, \***SB 5863, CH 150 (2001)**

## ROADS AND HIGHWAYS

City and town street vacations, compensation from abutting property owners: \***HB 1750, CH 202 (2001)**

City and town street vacations, hearing provisions: HB 2192

County road construction, day labor allowances: \***SSB 5733, CH 108 (2001)**

County road funds, salmon recovery: \***HB 1394, CH 221 (2001)**

Electric vehicles, neighborhood electric vehicles: HB 1802

Environmental permit process, streamlining requirements: HB 1685

Environmental permit process, streamlining requirements and task force: HB 2229

Environmental permit process, transportation permit efficiency and accountability committee: SSB 5765, **\*SB 6188, CH**

**2 E1 (2001)**

Facilities and assets, transportation plan requirements: HB 2159, SHB 2159

Fire-fighting apparatus, weight limit exemptions: HB 1657, SSB 5681

Franchises, joint trenching policy: HB 1671, HB 2159, SHB 2159

High-occupancy vehicle lanes, clean fuel vehicles allowed to use, special license plate issued: HB 1031

High-occupancy vehicles, definition: HB 1603

Highway development, priority programming criteria: HB 2048

Impact fees imposed for impact to state-owned transportation facilities: HB 1085

Limited access facilities, access granted for retail sale of agricultural products: HB 2205

Motorist assault on highway and ferry workers, employee reimbursement for costs established: HB 1176, SB 5513

Motorized scooters, regulations: HB 1704

North Spokane corridor project named Washington veterans of foreign wars memorial highway: HB 2178

Pavement surfaces, cost-benefit and multimodal analysis: SSB 5749

Pavement surfaces, cost-effective: HB 1669, SHB 2159

Public-private initiative program, public funding: HB 2277

Signs, crimestoppers: **\*SSB 5572, CH 107 (2001)**

Signs, distance limit exemption for dead end highways: HB 1711

State route number 525, extension: **\*SSB 6053, CH 130 (2001)**

State route number 526, extension: HB 2129

Studded tires, sales surcharge: HB 1670

Studded tires, seasonal dates for use: HB 1894

Tacoma Narrows bridge and SR 16 corridor, transportation public-private pilot projects: HB 1681

Tacoma Narrows bridge, toll procedures in public-private initiatives clarified: HB 1933, HB 2195, HB 2277, SB 5130

Traffic congestion, multimodal transportation plan priorities: SSB 5759

Traffic safety cameras, regulations: HB 1118, SHB 1118, SSB 5610

Transportation permit efficiency and accountability committee: HB 2241

Transportation projects, environmental mitigation interagency programmatic agreements: HB 1447

Transportation projects, managed competition pilot program: HB 1684

U.S. Highway 99, historic designation: HJM 4007

RULE MAKING (See ADMINISTRATIVE PROCEDURE, REGULATORY REFORM)

RULES REVIEW COMMITTEE, JOINT LEGISLATIVE (See LEGISLATURE)

RUNAWAY YOUTH (See CHILDREN)

RURAL DEVELOPMENT

Community empowerment zones, tax deferrals: 2SSB 5469

Growth management, rural counties authorized to use alternative methods to achieve planning goals: HB 1592, SSB 5107

Industrial land banks, growth management: HB 1593

Nonprofit hospitals, sales and use tax exemptions provided to encourage development in rural counties: SB 5102

Public facilities, definition of public facilities and related costs expanded: SB 5289

Public facilities, rural county defined for purposes of sales and use tax: HB 1628, SHB 1628, SB 5082

Public works projects, prevailing wage exemption for rural counties: HB 1589

Small-scale business expansion: HB 1395, HB 1869, HB 2056

Telecommunications services, rural port districts and public utility districts required to establish a separate utility function for wholesale services: HB 1284

Telecommunications, tax exemptions provided to encourage the deployment of services in rural areas: HB 1239, SHB 1239

## RURAL HEALTH

Hospitals, reimbursement system for state's medical assistance programs created: **\*HB 1162, CH 2 E2 (2001)**

RURAL NATURAL RESOURCES IMPACT AREAS (See DISTRESSED AREAS)

SAFETY AND HEALTH (See INDUSTRIAL SAFETY AND HEALTH, PUBLIC HEALTH)

SALARIES (See CITIZENS COMMISSION ON SALARIES, WAGES AND HOURS)

SALES TAX (See TAXES - SALES TAX)

SALMON (See also FISH AND WILDLIFE, DEPARTMENT, FISHING, COMMERCIAL, FISHING, RECREATIONAL)

Canada, free and fair trade of aquaculture products between the United States and Canada: SJM 8016

Columbia River salmon and trout, Congress requested to appoint a contact person to oversee the multifederal agency recovery effort: SSJM 8000

Commercial fishing, certain gear allowed under the authority of a trial or experimental fishing permit: HB 1306, **\*SSB 5442, CH 163 (2001)**

Commercial fishing, renewal dates for salmon troll fishery license changed: **\*SSB 5443, CH 244 (2001)**

Commercial licenses, fees and taxes: HB 2045

Conservation reserve enhancement program, secretary of agriculture requested to review: SJM 8019

Eggs, fish and wildlife department prohibited from destroying hatchery origin salmon for the purposes of destroying viable eggs, priority distribution of eggs provided: HB 1286, **\*SHB 1286, CH 337 (2001)**, HB 1705

Farms, marine fin fish aquaculture escape prevention: HB 1499, SHB 1499, **\*2SHB 1499, CH 86 (2001)**

Habitat, conservation futures fund levy increased: SSB 5104

Habitat, conservation futures fund levy increased and amount designated for acquiring property to preserve salmon habitat: HB 1627

Leavenworth national fish hatchery, Congress requested to make modifications: SJM 8006

Recovery funding board, grant application deadlines adjusted: **\*HB 1071, CH 303 (2001)**, SB 5246

Recovery funding board, reporting of financial affairs modified: **\*SB 5022, CH 9 (2001)**

Recovery office eliminated: HB 2207

Recovery, business and occupation tax deduction for subordinating mortgages on property donated for conservation purposes: HB 1104

Recovery, county road funds: **\*HB 1394, CH 221 (2001)**

Recovery, lead entities allowed to apply for grants from department of fish and wildlife: HB 1016

Recovery, placement of large woody debris in streams provided immunity: HB 1178

Recovery, state agencies allowed to sponsor projects: HB 1166, SHB 1166

Recovery, watershed monitoring and assessments: **\*SSB 5637, CH 298 (2001)**

Shoreline master plans, compliance with endangered species act: HB 1965

Spawning beds, pilot project to protect spawning beds on Skagit river: HB 1880

Surplus salmon, annual report: **\*SHB 1286, CH 337 (2001)**

Trust water rights, donations providing instream water flow for endangered and threatened species accepted on certain terms: HB 1392, SSB 5361

SATELLITES (See TELECOMMUNICATIONS)

## SCHOLARSHIPS

Bilingual and English as a second language future teachers, conditional scholarships: HB 1399

Conditional scholarships, college tuition for teacher preparation programs: HB 2088

Foster care endowed scholarship program created: HB 1244, SHB 1244



Teachers, alternative certification routes grant and scholarship programs: HB 1607, SHB 1607, 2SHB 1607, **\*2SSB 5695, CH 158 (2001)**

Washington state scholars program, Oregon and Idaho private schools: HB 1893, SB 5699

Washington's promise scholarship program created: HB 1466

**SCHOOLS AND SCHOOL DISTRICTS (See also EDUCATIONAL SERVICE DISTRICTS, TEACHERS)**

Academic achievement and accountability system: HB 1562, SHB 1562, 2SHB 1562, HB 2270, 2SSB 5625

Airport noise abatement, funding: HB 1544

Alternative educational service providers, Washington national guard youth program: HB 1646, SHB 1646

Antismoking instruction: HB 1932

Arson, mental health evaluation of minors who commit: HB 1939

Assault of school employee or sports official: HB 1465

Assessments, advisory review committees: HB 2087

Assessments, commission on student learning: HB 2068, SHB 2210

Assessments, high school graduation requirements: HB 2068, SHB 2210

Assessments, private and home-based students allowed to take assessments at district expense: HB 1967

Assessments, science and social studies timelines: HB 1380

Assessments, student writing test booklets made available to students, parents and teachers: HB 1240, SHB 1240, 2SHB 1240

Assessments, timelines: HB 1476, HB 2237, **\*SB 5686, CH 20 E2 (2001)**

Bids, rejection of bids on basis of students' well-being: HB 1980

Bilingual and English as a second language future teachers, conditional scholarships: HB 1399

Bilingual instruction program, evaluation system to measure increases in English proficiency: HB 2025, SHB 2025, **\*2SHB 2025, CH 6 E1 (2001)**

Bomb threats, juvenile driving privileges suspended: HB 1699

Bomb threats, mental health evaluation of minors who commit: HB 1939

Buses, school bus stop sign violations enforcement enhanced: HB 1193

Career guidance, comprehensive career guidance program: HB 2215

Certified instructional staff, housing supplement: HB 1688

Certified instructional staff, incentives allowed for recruiting or retaining staff: HB 1449

Character education program: HB 2055

Classified employees, tuition reimbursement allowed for classes that apply toward certification: HB 1171

College awareness project act, underserved population participation in higher education: HB 1755

Community service graduation requirement: HB 1931

Construction funding, joint select committee: HCR 4411

Construction, public works prevailing wage exemption: HB 1912

Construction, rehabilitation or restoration of historic school buildings: HB 2154

Construction, safety net grant program: HB 1698

Construction, sales and use tax exemptions: HB 1912

Contracted services performed by classified employees: HB 1423

Courses of study, options for technical, professional, and occupational specific skills: HB 1841

Dental care, sealant endorsement program: **\*SSB 6020, CH 93 (2001)**

Donations, surplus political funds allowed to be donated to schools: SB 5188

Education reform, flexibility grant program and alternative compensation grant program: HB 1786

Educational service districts, borrowing authority modified: **\*HB 1257, CH 143 (2001)**

Educational service districts, review committee provisions revised: HB 1256, **\*SHB 1256, CH 182 (2001)**

Educational service districts, school district deferred compensation and insurance provisions extended to service districts: **\*HB 1255, CH 266 (2001)**

Educational staff associates, nonschool service credit: HB 1439

Educational staff associates, recognition for advanced certification: SHB 1867

Educational staff associates, salary bonus for board or association certification: HB 1867

Emergency management, school safety plan and all-hazard emergency plans: SSB 5543  
Employees' retirement system, death benefits: HB 1479  
Employees' retirement system, plan 2 or plan 3 irrevocable choice allowed: HB 1082  
Employees' retirement system, postretirement employment: \*SSB 5937, CH 10 E2 (2001)  
Employees' retirement system, separated employee defined: HB 1811  
Employees' retirement system, statute corrections: \*HB 1213, CH 180 (2001), SB 5147  
Employees' retirement system, time retirees allowed to work without a reduction in allowance calculated in hours: HB 1044  
Employees, child of employee allowed to attend same school as employee: HB 1348, HB 2190, SHB 2190  
Employees, educational staff associate nonschool service credit: HB 1439  
Employees, health care insurance benefit premiums subsidized for retired or disabled state employees and school employees: HB 1129  
Employees, housing supplement for nonsupervisory classified and certificated employees: HB 1862  
Employees, retired or disabled school employees and retired state employees allowed to purchase health insurance: HB 1128  
Environmental education partnership fund and activities: HB 2026  
Epinephrine, administration to students: SB 5835  
Explosives prohibited: HB 2137, SHB 2137  
Financial management evaluation system: HB 1989, SHB 1989  
Firearms, violation penalty: HB 1485  
Funding, commission on school funding created to design pilot performance-based programs: HB 1146  
Graduation requirements, community service: HB 1931  
Harassment and bullying policy: HB 1444, SSB 5528  
Health aide position created, registration required: HB 1083, HB 1328  
Health assistant position created, registration required: SHB 1328  
Health insurance, small employer definition to include school districts: \*HB 1851, CH 147 (2001)  
High school graduation requirements revised: HB 1312  
High school graduation requirements, assessments: HB 2068, SHB 2210  
Hypoglycemia, administration of glucagon to students experiencing severe hypoglycemia authorized: SSB 5085  
Juvenile offenders, juvenile justice information: HB 1991, HB 1992, SHB 1992  
Levies and bonds, simple majority of voters voting may authorize: HB 1009, HJR 4201, HJR 4209  
Levies, school districts allowed to provide information: HB 1113  
Local effort assistance, maintenance and operations levy requests: HB 1839, SHB 1839  
Mapping of schools: HB 1838, SHB 1838  
Medical letters of refusal to administer oral medicine or bladder catheterization: HB 1424  
Nonhigh school district and high school district maintenance and operating payment provisions revised: HB 1029  
Nurses, certification and requirements: HB 1768  
POW/MIA flag required to be displayed: SSB 5097  
Parental and community involvement pilot grant program: HB 1378  
Pesticides, pest control policy notification requirements: HB 1451, SHB 1451, \*SSB 5533, CH 333 (2001)  
Pesticides, school facility applicator license: HB 1451, SHB 1451  
Private and home-based students allowed to take assessments at district expense: HB 1967  
Private schools, growth management facility siting requirements: HB 2097  
Professional educator standards board, board of education teacher preparation duties transferred: HB 1890  
Reading, awards for meeting fourth grade reading goals: HB 1940  
Real estate appraisals, certified appraisers: HB 1971, \*SHB 1971, CH 183 (2001), SSB 5946  
Retired teachers and administrators allowed to substitute more hours: \*HB 1048, CH 317 (2001), SB 5151  
Revenue distribution: HB 2196  
Running start program, eligibility requirements: HB 1975  
Safety, firearm violation penalty increased and safety officers allowed: HB 1485  
Safety, safe school plan: HB 1818, SHB 1818, SSB 5543

Security officers: HB 1485  
Sexual misconduct with a minor, second and first degree defined in regard to K-12 employees and students: HB 1091, SHB 1091, HB 2262  
Small personalized schools, research and development program and study: HB 2067  
Special education, funding formula: HB 1747, HB 1974, SHB 1974  
Speech, help kids speak license plate and program developed: SSB 5488  
Student improvement goals, provisions repealed: HB 2127  
Student teaching, cooperating teachers' stipend: HB 1400, HB 2066, SHB 2066  
Students, list of student offenders made available to parents: HB 1788  
Students, raffles: SSB 5573  
Students, search and rescue activities: HB 1856  
Teachers, Congress requested to expand education loan and grant opportunities: HJM 4012  
Teachers, alternative certification routes grant and scholarship programs: HB 1607, SHB 1607, 2SHB 1607, \***SSB 5695, CH 158 (2001)**  
Teachers, cooperating teachers' stipend: HB 1400, HB 2066, SHB 2066  
Teachers, education and experience information central repository study: HB 1056, SHB 1056  
Teachers, hours retired teachers can substitute teach increased: \***HB 1048, CH 317 (2001)**, SB 5151  
Teachers, housing supplement: HB 1688, HB 1862  
Teachers, national board certification monetary recognition awards: HB 1389, SHB 1389  
Teachers, national board certification salary bonus: HB 1413  
Teachers, peer mentor program: HB 1639, HB 2066, SHB 2066  
Teachers, persons holding lapsed certificate allowed to be conditionally employed: HB 1120, \***SHB 1120, CH 263 (2001)**, SB 5582  
Teachers, tuition and fee reimbursement authorized for required endorsements: HB 1235, SHB 1235  
Teachers, tuition reimbursement authorized for continuing education requirements: HB 1171  
Technology costs, basic education allocations: HB 1740  
Traffic safety education, fees waived for meeting reading and writing standards: HB 2108  
Traffic safety education, funding provisions: HB 2263  
Transportation allocations, dates for submitting information changed: HB 1074, SHB 1074  
Transportation funding: HB 1746  
Truancy, at-risk youth petition: HB 1958, SHB 1958, 2SHB 1958  
Truancy, petition and record provisions revised: HB 1297, \***SB 5393, CH 162 (2001)**  
Unemployment compensation, educational institution employee eligibility requirements modified: HB 1184, \***SB 5317, CH 100 (2001)**  
Vocational education, career and technical education programs: HB 1909, \***SSB 5940, CH 336 (2001)**  
Volunteers, property tax exemption allowed: HB 1123  
Washington state scholars program, Oregon and Idaho private schools: HB 1893, SB 5699  
Washington's promise scholarship program created: HB 1466

## SEARCH AND RESCUE

Schools, student absences excused for activities: HB 1856

## SEATTLE

King Street station, renovation procedures and account: HB 1096, \***SSB 5224, CH 62 (2001)**

## SECRETARY OF STATE

Corporations and limited liability companies, electronic filing of annual reports: HB 1501, \***SHB 1501, CH 307 (2001)**  
County elections, unannounced on-site visits authorized: HB 1108  
Elections, web page and toll-free number: HB 1739, \***SHB 1739, CH 41 (2001)**  
Initiative fiscal review and legal review committees: HB 1509  
Records management, funding process for local records management: SHB 1925

Stalking, address confidentiality: \***HB 1546, CH 28 (2001)**

Voter registration data base: HB 1414, SHB 1414

#### SEIZURES (See SEARCH AND SEIZURE)

#### SELLERS OF TRAVEL (See TRAVEL AGENCIES AND AGENTS)

#### SENIOR CITIZENS

Housing, federally assisted housing preservation task force created: HB 2180

Medical assistance, medication outreach program: HB 1753

Prescription drugs, senior pharmacy assistance program: HB 1774, SHB 1774, 2SHB 1774

Property tax, disposable income definition: HB 1393, HB 1642

Property tax, exemption from state levy equal to tax imposed on assessed value provided: HB 1574

Property taxes, state levy credit on owner-occupied residence: HB 1486

Rental housing, financial assistance for low-income elderly renters: HB 2142

#### SENTENCING (See also CRIMINAL PROCEDURE)

Aggravated escape, sexually violent predators: HB 2226

Assault in the fourth degree, class C felony if minor is present: HB 1733

Assault in the third degree, assault of a health care provider: HB 1816

Assault, school employee or sports official: HB 1465

Chapter 9.94A RCW, amendments incorporated and chapter reorganized: \***SB 5038, CH 10 (2001)**

Chapter 9.94A RCW, technical corrections and clarifications made: HB 1052

Child and dependent adult abuse, failure to make a reasonable effort to aid: HB 1966

Commercial bribery, reenacted in response to State v. Thomas: \***HB 1614, CH 224 (2001)**

Community custody, chemical dependency treatment: HB 1738

Community custody, community supervision: HB 1738

Crimes against law enforcement officers, retaliatory crimes: HB 1398, SHB 1398

Criminal profiteering, reenacted in response to State v. Thomas: \***HB 1578, CH 222 (2001)**

Custodial interference 1, penalties: HB 1822

DUI, penalty procedures: \***SSB 5558, CH 247 (2001)**

Death penalty task force and study: HB 1648

Death penalty task force and study, executions stayed: HB 1647

Drug offenders, chemical dependency treatment services: HB 1863, SHB 1863, HB 2003, 2SSB 5419

Escaping from custody and bail jumping, provisions revised: \***HB 1227, CH 264 (2001)**

Gambling, penalties for cheating revised: HB 1307, SB 5064

Hate crimes, exceptional sentence authorized: HB 1663

Hit and run, injury to body of deceased person: HB 1649, \***SHB 1649, CH 145 (2001)**

Hit and run-death, seriousness ranking increased: \***HB 1280, CH 17 (2001)**

Identity crimes, penalties increased: HB 1272

Interstate compact for adult supervision enacted, commission created: \***SSB 5118, CH 35 (2001)**

Juveniles, sex offender registration: HB 1764

Kidnappers and sex offenders, definitions harmonized under criminal and registration statutes: \***SSB 5014, CH 95 (2001)**

Malicious harassment, gender expression or identity included in sexual orientation definition: HB 2032

Methamphetamine manufacturing, penalties increased: HB 1197, HB 1863, SHB 1863, HB 2003, 2SSB 5419

Motor vehicle fuel theft, penalties: \***HB 1895, CH 325 (2001)**

Motor vehicle theft, definition and penalties: HB 1556, SHB 1556

Murder of a child, Valiree Jackson act established and penalties increased: HB 2149

Perjury, reenacted in response to State v. Thomas: \***HB 1692, CH 171 (2001)**

Persistent offender definition revised: \***SSB 5013, CH 7 (2001)**

Persistent offenders, mandatory minimum: HB 1957

- Probation hearings, time period tolled for failure to appear: **\*SSB 5970, CH 94 (2001)**
- Rape in the first degree, life sentence: HB 2217
- Sabotage, definition and sentencing provisions revised: HB 1938, SHB 1938
- Sex offenders and kidnappers, definitions harmonized under criminal and registration statutes: **\*SSB 5014, CH 95 (2001)**
- Sexual misconduct with a minor, second and first degree defined in regard to K-12 employees and students: HB 1091, SHB 1091
- Sexually motivated crimes, penalties: HB 1412, SHB 1412
- Sexually violent predators, commitment procedures and standards revised: **\*SSB 5122, CH 286 (2001), \*SSB 6151, CH 12 E2 (2001)**
- Sexually violent predators, escape: HB 2226
- Substance abuse and crime prevention act, community custody sentencing for drug crimes: HB 1722
- Three strikes you're out, convictions considered strikes clarified: HB 1039, SHB 1039
- Unlawful practice of law, reenacted in response to State v. Thomas: **\*HB 1579, CH 310 (2001)**
- Unlicensed practice of a profession or business, reenacted in response to State v. Thomas: **\*HB 1694, CH 207 (2001)**
- Vehicular assault, definition: **\*SB 5790, CH 300 (2001)**
- SERVICE CONTRACTS (See CONTRACTS)**
- SERVICE OF PROCESS (See CIVIL PROCEDURE)**
- SEWAGE (See also SEPTIC SYSTEMS, ON-SITE, WATER-SEWER DISTRICTS)**
- Surface water runoff, authority for charges based on runoff characteristics of property eliminated: HB 2076
- SEWER DISTRICTS (See also SPECIAL DISTRICTS, WATER-SEWER DISTRICTS)**
- SEX OFFENSES AND OFFENDERS**
- Community justice facilities, siting requirements for essential facilities: HB 1532, HB 2168
- Employment, persons with certain sex offense felony convictions disqualified from employment with unsupervised children: HB 1086
- Foster parent retention pilot program for foster parents of children who act out sexually: HB 1525
- Juveniles, registration: HB 1764
- Level III offenders, media notification of offender's registered address: **\*SSB 6143, CH 283 (2001)**
- Newspapers, law enforcement notifications of sex and kidnapping offenders: SB 5888
- No-contact with victim order issued as pretrial release condition for offenders: HB 1270
- Occupational licenses, requirements for registered sex offenders: HB 2177
- Persistent offender definition revised: **\*SSB 5013, CH 7 (2001)**
- Pornography, sexual matter or performance harmful to minors, display or dissemination prohibited, state preemption of regulation established and penalties set for violations: HB 1316
- Rape in the first degree, life sentence: HB 2217
- Registration requirements, compliance with federal standards: **\*HB 2086, CH 170 (2001)**
- Schools, second and first degree sexual misconduct with a minor defined in regard to K-12 employees and students: HB 1091, SHB 1091, HB 2262
- Sexual exploitation of minors, computer images: HB 1512
- Sexually motivated crimes, penalties: HB 1412, SHB 1412
- Sexually violent offenders, commitment procedures and standards revised: **\*SSB 6151, CH 12 E2 (2001)**
- Sexually violent offenders, facility location: HB 2225, **\*SSB 6151, CH 12 E2 (2001)**
- Sexually violent predators, McNeil Island alternative treatment center: HB 2223, **\*SSB 6151, CH 12 E2 (2001)**
- Sexually violent predators, commitment procedures and standards revised: **\*SSB 5122, CH 286 (2001)**
- Sexually violent predators, committee on the equitable distribution of community transition facilities: **\*SSB 6151, CH 12 E2 (2001)**
- Sexually violent predators, escape: HB 2226, HB 2243, **\*SSB 5123, CH 287 (2001), \*SSB 6151, CH 12 E2 (2001)**

Sexually violent predators, facility location: **HB 1078, HB 1495, SSB 5845**  
Sexually violent predators, legislative approval for less restrictive housing: **HB 2110**  
Sexually violent predators, sentencing provisions revised: **\*SSB 6151, CH 12 E2 (2001)**  
Sexually violent predators, victim compensation requirements revised: **HB 1271, \*SB 5270, CH 153 (2001)**  
Three strikes you're out, convictions considered strikes clarified: **HB 1039, SHB 1039**  
Transient sex offenders, reporting requirements established: **\*HB 1952, CH 169 (2001)**  
Treatment providers, limited immunity: **SSB 5465**

#### SEXUAL ORIENTATION

Civil unions: **HB 1758**  
Discrimination, employment protection: **HB 1524**  
Domestic partner benefits, legislative reversal of eligibility directed, voter approval required: **HB 1760**  
Malicious harassment, gender expression or identity included in sexual orientation definition: **HB 2032**  
Same sex unions not recognized as valid, benefits denied: **HB 1970**

#### SEXUALLY TRANSMITTED DISEASES (See also AIDS)

Information disclosure, unauthorized communication by fax or computer transmission when number is known to be possibly incorrect or outdated is a negligent violation of privacy rights: **\*SB 5258, CH 16 (2001)**

#### SHELLFISH

Culturing, oyster reserve land pilot project: **HB 1658, SHB 1658, \*2SHB 1658, CH 273 (2001), SSB 5837**

#### SHERIFFS

Impersonation of a sheriff or sheriff's posse prohibited: **HB 1560, SHB 1560**  
Law enforcement mobilization plan and policy board created: **HB 1065**  
Office of sheriff made nonpartisan: **HB 1064, SB 5141**  
Provisional employment, procedures modified: **\*SSB 5077, CH 232 (2001)**  
Racial profiling, report and policy requirements: **HB 2018, SHB 2018, SB 5852**  
Racial profiling, routine traffic stop reports: **HB 2017, SHB 2018**  
School mapping, study: **HB 1838, SHB 1838**  
Sex offenders, media notification of level III offender's registered address: **\*SSB 6143, CH 283 (2001)**  
Transient sex and kidnapping offenders, reporting requirements established: **\*HB 1952, CH 169 (2001)**  
Unclassified personnel, number of employees determined: **\*SB 5127, CH 151 (2001)**  
Victim notification system integrated into statewide city and county jail booking and reporting system: **HB 1063, SSB 5179**

#### SHERIFFS AND POLICE CHIEFS, ASSOCIATION OF

Association name changed to Washington association of constables and police chiefs: **HB 1882**

#### SHORELINES AND SHORELINE MANAGEMENT

Agricultural activities, masters programs: **HB 2278**  
Citizen enforcement of land use and shoreline laws, civil action: **HB 1960**  
Endangered species act, compliance: **HB 1965**  
Growth management, critical area ordinances: **HB 1963**  
Guidelines, legislative approval: **HB 1656**  
Master programs, 2000 guidelines do not apply retroactively to existing and ongoing agriculture: **HB 1903, HB 1947**  
Master programs, 2000 guidelines repealed: **HB 1374**  
Master programs, guideline review and amendment schedule provisions revised: **HB 1261, HB 1934, HB 1946, SSB 5378**  
Master programs, integration into growth management planning: **HB 1561, HB 1964, SB 6208**  
Property tax exemption for property that has declined in value due to regulations: **HB 1949**  
Shoreland buoys, mooring: **\*HB 1936, CH 277 (2001)**

**SKAGIT RIVER**

Salmon spawning beds, pilot project to protect beds: HB 1880

**SKATEBOARDING (See SPORTS)****SKILL CENTERS (See VOCATIONAL EDUCATION)****SMALL BUSINESSES (See BUSINESSES)****SMALL CLAIMS COURT**

Appeals, proceedings revised: HB 1273, **\*SB 5491, CH 156 (2001)**

Collection cost recovery fee authorized: HB 1298

Jurisdiction amount increased: **\*SB 5389, CH 154 (2001)**

**SMALL WORKS ROSTER (See PUBLIC WORKS)****SMELTING**

Tax exemptions for qualified smelter facilities: HB 2273

**SMOKING**

Colleges and universities, smoking in residence halls prohibited: HB 1409

Indoor smoking, local regulation allowed: HB 1448

Smoking areas, designation in public places: SSB 5993

**SOCIAL AND HEALTH SERVICES, DEPARTMENT**

Adult family and boarding homes, resident protection standards joint task force created: HB 2041

Adult family and boarding homes, temporary management program: HB 1320, **\*SHB 2041, CH 193 (2001)**

Adult family homes, department decisions given deference in adjudicative proceedings for denial of license: SSB 5183

Adult family homes, licensing application processing procedures: SSB 5183

Adult family homes, provisions and requirements revised: **\*SHB 1320, CH 319 (2001)**

Adult family homes, training requirements for licensed providers: SSB 5183

Background checks, employees working with vulnerable adults or children: HB 1776, **\*SSB 5606, CH 296 (2001)**

Boarding homes, dispute resolution process: HB 1428

Boarding homes, quality improvement consultation program: HB 1426, **\*SHB 1426, CH 85 (2001)**

Boarding homes, violation dispute resolution process: HB 1427

Caregiver registry established: HB 1506

Child abuse, negligent treatment or maltreatment definition: HB 1344, SHB 1344

Child dependency and adult protective services case workers, limited liability: SSB 5355

Child dependency, coordination of services: **\*SSB 6056, CH 256 (2001)**

Child dependency, juvenile justice case information sharing: **\*SSB 5995, CH 52 (2001)**

Child dependency, shelter care follow up and accountability improved, right to counsel clarified: **\*SSB 5413, CH 332 (2001)**

Child support, jurisdiction provisions revised: SSB 5369

Child support, medical support technical revisions made: HB 1745

Children's administration offices, accreditation: **\*2SHB 1249, CH 265 (2001)**

Children, limitations on out-of-home placement of child provided when conflict of interest exists, penalties established for placement violations: SSB 5049

Children, relative caregiver program: HB 1397

Community mental health services, performance measures and evaluations: HB 1650, **\*SHB 1650, CH 323 (2001)**, HB 2264

Community rehabilitation services for the disabled, state agency purchase of products and services: HB 1640  
Community residential services, home and community-based waiver: \***SHB 1341, CH 269 (2001)**  
Crisis nurseries, licensing: \***HB 1898, CH 230 (2001)**  
Developmentally disabled, public-private partnership pilot project for community based services: HB 1659, SHB 1659  
Disabled persons, medical services extended for employed persons: HB 1390, \***HB 2230, CH 15 E2 (2001)**  
Disturbed youth services, blended funding demonstration project: HB 1913, SHB 1913  
Employment, persons with certain sex offense felony convictions disqualified from employment with unsupervised children: HB 1086  
Epinephrine, administration to students: SB 5835  
Family planning services, waiver of services under section 1115 of federal social security act allowed: HB 1283, SB 5186  
Family policy council, powers and duties transferred: HB 1695, SHB 1695  
Foster care, accreditation of children's administration offices: \***2SHB 1249, CH 265 (2001)**  
Foster care, accreditation of children's administration programs supported and exploration of nationwide foster care projects required, respite care provided to foster parents: HB 1249, SHB 1249  
Foster care, pilot project to establish methods for evaluating children: \***SSB 6055, CH 255 (2001)**  
Health and welfare services, taxation of amounts received from public entities: HB 1624, \***SHB 1624, CH 23 E2 (2001)**, HB 2010  
Health care transaction forms, standard forms for state purchased care: HB 1731  
Hearing and speech impaired, telecommunications services program: HB 1884, \***SHB 1884, CH 210 (2001)**, SSB 5875  
Inspections: HB 1427  
Juvenile offenders, release and parole: \***SB 5972, CH 51 (2001)**  
Long-term care facilities, immunization: SSB 5291  
Long-term care in-home services, home care quality authority and standards: HB 1576  
Medicaid nursing home rates, capital authorization: HB 2242, \***SHB 2242, CH 8 E1 (2001)**  
Medical assistance, medication outreach program: HB 1753  
Medical assistance, pilot project to contract with health carriers and managed care systems: HB 1540  
Medical provider payment, department prohibited from denying payment or imposing penalties for billing practices unless intentional misconduct or negligence is proven: HB 1190  
Mental health administrative costs, auditing procedures revised: HB 1232  
Mental health system, joint legislative audit and review committee recommendations: \***SSB 5583, CH 334 (2001)**  
Nursing home payment system, task force on nursing home rates created: \***SHB 2242, CH 8 E1 (2001)**  
Nursing homes, certificate of capital authorization established to allocate funds for construction projects and property costs: HB 1134  
Opiate substitution treatment programs, provisions revised: \***SSB 5417, CH 242 (2001)**  
PACE program, requirements outlined: \***HB 1099, CH 191 (2001)**, SSB 5235  
Prescription drugs, drug utilization and education program and committee: HB 1645  
Prescription drugs, drug utilization review program and board: HB 1550  
Prescription drugs, federal medicaid demonstration waiver for prescription assistance program: HB 1720  
Prescription drugs, therapeutic substitution for medicaid services prohibited: HB 2022  
Public assistance rental payments, program to make direct payments to landlords: HB 1145  
Records, cause of action for release of false information: HB 2090  
Rural hospitals, reimbursement system for state's medical assistance programs created: \***HB 1162, CH 2 E2 (2001)**  
Sexually violent offenders, facility location: HB 2225, \***SSB 6151, CH 12 E2 (2001)**  
Sexually violent predators, McNeil Island alternative treatment center: HB 2223, \***SSB 6151, CH 12 E2 (2001)**  
Sexually violent predators, facility location: HB 1078, HB 1495, SSB 5845  
Sexually violent predators, legislative approval for less restrictive housing: HB 2110  
Supplemental security income, administration of state supplementation: \***HB 2233, CH 5 E2 (2001)**  
TANF, time limit exemption: HB 1784  
Vulnerable adults, abuse and neglect investigation reporting provisions enhanced: HB 1734, \***SSB 5184, CH 233 (2001)**  
WorkFirst, competitive contracting for activities: HB 1837  
WorkFirst, funding subject to legislative appropriations: HB 1914



World War II veterans, income assistance for veterans returning to the Republic of the Philippines: **\*HB 1716, CH 111 (2001)**

#### SOCIAL SECURITY

Numbers, Congress requested to eliminate collection requirements: HJM 4013

Numbers, insurers prohibited to use as identification: HB 2248

Numbers, waiver of federal collection requirements for drivers' licenses: SSB 5364

SOFTWARE (See COMPUTERS)

#### SOLID WASTE

Abandoned vehicles, violations clarified for garbage and junk vehicles: HB 1163, **\*SHB 1163, CH 139 (2001)**

Citizen enforcement of health and environmental laws: HB 1961

Construction waste, management planning and recycling: HB 1907, SHB 1907

Franchise fees, limits: HB 1710

Garbage trucks, load limits: SB 5878

Hauling, private resident exemption: HB 1709

Hazardous substances, disposal on property containing substances of a lesser degree: HB 1824

Landfills, disposal standards modified: HB 1003

Recycling and waste reduction, provisions set forth to encourage and implement: HB 1907, SHB 1907

Rural garbage dumping, provisions modified for unlawful dumping: SB 5093

SPECIAL DISTRICTS (See also LOCAL GOVERNMENT)

Dissolving and suspending of districts: HB 2039

Public centers districts: HB 1497, HB 1817

#### SPEECH IMPAIRED PERSONS

Help kids speak license plate and program developed: SSB 5488

Telecommunications services program for hearing and speech impaired, provisions revised: HB 1884, **\*SHB 1884, CH 210 (2001)**, SSB 5875

#### SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

Help kids speak license plate and program developed: SSB 5488

SPEEDING (See TRAFFIC OFFENSES)

#### SPORTS

All terrain vehicles, definition: HB 2080

Assault of school employee or sports official: HB 1465

Athlete trainers, certification and standards: HB 1830, SSB 5598

Baseball stadiums, leasehold excise tax exemption for small stadiums: HB 2020

Boxing, kickboxing, and martial arts officials, licensing requirements: **\*SSB 5502, CH 246 (2001)**

Youth athletic facility account distributions: SB 5493

STADIUMS (See SPORTS)

STALKING (See CRIMES, HARASSMENT)

STATE AGENCIES AND DEPARTMENTS (See also STATE GOVERNMENT)

Administrative hearings, award of fees and expenses: HB 2052

Agency rules, expedited rule process revised: HB 1375, **\*SHB 1375, CH 25 (2001)**

Boards, commissions, and committees, elimination and consolidation: HB 1355, **\*SSB 5401, CH 291 (2001)**  
Boy Scouts of America, state government prohibited from discriminating against private entities in receiving any public benefits or privileges: HB 1250  
Budget, accounting, and reporting requirements for office of financial management: HB 1569, SB 5629  
Business subsidies, department of revenue report requirements: HB 1954  
Citizens' alliance for government accountability established, account created: HB 1276, SHB 1276  
Community, trade, and economic development department reorganized as department of community development and department of trade and economic development: HB 1474, SSB 5370  
Contracts, accountability: HB 1808  
Court filing fees for tax warrants and recovery of agency overpayments, provisions revised: HB 1793, **\*SHB 1793, CH 146 (2001)**, SSB 5115  
Discrimination, state government prohibited from discriminating against Boy Scouts of America or any other private entities in receiving any public benefits or privileges: HB 1250  
Energy efficiency in state buildings, standards: HB 1403, **\*HB 2247, CH 214 (2001)**, SSB 5647, 2SSB 6177  
Health and welfare services, taxation of amounts received from public entities: HB 1624, **\*SHB 1624, CH 23 E2 (2001)**, HB 2010  
Housing impact statements required if proposed rules will have an adverse affect on housing: HB 1183  
Human resources department created, retirement systems and personnel departments abolished and powers and duties transferred to department of human resources: HB 1421  
Internet information services, state service may not require a person to accept placement of information or software on their computer: HB 1053  
Litigation, executive sessions: HB 1384, **\*SHB 1384, CH 216 (2001)**  
Management, quality management programs: HB 1517, SHB 1517  
Marine safety office, references corrected: **\*SB 5121, CH 36 (2001)**  
Pension board created: HB 2185  
Pension board created, uniform management of public employee retirement systems act: HB 2083  
Performance and outcome measures, joint legislative audit and review committee review: HB 2148  
Personal service contract guidelines: HB 1345  
Personnel files, certain personal information exempt from public inspection: **\*HB 1002, CH 70 (2001)**  
Personnel system reform act of 2001 enacted: HB 1268  
Privacy, information privacy policy requirements: HB 2016  
Privacy, private and public entities required to destroy personal information records: HB 2015  
Public disclosure, strategy discussions involving collective bargaining, professional negotiations, grievance or mediation exempt: SB 5058  
Public works, limited public works process: **\*SB 5063, CH 284 (2001)**  
Public works, prequalifying contractors: HB 1748  
Public works, reporting requirements for architectural and engineering firms: HB 2095  
Purchase of products and services, community rehabilitation programs: HB 1640  
Rules, amendment to allow legislature to invalidate executive branch rules: HJR 4210  
Rules, cost-benefit analysis: HB 2051, SHB 2051  
Rules, delay of effect to allow legislative review: HB 2050  
Rules, expiration: HB 2053  
Rules, legislative oversight: HB 1810, HB 1969  
Rules, legislative review requirements: HB 1968  
Rules, local government regulatory fairness act: HB 1813  
Rules, notice of changes: HB 2054  
Rules, regulatory reform: HB 1609  
Rules, technical assistance compliance: HB 2049, **\*SHB 2049, CH 190 (2001)**  
Salmon recovery, agencies allowed to sponsor: HB 1166, SHB 1166  
Social services policy and audit council created: HB 1695, SHB 1695  
Trade missions, protocols for legislative participation in executive agency trade missions established: SCR 8406

Volunteer liability: HB 1643, \***SHB 1643, CH 209 (2001)**

#### STATE AUDITOR

Citizen councilors, office and pilot project: HB 1570

School district financial management evaluation system: HB 1989, SHB 1989

#### STATE BUILDINGS

Automated external defibrillators, placement in buildings: HB 1999

Energy efficiency standards: HB 1403, \***HB 2247, CH 214 (2001)**, SSB 5647, 2SSB 6177

STATE CONVENTION AND TRADE CENTER (See CONVENTION AND TRADE CENTERS)

STATE EMPLOYEES (See PUBLIC OFFICERS AND EMPLOYEES)

STATE FUNDS AND ACCOUNTS (See PUBLIC FUNDS AND ACCOUNTS)

STATE GOVERNMENT (See also LEGISLATURE, STATE AGENCIES AND DEPARTMENTS)

Agency rules, cost-benefit analysis: HB 2051, SHB 2051

Agency rules, delay of effect to allow legislative review: HB 2050

Agency rules, expiration: HB 2053

Agency rules, notice of changes: HB 2054

Automated external defibrillators, placement in public buildings: HB 1999

Boards, commissions, and committees, elimination and consolidation: HB 1355, \***SSB 5401, CH 291 (2001)**

Boy Scouts of America, state government prohibited from discriminating against private entities in receiving any public benefits or privileges: HB 1250

Business subsidies, department of revenue report requirements: HB 1954

Citizen councilors, office and pilot project: HB 1570

Civil unions, same sex: HB 1758

Day of peace, April 20th recognized as state day of peace: HB 1279

Discrimination, state government prohibited from discriminating against Boy Scouts of America or any other private entities in receiving any public benefits or privileges: HB 1250

Drought conditions, emergency water withdrawal: HB 2257

Employees, annual cost-of-living increase: HB 2220

Employment, firing or limiting public employees to avoid providing benefits prohibited: SSB 5264

Energy efficiency in state buildings, standards: HB 1403, \***HB 2247, CH 214 (2001)**, SSB 5647, 2SSB 6177

Expenditure limit, increase in limit provided for any general fund spending measure approved by voters: HB 1242

Fiscal notes, joint legislative fiscal note process: HB 2114

Legislative audit and review authority: HB 1601

Legislature, oversight of statutory committees: HB 1391, \***SHB 1391, CH 259 (2001)**

Natural disaster benefits, partial wage and income replacement: HB 2280

POW/MIA flag required to be displayed: SSB 5097

Pension board created: HB 2185

Pension board created, uniform management of public employee retirement systems act: HB 2083

Privacy, information privacy policy requirements: HB 2016

Privacy, private and public entities required to destroy personal information records: HB 2015

Senatorial districts, two districts established: HB 1225

Short-term treasury surplus funds, linked deposit program revised: SHB 1445, \***2SHB 1445, CH 316 (2001)**

Short-term treasury surplus funds, management provisions revised: HB 1445

State candy, Almond Roca Buttercrunch: HB 1930

Tax preferences, evaluation and termination: HB 2179

Trade missions, protocols for legislative participation in executive agency trade missions established: SCR 8406

Veterans' song: HB 1461

Volunteer liability: HB 1643, \***SHB 1643, CH 209 (2001)**

#### STATE INVESTMENT BOARD

Employees, compensation levels: HB 2057, SHB 2057, \***SSB 5988, CH 302 (2001)**

Investing provisions, amendment to revise: HJR 4202, SJR 8209

Membership increased: HB 1422

#### STATE LANDS (See PUBLIC LANDS)

#### STATE OFFICERS AND EMPLOYEES (See PUBLIC OFFICERS AND EMPLOYEES)

#### STATE PARKS (See also PARKS)

Basic parkland access fees prohibited: SSB 5024

#### STATE PATROL

Budgeting, performance-based budgeting process: HB 2121

Identity theft bureau: SHB 2009

Killed in line of duty, health insurance benefits for survivors: HB 1371

Missing persons, record retention policies: \***HB 1611, CH 223 (2001)**

Motor vehicles, licensing department required to compare driver's license data with registration data to identify residents who operate vehicles registered in another state: HB 1233

Professional advancement, trooper first class: HB 1777

Public works, design-build process: HB 1680

Racial profiling, report and policy requirements: HB 2018, SHB 2018, SB 5852

Racial profiling, routine traffic stop reports: HB 2017, SHB 2018

Retirement system and survivor benefits modified: HB 1046, \***SB 5143, CH 329 (2001)**

Retirement system, transfer from public employees' retirement system: HB 1610

VIN inspection process: \***HB 2029, CH 125 (2001)**

#### STATE ROUTES (See ROADS AND HIGHWAYS)

#### STATE TREASURER

Linked deposit program, minority and women's business enterprises: HB 1587

Local leasehold excise tax account, interest distribution: HB 1521

Short-term treasury surplus funds, linked deposit program revised: SHB 1445, \***2SHB 1445, CH 316 (2001)**

Short-term treasury surplus funds, management provisions revised: HB 1445

#### STEELHEAD (See also FISHING, RECREATIONAL)

Recovery program date extended: \***HB 1035, CH 135 (2001)**

#### STREETS (See ROADS AND HIGHWAYS)

#### STRIKES (See also LABOR RELATIONS)

#### STUDIES

Aquatic lands, local public utility line easements granted, task force created and study directed: HB 1005

Aquatic lands, water-dependent rental rates for marina leases: HB 2162, SHB 2162, 2SHB 2162

Automated external defibrillators, placement in state and local public buildings: HB 1999

Civil forfeitures of property, study of laws and practices: \***SHB 1995, CH 168 (2001)**

Clean alternative fuel vehicles, tax exemptions authorized to encourage use of clean vehicles, review and evaluation directed: HB 1030

Climate, study of climate change impacts: SHB 1921

DNA commission established to study policies and issues involving DNA technology, DNA information protected from disclosure: SSB 5207

Death penalty: HB 1648

Death penalty, executions stayed: HB 1647

Energy, review of state energy strategy directed: HB 1207

Environmental permit process, task force to review coordination of state and local processes: HB 1941

Ergonomics, study of rules and demonstration project results: SB 5882

Ferries, traffic impact: HB 1012

Food service regulations, study: HB 1533

Foster care, social and health services department instructed to explore nationwide foster care projects: HB 1249, SHB 1249

Gambling, study of pathological gambling in chemical dependency treatment programs: HB 1622

HIV/AIDS prevention study and committee: SSB 5679

Hemodialysis technicians, task force: **\*HB 1309, CH 22 (2001)**

Housing, federally assisted housing preservation task force created: HB 2180

Law library services, contracts with county libraries to share state library online electronic research tools and services: HB 2064

Local parks and recreation maintenance and operations, legislative task force and study: HB 1836, **\*SHB 1836, CH 275 (2001)**

Mental health system, social and health services department study of long-term client outcomes: **\*SSB 5583, CH 334 (2001)**

Mental health, children's mental health programs and delivery service plan evaluated, comprehensive review requirements: HB 1124, SHB 1124

Mobile/manufactured homes, alteration permit process: **\*SSB 5703, CH 335 (2001)**

Motor vehicles, salvaged and rebuilt: SHB 1157

Multiple sclerosis, survey of patients by University of Washington conducted: SB 5220

Naturopathic physicians use of acupuncture-related practices, analysis of appropriateness: HB 1388

Nursing homes, study of direct care reimbursement system and rates directed: HB 1159

Off-road vehicle and nonhighway road recreational activities, study of funds: HB 1653, HB 2171, SHB 2171

Public works, interim task force created to study lowest possible bidder selection method: HR 4630

Released offenders, study of impact on counties: HB 1702

School mapping, study for emergency services: HB 1838, SHB 1838

Schools, small personalized: HB 2067

Tax system, department of revenue: HB 2198, SSB 6098

Teachers, education and experience information central repository study: HB 1056, SHB 1056

Tribes, legislative/tribal relations joint select committee and study: HCR 4405

Unprocessed timber, task force review of federal forest resources conservation and shortage relief act: HB 2107, HCR 4410

Veterans, higher education coordinating board and joint committee on pension policy directed to study eligibility of benefits for veterans as a result of revised definition of veterans: HB 1326

Wireless communication services, joint study group established: SSCR 8410

Yakima basin ground water study, funding: HB 2271

## SUBDIVISIONS

Growth management, short subdivision lots in urban growth area: HB 1662, SB 5832

SUBSTITUTE CARE FOR CHILDREN (See FOSTER CARE)

## SUNSET REVIEW

Linked deposit program, termination date extended: SHB 1445, \***SHB 1445, CH 316 (2001)**  
Tax preferences, evaluation and termination: HB 2179

## SUPERIOR COURT

Benton and Franklin counties, judges increased: HB 1068, SHB 1068, SB 5156  
Judge pro tempore, amendment to revise provisions: HJR 4205, SJR 8208  
Judge pro tempore, provisions revised: HB 1300, SB 5394  
Nonelected judicial officers and commissioners, election requirements: HB 1825  
Speedy trial requirements: HB 2228  
Unfunded mandates, courts prohibited from imposing: HB 1861, HJR 4213

## SUPREME COURT

Justices, election from judicial districts: HB 1241, HJR 4203  
Quality improvement programs: HB 1517, SHB 1517  
Simpson Investment Co. v. department of revenue, decision clarified: HB 1853  
Unfunded mandates, courts prohibited from imposing: HB 1861, HJR 4213

## SURFACE MINING (See MINES AND MINING)

## SURVEYORS

Licenses and certificates, licensing department authorized to establish renewal fee, renewal interval, and date of renewal:  
HB 1161, SHB 1161

## SWAP MEETS (See FLEA MARKETS)

## SWIMMING POOLS (See SPAS, HOT TUBS, AND SWIMMING POOLS)

## TATTOOS AND TATTOOERS

Sterilization requirements established: HB 1042, \***SHB 1042, CH 194 (2001)**

## TAXES

Oregon-Washington committee on taxation established: SJM 8008

## TAXES - ADULT ENTERTAINMENT TAX (See TAXES - SALES TAX)

## TAXES - BUSINESS AND OCCUPATION TAX

Agriculture, exemption for reduction: HB 2070  
Aircraft components, tax deduction for parts used in repair and maintenance: HB 2267  
Amusement devices, tax deduction: HB 1332  
Assembly activities, tax exemption for pumping, motor, or compressor equipment: HB 1500  
Boarding homes, exemption: HB 2175  
Brokers, business and occupation tax reduced: HB 1217  
Carbonated beverage tax credit: HB 1762  
Child care, tax credit for employer-provider benefits: HB 2112  
Clean alternative fuel vehicles, tax exemptions authorized to encourage use of clean vehicles, review and evaluation directed: HB 1030  
Community development financial institutions, tax credit allowed for deposits: HB 1377  
Community revitalization, Washington main street program created and tax exemptions provided: HB 1204  
Commute trip reduction, employer tax credits for providing financial incentives to employees: HB 1988, SSB 6008  
Dairy nutrient management and anaerobic digesters, tax credit: HB 1888, HB 2138

Dairy product manufacturers, tax rate: HB 1765, HB 2138, \***SHB 2138, CH 25 E2 (2001)**  
Developmentally disabled, business and occupation tax exemption provided to caregivers: HB 1638  
Disabled persons, tax credit for employing: HB 1526  
Downtown neighborhood and commercial district revitalization program, tax credit: HB 1723  
Electric utilities, direct service industrial customer tax credit for purchase of natural or manufactured gas: \***HB 2247, CH 214 (2001)**, 2SSB 6177  
Electrical energy, exemption provided for generating, producing, or distributing electrical energy: HB 1207  
Electricity providers, taxation provisions modified and wholesale energy transaction account created: HB 1007  
Ergonomics, business and occupation tax credit for rule compliance: HB 2164  
Farmers, exemption: HB 1339, \***SHB 1339, CH 118 (2001)**  
First-time home buyers, financial assistance provided through auction sale of tax credits: HB 2152  
Furnishing of lodging, definition of sale: HB 1531, SHB 1531, SSB 5894  
Grain warehouses, reporting option allowed: HB 1140, \***SHB 1140, CH 20 (2001)**  
Grass or straw-based construction materials, tax deduction: HB 2012  
Grocery distribution cooperatives: \***HB 2260, CH 9 E1 (2001)**  
Health and welfare services, taxation of amounts received from public entities: HB 1624, \***SHB 1624, CH 23 E2 (2001)**, HB 2010  
Health professional and providers, tax deduction for services: HB 1959  
Industrial facilities, tax deferral for electrical generating equipment and facilities: HB 2274  
Investment deductions, eligibility clarified: HB 1853  
Motion picture and video production businesses, tax exemption: HB 2146  
Motor vehicle dealers, tax provisions modified for sales of new and used vehicles: HB 1119, \***SHB 1119, CH 258 (2001)**  
Natural gas, direct service industrial customer tax credit: HB 1404, SHB 1404, 2SHB 1404  
Organ procurement and transplanting activities: HB 2261  
Physical fitness services, definition of sale: HB 1575  
Regulatory requirements, tax credit for compliance: HB 2043  
Salmon recovery, business and occupation tax deduction for subordinating mortgages on property donated for conservation purposes: HB 1104  
Short-rotation hardwoods defined as agricultural product: SHB 1024  
Small business tax credit increased: HB 1948  
Smelters, exemption: HB 2273  
TANF, tax credits for hiring TANF recipients: HB 1430  
Telecommunications, mobile services: HB 2156  
Telework, business and occupation and public utility tax credits provided to encourage telework: HB 1478, SHB 1478  
Thoroughbreds, tax exemption provided for sale of horses: HB 1114  
Tribes, tax compacts: HB 1749, SHB 1749

#### TAXES - CIGARETTE TAX

Indians, governor allowed to enter into cooperative agreements with Indians, tribal cigarette tax in lieu of state cigarette tax and retail sales and use taxes: HB 1201, HB 2268, \***SSB 5372, CH 235 (2001)**, \***SB 6198, CH 21 E2 (2001)**

#### TAXES - EXCISE TAX

Administration and application: \***HB 1361, CH 320 (2001)**  
Leased equipment, overpayment offset: SB 5523  
Leasehold, exemption for storm damaged agricultural property: HB 2282  
Leasehold, local leasehold excise tax account interest distribution: HB 1521  
Leasehold, small baseball stadium exemption: HB 2020  
Leasehold, tax modification for large leasehold interest of residential and recreational lots: \***HB 1055, CH 26 (2001)**  
Motor vehicles, repeal of taxes clarified: HB 1927  
Real estate, county tax for development of affordable housing: HB 1972, SSB 5965  
Real estate, land exchanges and sales involving federal government exempt from tax: HB 1254, SHB 1254

Real estate, land exchanges and sales involving nonprofit nature conservancy corporation exempt from tax: SHB 1254

Real estate, local tax proceeds for housing development: HB 2165

Real estate, net value defined and used to calculate tax: HB 1246

Real estate, use of funds: HB 1790

Residential construction, local ordinance provided to collect impact fees at time of title transfer: HB 1089, HB 1247

#### TAXES - GENERAL

Business taxation by cities, system for uniform treatment and to avoid multiple taxation: HB 1854

Direct payer permits: \***HB 1706, CH 188 (2001)**

Federal taxes, Congress requested to support President Bush's tax relief plan: HJM 4008

Oregon and Washington taxes, joint select committee to review: HCR 4407

Oregon income tax reduction for Washington residents working in Oregon: HJM 4009, HJM 4010, SHJM 4010

Statutes, interpretation: HB 1462

Study of tax system, department of revenue: HB 2198, SSB 6098

Tax preferences, evaluation and termination: HB 2179

Tribes, tax compacts: HB 1749, SHB 1749

#### TAXES - LEASEHOLD EXCISE TAX (See TAXES - EXCISE TAX)

#### TAXES - MOTOR VEHICLE EXCISE TAX

Licenses, refund for overpayment of fees and taxes: HB 2058

Local excise tax, repealed: HB 2125, HB 2234, SB 5959, SB 6036

Park model trailers, definition: HB 2184, \***SHB 2184, CH 282 (2001)**

#### TAXES - MOTOR VEHICLE FUEL TAX

Allocation of taxes, revisions and study of off-road vehicle and nonhighway road funds: HB 1653

Clean alternative fuel vehicles, tax exemptions authorized to encourage use of clean vehicles, review and evaluation directed: HB 1030

Diesel, tax refund for use of ultralow sulfur fuel: HB 2235

Distributors, bond requirements: \***HB 1407, CH 270 (2001)**

Supplier, definition: \***HB 1407, CH 270 (2001)**

Tribal-state motor fuel tax compact act: HB 1803

#### TAXES - PROPERTY TAX

Administrative provisions revised: HB 1202, \***SHB 1202, CH 185 (2001)**, HB 1467, \***SHB 1467, CH 187 (2001)**

Agriculture, exemption for burn reduction: HB 2070

Airport noise exemption created: HB 1237

Assessment improvement plan: HB 1489

Assessments, personal property provisions revised: HB 1059

Chemical dependency treatment, exemption: HB 2272

Churches, exemption provisions revised: HB 1092

Community radio stations, exemption provided: HB 1219

Community revitalization financing program created, local sales and use tax and property tax increment financing authorized: HB 1115

Community revitalization, Washington main street program created and tax exemptions provided: HB 1204

Dairy nutrient management and anaerobic digesters, tax exemption: HB 1888, HB 2138

Deferrals, large and unanticipated increases: HB 1490

Deferrals, large increases for low-income persons: HB 1494

Downtown neighborhood and commercial district revitalization program, tax exemption: HB 1723

Electrical energy, exemption provided for generating, producing, or distributing electrical energy: HB 1207

Electricity providers, taxation provisions modified and wholesale energy transaction account created: HB 1007



Exemption extended to persons confined to adult family homes or boarding homes: HB 1438  
 Farms, equipment and machinery exemption: HB 1906, \***SHB 1906, CH 24 E2 (2001)**, HB 2138  
 Federal property, taxation requirements for land previously owned by federal government: HB 2005  
 First-time home buyers, tax exemption: HB 2061, HJR 4217  
 Forest land, exemption from paying back taxes for certain land transfers: HB 1450, \***SHB 1450, CH 305 (2001)**  
 Forest land, taxation provisions revised: HB 2027  
 Forest land, valuation and assessment: \***SSB 5702, CH 249 (2001)**  
 Foundation of an institute of higher education, exemption for leased property: HB 2191, \***SHB 2191, CH 126 (2001)**  
 Foundation of an institute of higher education, land transfer tax exemption: HB 1789  
 Hospital districts, exemption for leased property: HB 2191, \***SHB 2191, CH 126 (2001)**  
 Inflationary adjustment for state levy reduced: HB 1487  
 Inflationary limiting factor, modification for taxing districts: HB 1491  
 Inflationary limiting factor, reduced for state levy: HB 1492, HB 1775  
 Inflationary limiting factor, restriction: HB 1488  
 Inflationary limiting factor, small district exemption: HB 1493  
 Levies, amendment to require voter approval: HJR 4218  
 Levies, credit against state tax: HB 1904, HJR 4215  
 Levies, inflationary limiting factor modification for taxing districts: HB 1491  
 Levies, inflationary limiting factor restriction: HB 1488  
 Levies, inflationary limiting factor small district exemption: HB 1493  
 Levies, state property tax reduced: HB 1751  
 Low-income housing, exemption for very low-income housing: \***HB 2098, CH 7 E1 (2001)**, SB 6092  
 Multiple-unit exemption, qualifications: HB 1708, SB 5872  
 Radio, exemption provided for community radio stations: HB 1220  
 School volunteers, exemption allowed: HB 1123  
 Senior citizens and disabled retirees, exemption from state levy equal to tax imposed on assessed value provided: HB 1574  
 Senior citizens, disposable income definition: HB 1393, HB 1642  
 Senior citizens, state levy credit on owner-occupied residence: HB 1486  
 Shoreline regulations, tax exemption for property that has declined in value due to regulations: HB 1949  
 Smelters, exemption: HB 2273  
 Space exploration or satellite deployment, property used in provision of goods and services exempt from tax: HB 1209  
 State levy, inflationary adjustment reduced: HB 1487  
 State levy, inflationary limiting factor reduced: HB 1492, HB 1775  
 Telecommunications, tax exemptions provided to encourage the deployment of services in rural areas: HB 1239, SHB 1239  
 Transportation financing, allocation of revenues: HB 1666  
 Valuation, burden of proof for appeals changed: HB 1278  
 Valuation, increases phased-in: HB 1573, HJR 4208  
 Veterans, exemption for widows and widowers: HB 1408  
 Veterans, exemption provided for veterans with service-connected disabilities: HB 1011, SHB 1011

#### TAXES - PUBLIC UTILITY TAX

Child care, tax credit for employer-provider benefits: HB 2112  
 Commute trip reduction, employer tax credits for providing financial incentives to employees: HB 1988, SSB 6008  
 Electric utilities, exemption for smart metering technology: HB 2102  
 Electricity providers, taxation provisions modified and wholesale energy transaction account created: HB 1007  
 Electricity, cogeneration tax deduction: HB 1405, SHB 1405, 2SHB 1405  
 Electricity, tax credit for sales to direct service industrial customer: HB 1404, SHB 1404, 2SHB 1404, \***HB 2247, CH 214 (2001)**, 2SSB 6177

Energy assistance programs, tax credit for light and power and gas distribution businesses: HB 1443, SHB 1443, 2SHB 1443, 2SSB 5540

First-time home buyers, financial assistance provided through auction sale of tax credits: HB 2152

Light and power and gas distribution, measure of tax changed to volumetric basis: SHB 1207

Light and power business, tax deduction: HB 2245

Telework, business and occupation and public utility tax credits provided to encourage telework: HB 1478, SHB 1478

Tribes, tax compacts: HB 1749, SHB 1749

Utility customers with health problems, tax credit for energy payment reductions: HB 1981

Water conservation, deduction for amounts spent on water efficiency: HB 1832, \***SHB 1832, CH 237 (2001)**, HB 1872

Water, exemption for reclaimed water supply services: HB 1871

#### TAXES - REAL ESTATE EXCISE TAX (See TAXES - EXCISE TAX)

#### TAXES - SALES TAX

Agriculture, exemption for burn reduction: HB 2070

Alternative fuels research, sales and special fuel tax exemption provided to higher education institutions: HB 1210

Animal health products, exemption: \***SSB 5496, CH 17 E2 (2001)**

Call centers, sales and use tax exemptions: 2SSB 5094

Cities, local taxes for mobile telecommunications services: HB 2156

Clean alternative fuel vehicles, tax exemptions authorized to encourage use of clean vehicles, review and evaluation directed: HB 1030

Clothing and footwear, temporary tax exemption provided: HB 1281

Clothing, footwear, and school supplies, temporary tax exemption provided: HB 1868

Community revitalization financing program created, local sales and use tax and property tax increment financing authorized: HB 1115

Community revitalization, Washington main street program created and tax exemptions provided: HB 1204

Conifer seeds tax exemption: \***SSB 5484, CH 129 (2001)**

Counties, local taxes for mobile telecommunications services: HB 2156

Dairy nutrient management and anaerobic digesters, tax exemption: HB 1888, HB 2138, \***2SSB 5947, CH 18 E2 (2001)**

Dental devices, tax exemption: HB 1979

Direct payer permits: \***HB 1706, CH 188 (2001)**

Electric generating facilities, sales and use tax exemption allowed for facilities powered by wind, sun, or landfill gas: HB 1105

Electric utilities, exemption for smart metering technology: HB 2102

Electrical generating facilities, sales and use tax exemptions provided: HB 1191, HB 2120, HB 2245

Emergency communication systems and facilities, county tax: HB 1477, SHB 1477

Energy efficient lights and appliances, tax exemption: HB 1441

Energy efficient lights, tax exemption: SHB 1441

Exemption documents and retention requirements, modifications authorized: HB 1203, \***SHB 1203, CH 116 (2001)**

Farmers, exemption: HB 1339, \***SHB 1339, CH 118 (2001)**

Farmers, propane and natural gas tax exemption: HB 1887, HB 2138, \***SHB 2138, CH 25 E2 (2001)**

Farms, equipment and machinery exemption: HB 2138

Fuel cell and biomass energy generating facilities, tax exemption: SSB 5541

Fuel cell and other alternative energy sources, tax exemption: HB 2200

Fuel cell electric generating facilities, tax exemption: \***HB 1859, CH 213 (2001)**

Grass or straw-based construction materials, tax exemption: HB 2012

Green base building, tax exemption for construction: HB 2111

Historic buildings, tax exemption for earthquake damage repair: HB 2246

Indians, governor allowed to enter into cooperative agreements with Indians, tribal cigarette tax in lieu of state cigarette tax and retail sales and use taxes: HB 1201, HB 2268, \***SSB 5372, CH 235 (2001)**, \***SB 6198, CH 21 E2 (2001)**

Industrial facilities, tax deferral for electrical generating equipment and facilities: HB 2274

Landslide areas, certain labor and services exempted from sales tax, expiration date extended: **\*HB 1018, CH 113 (2001)**

Laundry self-service facilities, tax exemption provided: HB 1258

Linen and uniform supply services, tax provisions: **\*HB 1385, CH 186 (2001)**

Liquified petroleum gas, sales and use tax exemption allowed for home heating use: HB 1322

Local sales and use tax, distribution to jurisdictions with low sales tax revenues: HB 2062

Local, community development infrastructure improvement project funding: HB 1518, SHB 1518

Lodging, combined local tax rate limited: HB 1125, **\*SHB 1125, CH 6 (2001)**

Medical equipment, tax exemption for home equipment: HB 1468

Motorcycles, operator training and education program exempt from tax: **\*SSB 5114, CH 285 (2001)**

Natural gas-fired thermal electric generating facility, air pollution control sales and use tax exemption: HB 1406, SHB 1406, **\*HB 2247, CH 214 (2001)**

Nonprofit hospitals, sales and use tax exemptions provided to encourage development in rural counties: SB 5102

Orthotic devices, tax exemptions for sale or use clarified: **\*HB 1116, CH 75 (2001)**, SB 5390

Residential construction, labor and services for new construction exempt from sales tax: HB 1245

Rural counties, definition established for purposes of sales and use tax for public facilities: HB 1628, SHB 1628, SB 5082

Rural counties, definition of public facilities and related costs expanded: SB 5289

School construction, exemption: HB 1912

Smelters, exemption: HB 2273

Telecommunications, mobile services: HB 2156

Telecommunications, tax exemptions provided to encourage the deployment of services in rural areas: HB 1239, SHB 1239

Textbooks, sales and use tax exemption provided: HB 1236

Theme parks, tax deferral: HB 2144, SHB 2144

Thoroughbreds, tax exemption: SHB 1114, SSB 5266

Tribes, tax compacts: HB 1749, SHB 1749

Vending machines, food products tax exemption: HB 1329, SHB 1329, HB 1778

Water, exemption for sale of machinery used for reclaimed water: HB 1871

Wind and solar energy generating facilities, tax exemption: HB 1442, SSB 5541

#### TAXES - SPECIAL FUEL TAX

Alternative fuels research, sales and special fuel tax exemption provided to higher education institutions: HB 1210

Distributors, bond requirements: **\*HB 1407, CH 270 (2001)**

Supplier, definition: **\*HB 1407, CH 270 (2001)**

Tribal-state motor fuel tax compact act: HB 1803

#### TAXES - TIMBER EXCISE TAX (See TAXES - EXCISE TAX)

#### TAXES - USE TAX

Agriculture, exemption for burn reduction: HB 2070

Animal health products, exemption: **\*SSB 5496, CH 17 E2 (2001)**

Call centers, sales and use tax exemptions: 2SSB 5094

Clean alternative fuel vehicles, tax exemptions authorized to encourage use of clean vehicles, review and evaluation directed: HB 1030

Clothing and footwear, temporary tax exemption provided: HB 1281

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Dairy nutrient management and anaerobic digesters, tax exemption: HB 1888, HB 2138, **\*SHB 2138, CH 25 E2 (2001), \*2SSB 5947, CH 18 E2 (2001)**

Dental devices, tax exemption: HB 1979

Direct payer permits: **\*HB 1706, CH 188 (2001)**

Electric generating facilities, sales and use tax exemption allowed for facilities powered by wind, sun, or landfill gas: HB 1105

Electric utilities, direct service industrial customer tax deferral for use of natural or manufactured gas: **\*HB 2247, CH 214 (2001)**, 2SSB 6177

Electric utilities, exemption for smart metering technology: HB 2102

Electrical generating facilities, sales and use tax exemptions provided: HB 1191, HB 2120, HB 2245

Emergency communication systems and facilities, county tax: HB 1477, SHB 1477

Energy efficient lights and appliances, tax exemption: HB 1441, SHB 1441

Exemption documents and retention requirements, modifications authorized: HB 1203, **\*SHB 1203, CH 116 (2001)**

Farmers, exemption: HB 1339, **\*SHB 1339, CH 118 (2001)**

Farmers, propane and natural gas tax exemption: **\*SHB 2138, CH 25 E2 (2001)**

Farms, equipment and machinery exemption: HB 2138

Fuel cell and biomass energy generating facilities, tax exemption: SSB 5541

Fuel cell and other alternative energy sources, tax exemption: HB 2200

Fuel cell electric generating facilities, tax exemption: **\*HB 1859, CH 213 (2001)**

Grass or straw-based construction materials, tax exemption: HB 2012

Green base building, tax exemption for construction: HB 2111

Historic buildings, tax exemption for earthquake damage repair: HB 2246

Indians, governor allowed to enter into cooperative agreements with Indians, tribal cigarette tax in lieu of state cigarette tax and retail sales and use taxes: HB 1201, HB 2268, **\*SSB 5372, CH 235 (2001), \*SB 6198, CH 21 E2 (2001)**

Industrial facilities, tax deferral for electrical generating equipment and facilities: HB 2274

Linen and uniform supply services, tax provisions: **\*HB 1385, CH 186 (2001)**

Liquefied petroleum gas, sales and use tax exemption allowed for home heating use: HB 1322

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Local, community development infrastructure improvement project funding: HB 1518, SHB 1518

Lodging, combined local tax rate limited: HB 1125, **\*SHB 1125, CH 6 (2001)**

Medical equipment, tax exemption for home equipment: HB 1468

Motor homes, use tax exemption modified: HB 1291

Motorcycles, operator training and education program exempt from tax: HB 1057, **\*HB 1582, CH 121 (2001), \*SSB 5114, CH 285 (2001)**

Natural gas, direct service industrial customer tax credit: HB 1404, SHB 1404, 2SHB 1404

Natural gas-fired thermal electric generating facility, air pollution control sales and use tax exemption: HB 1406, SHB 1406, **\*HB 2247, CH 214 (2001)**

Nonprofit hospitals, sales and use tax exemptions provided to encourage development in rural counties: SB 5102

Orthotic devices, tax exemptions for sale or use clarified: **\*HB 1116, CH 75 (2001)**, SB 5390

Rural counties, definition established for purposes of sales and use tax for public facilities: HB 1628, SHB 1628, SB 5082

Rural counties, definition of public facilities and related costs expanded: SB 5289

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Textbooks, sales and use tax exemption provided: HB 1236

Theme parks, tax deferral: HB 2144, SHB 2144

Tribes, tax compacts: HB 1749, SHB 1749

Vending machines, food products tax exemption: HB 1329, SHB 1329, HB 1778

Water, exemption for sale of machinery used for reclaimed water: HB 1871

Wind and solar energy generating facilities, tax exemption: HB 1442, SSB 5541

TAXING DISTRICTS (See also SPECIAL DISTRICTS)

TEACHERS (See also SCHOOLS AND SCHOOL DISTRICTS)

Bilingual and English as a second language future teachers, conditional scholarships: HB 1399

Certification, alternative routes grant and scholarship programs: HB 1607, SHB 1607, 2SHB 1607, \***SSB 5695, CH 158 (2001)**

Children of school employees allowed to attend same school as employee: HB 1348, HB 2190, SHB 2190

Conditional scholarships, college tuition for preparation programs: HB 2088

Continuing education requirements, exemption: HB 1779

Continuing education requirements, tuition and fee reimbursement authorized for required endorsements: HB 1235, SHB 1235

Continuing education requirements, tuition reimbursement authorized: HB 1171

Education and experience information, central repository study: HB 1056, SHB 1056

Health care insurance, benefit premiums subsidized for retired or disabled state employees and school employees: HB 1129

Health care insurance, retired or disabled school employees and retired state employees allowed to purchase: HB 1128

Housing supplement: HB 1688, HB 1862

Lapsed certificate, conditional employment: HB 1120, \***SHB 1120, CH 263 (2001)**, SB 5582

Loans and grants, Congress requested to expand education loan and grant opportunities: HJM 4012

Mortgage loan program: HB 1819

National board certification, monetary recognition awards: HB 1389, SHB 1389

National board certification, salary bonus: HB 1413

Peer mentor program: HB 1639, HB 2066, SHB 2066

Professional educator standards board, board of education teacher preparation duties transferred: HB 1890

Retired, teachers and administrators allowed to substitute more hours: \***HB 1048, CH 317 (2001)**, SB 5151

Retired, time allowed to work without a reduction in allowance calculated in hours: HB 1044

Retirement system, annual increase amount provisions revised for plan 1 members: HB 1051

Retirement system, death benefits: HB 1479

Retirement system, earnable compensation: HB 2232

Retirement system, extraordinary investment gains for plan 1: HB 2084

Retirement system, maximum benefit allowance for plan 1 increased: HB 1049

Retirement system, minimum allowance for plan 1 members: HB 2085

Retirement system, plan 1 additional service credit for teachers with thirty years: HB 1976

Retirement system, plan 1 military service credit given: HB 1782

Retirement system, postretirement employment: HB 1475, \***SSB 5937, CH 10 E2 (2001)**

Retirement system, separated employee defined: HB 1811

Salaries and benefits, incentives allowed for recruiting or retaining certified instructional staff: HB 1449

Student teaching, cooperating teachers' stipend: HB 1400, HB 2066, SHB 2066

TECHNICAL COLLEGES (See COMMUNITY AND TECHNICAL COLLEGES)

TECHNOLOGICAL EDUCATION (See VOCATIONAL EDUCATION)

TELECOMMUNICATIONS (See also TELEPHONES)

Broadband services, competition promoted for services using cable modem technology: HB 1077

Cable television, collection and disclosure of subscriber information: HB 1842

Call centers in distressed areas, sales and use tax exemptions: 2SSB 5094

Competitive service companies, regulatory requirements reduced: HB 1528, SHB 1528

Highway franchises, joint trenching policy: HB 1671, HB 2159, SHB 2159

Household goods carriers operating without a permit denied telecommunications services: SSB 5376  
Mandatory local measured telecommunications service prohibition extended: **\*HB 1287, CH 267 (2001)**, SSB 5510  
Mobile services, regulations: HB 2156  
Rural areas, tax exemptions provided to encourage the deployment of services in rural areas: HB 1239, SHB 1239  
Satellite deployment and space exploration, property used in provision of goods and services exempt from property tax: HB 1209  
Services, rural port districts and public utility districts required to establish a separate utility function for wholesale services: HB 1284  
Telework, business and occupation and public utility tax credits provided to encourage telework: HB 1478, SHB 1478  
Telework, enhancement committee and account: 2SSB 5170  
Wireless communication services, joint study group established: SSCR 8410

#### TELEPHONES (See also TELECOMMUNICATIONS)

Assistance program and community service voice mail program, eligibility: SB 5999  
Call centers in distressed areas, sales and use tax exemptions: 2SSB 5094  
Cell phones, traffic infraction: HB 1334  
Household goods carriers operating without a permit denied telecommunications services: SSB 5376  
Pay phones, taxation limited: HB 2031  
Services, rural port districts and public utility districts required to establish a separate utility function for wholesale services: HB 1284  
Solicitations, commercial telephone solicitation do not call list: HB 1600  
Solicitations, no sales call list: HB 1402  
Wireless communication services, joint study group established: SSCR 8410

#### TELEVISION (See also NEWS MEDIA)

Cable television, collection and disclosure of subscriber information: HB 1842

#### TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (See PUBLIC ASSISTANCE)

#### TERM LIMITS (See ELECTIONS, PUBLIC OFFICERS AND EMPLOYEES)

#### TERRORISM

Records containing assessment or response plans exempt from disclosure: HB 1187, SHB 1187, **\*SSB 5255, CH 98 (2001)**

#### THURSTON COUNTY

Public lands, sale or exchange of Lacey compound: **\*HB 1846, CH 189 (2001)**

#### TIMBER AND TIMBER INDUSTRIES (See also FOREST PRACTICES)

Commercial drivers' license, exemption for private tree farm vehicles: HB 2166  
Conifer seeds, sales and use tax exemption: **\*SSB 5484, CH 129 (2001)**  
Fire protection, assessment fees for landowners revised: HB 1061, HB 2104, **\*SHB 2104, CH 279 (2001)**  
Forest fire protection, state funding: HB 2104, **\*SHB 2104, CH 279 (2001)**  
Forest products commission, assessment levied on each species of forest products: HB 1835, SHB 1835, **\*2SHB 1835, CH 314 (2001)**, SSB 5880  
Public land, sale of valuable materials: HB 1847, **\*SSB 5862, CH 250 (2001)**  
Short-rotation hardwoods defined as agricultural product, business and occupation tax: SHB 1024  
Short-rotation hardwoods, exemption from forest practices rules: SHB 1024  
Short-rotation hardwoods, growth cycle increased: HB 1024, SHB 1024, **\*SB 5108, CH 97 (2001)**  
Small forest landowners, riparian easement program: HB 2105, **\*SHB 2105, CH 280 (2001)**

Unprocessed timber, task force review of federal forest resources conservation and shortage relief act: HB 2107, HCR 4410

#### TIRES

Studded tires, sales surcharge: HB 1670

Studded tires, seasonal dates for use: HB 1894

#### TITLE ONLY

State energy supply: \***HB 2247, CH 214 (2001)**

Student achievement: HB 2210

#### TOBACCO (See also CIGARETTES)

Community mobilization programs expanded to include tobacco and violence, authority transferred to community, trade, and economic development department: \***SB 5367, CH 48 (2001)**

Enforcement provisions: HB 2158

Enforcement provisions, herbal cigarettes: SHB 2158

Herbal cigarettes, definition: HB 1719

Retail licenses, definitions and requirements: HB 1719

Schools, antismoking instruction: HB 1932

Self-service displays prohibited, sale of cigarettes in packages of less than twenty prohibited: HB 1549, SB 5296

Smoking areas, designation in public places: SSB 5993

#### TORTS

Annuity insurers, structured settlement protection act: \***HB 1347, CH 178 (2001)**

Judgments, interest revised: HB 2071

#### TOW TRUCKS

Impound, additional hardship waivers allowed for owners of vehicles: HB 1269

Impound, commercial vehicle release: HB 1713

Impound, operator notifications requirements: HB 1565

Impound, payment by personal check: HB 1620

#### TOWNS (See CITIES AND TOWNS)

#### TOXIC MATERIALS (See HAZARDOUS MATERIALS)

#### TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT (See also COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT)

#### TRAFFIC

Congestion relief districts: SSB 6140

Congestion, multimodal transportation plan priorities: HB 1675, SHB 2159, SSB 5759

Congestion, regional congestion relief districts: HB 2239

Counties, congestion relief conferences and districts: HB 1674

Intelligent transportation systems and traffic system management projects and programs: HB 1672, SSB 5760

Racial profiling, routine traffic stop reports: HB 2017, SHB 2018

Safety education, funding provisions: HB 2263

School bus stop sign violations enforcement enhanced: HB 1193

Traffic safety cameras, regulations: HB 1118, SHB 1118, SSB 5610

Violations, local criminal justice funding: HB 1101, SHB 1101, \***SSB 5309, CH 289 (2001)**

## TRAFFIC ACCIDENTS

Cell phones, traffic infraction: HB 1334

Hit and run-death, seriousness ranking increased: \***HB 1280, CH 17 (2001)**

## TRAFFIC OFFENSES (See also DRIVING UNDER THE INFLUENCE)

Arrests without warrant authorized: HB 2000

Disabled parking, fines for violations: HB 2259

Driving records, abstracts provided to insurance companies: HB 2255

Motor vehicle seat belts, enforcement as primary action: HB 1460

Tacoma Narrows bridge, electronic tolling: HB 1429, SHB 1429

Youth courts, juvenile offenses: HB 2042, SB 5692

## TRAFFIC SAFETY COMMISSION

Traffic safety cameras, report of use and outcomes: SHB 1118

## TRAILERS (See RECREATIONAL VEHICLES)

## TRAINS (See RAILROADS)

## TRANSIENT ACCOMMODATIONS (See HOTELS AND MOTELS)

## TRANSIT (See PUBLIC TRANSIT)

## TRANSPORTATION (See also FERRIES, PUBLIC TRANSIT, RAILROADS)

Accountability board created: HB 2269, HB 2275

Budget, 1999-01 supplemental appropriations: HB 1266, \***SHB 1266, CH 1 E2 (2001)**

Budget, 2001-03 fiscal biennium: HB 1267, SHB 1267, \***SSB 5327, CH 14 E2 (2001)**

Contract transportation employees, benefits required to be equal to public transportation employees: HB 1168

Environmental mitigation, county six-year program submittal: HB 1679

Environmental mitigation, interagency programmatic agreements: HB 1447

Environmental permit process, streamlining requirements: HB 1685

Environmental permit process, streamlining requirements and task force: HB 2229

Environmental permit process, transportation permit efficiency and accountability committee: HB 2241, SSB 5765, \***SB 6188, CH 2 E1 (2001)**

Facilities and assets, transportation plan requirements: HB 2159, SHB 2159

Facilities, impact fees imposed for development impact to state-owned facilities: HB 1085

Funding, baseline allocation requirements: HB 1689, HB 1691

Funding, distribution of new revenues: HB 1686

Funding, federal funding distribution: HB 1690

Funding, general obligation bonds: HB 1687

Higher education coordinating board, comprehensive master plan requirements: HB 2047

Highway franchises, joint trenching policy: HB 1671, HB 2159, SHB 2159

Human resources, skills bank of transportation professionals: HB 1676, SSB 5743

Infrastructure financing act: HB 1666

Land use planning, integration: HB 1673, SSB 5748

Maintenance and preservation management plan: HB 1668, HB 2159, SHB 2159, SSB 5764

Planning, cost-benefit analysis: HB 1669, SHB 2159

Planning, cost-benefit and multimodal analysis: SSB 5749

Private sector services, transportation benefit areas and ferry crossings: HB 1682

Projects, managed competition pilot program: HB 1684

Property acquisition, advance right-of-way funding: HB 1678, \***SHB 1678, CH 201 (2001)**



Public-private pilot projects, Tacoma Narrows bridge and SR 16 corridor: HB 1681  
 Rail fixed guideway systems, safety audit reimbursement required: HB 1097, \***SB 5223, CH 127 (2001)**  
 Railroads, crew size: HB 1436  
 Regions, consolidation of local transportation project planning: HB 1667  
 Traffic congestion, multimodal transportation plan priorities: HB 1675, SHB 2159, SSB 5759  
 Traffic congestion, regional congestion relief districts: HB 2239  
 Traffic, congestion relief districts: SSB 6140  
 Traffic, intelligent transportation systems and traffic system management projects and programs: HB 1672, SSB 5760  
 Utility relocation costs due to construction of high capacity system facilities clarified: HB 1253, HB 2193, SHB 2193

#### TRANSPORTATION BENEFIT AREAS

Maintenance and preservation management plan: HB 1668, SSB 5764  
 Private sector, local passenger transportation service: HB 1682

#### TRANSPORTATION COMMISSION

Accountability commission created, membership, powers and duties: HB 1664  
 Accountability program committee and funding board, powers and duties: SSB 5755  
 Airport siting report council, location of airports: HB 1511  
 Ferries, review of operating costs compared to fare revenue: HB 1459  
 Funding, general obligation bonds: HB 1687  
 Land use planning and transportation integration: HB 1673, SSB 5748  
 Multimodal transportation plan priorities, traffic congestion: HB 1675, SHB 2159, SSB 5759  
 Pavement surfaces, cost-benefit and multimodal analysis: SSB 5749  
 Pavement surfaces, cost-effective: HB 1669, SHB 2159  
 Planning, cost-benefit analysis: HB 1669, SHB 2159  
 Planning, cost-benefit and multimodal analysis: SSB 5749  
 Traffic, intelligent transportation systems and traffic system management projects and programs: HB 1672, SSB 5760

#### TRANSPORTATION IMPROVEMENT BOARD

Program and project selection criteria: HB 2048

#### TRANSPORTATION, DEPARTMENT

Accountability board created: HB 2269, HB 2275  
 Accountability program committee and funding board, powers and duties: SSB 5755  
 Administrative practices, performance review: HB 1665  
 Assault on highway and ferry workers by motorists, employee reimbursement for costs established: HB 1176, SB 5513  
 Budgeting, performance-based budgeting process: HB 2121  
 Competition, managed competition pilot program for operations and maintenance functions: HB 1684  
 Contracting out for services: HB 2212  
 Environmental permit process, streamlining requirements: HB 1685  
 Environmental permit process, streamlining requirements and task force: HB 2229  
 Environmental permit process, task force to review coordination of state and local processes: HB 1941  
 Environmental permit process, transportation permit efficiency and accountability committee: HB 2241, SSB 5765, \***SB 6188, CH 2 E1 (2001)**  
 Facilities and assets, transportation plan requirements: HB 2159, SHB 2159  
 Ferries, Washington state ferry department created: HB 2122, HB 2123  
 Ferries, contracts for procurement of large equipment: HB 2092, HB 2221, \***SHB 2221, CH 59 (2001)**  
 Ferries, contracts for repairs: HB 2091, HB 2221, \***SHB 2221, CH 59 (2001)**  
 Ferries, new auto ferry procurement process: \***SHB 1680, CH 226 (2001)**, HB 1987  
 Ferries, private vendor ticket sales: HB 2103, HB 2186  
 Ferries, traffic impact study: HB 1012

Funding, baseline allocation requirements: HB 1689, HB 1691  
Funding, distribution of new revenues: HB 1686  
Funding, federal funding distribution: HB 1690  
Highway development, priority programming criteria: HB 2048  
Highway franchises, joint trenching policy: HB 1671, HB 2159, SHB 2159  
Highway signs, distance limit exemption for dead end highways: HB 1711  
Highways, state route number 525 extension: **\*SSB 6053, CH 130 (2001)**  
Highways, state route number 526 extension: HB 2129  
Human resources, skills bank of transportation professionals: HB 1676, SSB 5743  
King Street station, renovation procedures and account: HB 1096, **\*SSB 5224, CH 62 (2001)**  
Limited access facilities, access granted for retail sale of agricultural products: HB 2205  
Management, total quality management: HB 1683  
Multimodal plan, criteria: HB 2048  
Powers and duties: HB 1664  
Prevailing wage, assessment of trades related to transportation: SSB 5743  
Prevailing wage, exemption for transportation projects: HB 2213  
Public works, design-build process: HB 1680, **\*SHB 1680, CH 226 (2001)**  
Public-private initiative program, public funding: HB 2277  
Public-private pilot projects, Tacoma Narrows bridge and SR 16 corridor: HB 1681  
Secretary, appointed by governor: HB 1664, SSB 5755  
Tacoma Narrows bridge, public funding: HB 2279  
Traffic, congestion relief districts: SSB 6140  
U.S. Highway 99, historic designation: HJM 4007  
Work force, apprenticeship and training programs: HB 1683

TRAPPING (See HUNTING)

TRAUMA CARE (See EMERGENCY SERVICES)

TRAVEL AGENCIES AND AGENTS

Travel-related benefits, contract provisions revised: **\*SSB 5219, CH 44 (2001)**

TRAVEL TRAILERS AND CAMPERS (See RECREATIONAL VEHICLES)

TROUT

Canada, free and fair trade of aquaculture products between the United States and Canada: SJM 8016

TRUANCY (See SCHOOLS AND SCHOOL DISTRICTS)

TRUCKS AND TRUCKING (See also MOTOR VEHICLES)

Agricultural commodity trucks, excess weight permits authorized: HB 1139  
Children, seats and seat belts required for children riding in pickup beds: HB 1022, HB 1883  
Combined licensing fees, surcharge on gross weight portion: HB 1666  
Commercial drivers' license, exemption for private tree farm vehicles: HB 2166  
Commercial drivers' licenses, positive drug or alcohol employment or preemployment tests must be reported to licensing department, disqualification of commercial license required: HB 1179  
Diesel engines, tax exemptions and credits for vehicles using particulate traps and catalysts: HB 2235  
Diesel, motor vehicle fuel tax refund for use of ultralow sulfur fuel: HB 2235  
Escort vehicles, driver certification: HB 2208  
Gross weight marking requirements repealed: **\*SB 5377, CH 66 (2001)**  
Impound, commercial vehicle release: HB 1713

Oversize load permits, electronic issuance provided and procedures updated: **\*HB 1095, CH 262 (2001)**  
 Oversize or overweight permits, smaller loads: HB 2007  
 Weighing stations, weight of vehicles exempt from scale stops increased: SB 5138

#### TRUSTS AND TRUSTEES

Animals, validation of trusts for nonhuman animals: HB 2046, **\*SHB 2046, CH 327 (2001)**  
 Charitable trusts, health care service contractor and maintenance organization trust protections: HB 1651  
 Perpetuities, rule against perpetuities modified: **\*SB 5054, CH 60 (2001)**  
 Power of attorney, provisions modified: HB 1135, **\*SHB 1135, CH 203 (2001)**  
 Psychiatric advance directives, regulations provided: HB 1299  
 Reconveyance of deeds of trust, provision modified: HB 1158  
 Trust and estate dispute resolution, technical corrections: **\*SSB 5052, CH 14 (2001)**

#### UNEMPLOYMENT COMPENSATION

Agricultural employment, natural disaster emergency declaration: HB 2282  
 Community and technical colleges, reasonable assurance of employment ensured for faculty: HB 1177, **\*SB 5316, CH 99 (2001)**  
 Contribution rates: HB 1605, HB 2161  
 Domestic violence, benefits allowed when claimant leaves work due to domestic violence or stalking: HB 1248, SB 5189  
 Educational institution employees, eligibility requirements modified: HB 1184, **\*SB 5317, CH 100 (2001)**  
 Family and medical leave: HB 1982  
 Indian tribes, employee coverage: HB 2069, **\*SSB 6007, CH 11 E1 (2001)**

#### UNIFORM ACTS

Child custody, uniform child custody jurisdiction and enforcement act enacted: **\*SB 5348, CH 65 (2001)**  
 Uniform management of public employee retirement systems act: HB 2083

#### UNIFORM COMMERCIAL CODE

Article 9A, technical corrections: **\*SB 5053, CH 32 (2001)**

#### UNIFORM DISCIPLINARY ACT

Health care professions, surrender of license allowed in lieu of other sanctions: HB 1094, **\*SHB 1094, CH 195 (2001)**

#### UNIFORM LEGISLATION COMMISSION

Code reviser added: HB 1282, **\*SHB 1282, CH 205 (2001)**

#### UNIVERSITY OF WASHINGTON

Collective bargaining, employees enrolled in academic programs: HB 1464  
 Collective bargaining, members of public employees' collective bargaining act: HB 1718  
 Geothermal energy, statute extended ten years: HB 2189, **\*SB 6107, CH 215 (2001)**  
 Multiple sclerosis, survey of patients by University of Washington conducted: SB 5220

#### UTILITIES (See also ELECTRIC UTILITIES, TELECOMMUNICATIONS)

Aquatic lands, certain entities allowed to use lands for public utility lines: HB 1006  
 Aquatic lands, local public utility line easements granted, task force created and study directed: HB 1005  
 Electrical companies, electricity generation resource acquisition: HB 1440  
 Energy efficiency investment standards for energy conservation, renewable energy research and development, and low-income energy services: HB 1840  
 Energy facility site council, application processing and dispute assistance: HB 2131, SHB 2131  
 Energy facility site evaluation council membership and siting procedures: **\*HB 2247, CH 214 (2001)**, 2SSB 5912, 2SSB 6177

Highway franchises, joint trenching policy: HB 1671, HB 2159, SHB 2159  
 Landlord and tenant, notification provided to property owners of tenants' utility payment delinquencies: HB 1293  
 Landlord and tenant, utility charges to be collected from tenant requesting service, liens against landlord's property for nonpayment prohibited: HB 1294  
 Major public energy project, definition revised: HB 1221  
 Major public energy project, definition revised and cost-effectiveness study required: SSB 5292, 2SSB 6177  
 Mobile home parks, landlord may request utility services in name of tenant, costs are responsibility of tenant: HB 1142  
 Public service companies, regulatory fees: HB 1529  
 Telephone assistance program and community service voice mail program, eligibility: SB 5999  
 Thermal power plant, construction certification: HB 1631  
 Transportation construction, costs for relocating utilities clarified: HB 1253, HB 2193, SHB 2193  
 Water-sewer district payment assistance programs, fund raising activities: HB 2096

#### UTILITIES AND TRANSPORTATION COMMISSION

Electrical companies, electricity generation resource acquisition: HB 1440  
 Energy efficiency investment standards for energy conservation, renewable energy research and development, and low-income energy services: HB 1840  
 Hazardous materials, rail shipment inspections: HB 1454, SB 5633  
 Telephone solicitations, no sales call list: HB 1402

#### VEHICLES (See MOTOR VEHICLES)

#### VENDING MACHINES

Food products, sales and use tax exemptions: HB 1329, SHB 1329, HB 1778

#### VESSEL DEALERS (See BOATS, COMMERCIAL VESSELS AND SHIPPING)

#### VESSELS (See BOATS, COMMERCIAL VESSELS AND SHIPPING)

#### VETERANS

Definition of veteran revised, higher education coordinating board and joint committee on pension policy directed to study eligibility of benefits for veterans as a result of revision: HB 1326  
 Eastern Washington veterans' home: HB 2227, \***SHB 2227, CH 4 E2 (2001)**  
 Filipino veterans, Congress requested to provide benefits: HJM 4002  
 Joint select committee created to make recommendations regarding changes in programs, laws, and administrative practices: HB 1325, \***SHB 1325, CH 268 (2001)**, SB 5627  
 License plates, special plate: HB 1767  
 Memorial plaza designated: HB 1132  
 North Spokane corridor project named Washington veterans of foreign wars memorial highway: HB 2178  
 Nursing care, funding appropriated to construct replacement nursing care beds: HB 1323  
 POW/MIA flag required to be displayed in schools and public entities: SSB 5097  
 Property tax, exemption provided for veterans with service-connected disabilities: HB 1011, SHB 1011  
 State song: HB 1461  
 Teachers' retirement system, plan 1 military service credit given: HB 1782  
 Widows and widowers, property tax exemption: HB 1408  
 World War II, income assistance for veterans returning to the Republic of the Philippines: \***HB 1716, CH 111 (2001)**

#### VETERANS AFFAIRS, DEPARTMENT

Eastern Washington veterans' home: HB 2227, \***SHB 2227, CH 4 E2 (2001)**  
 Personnel, civil service exemption: HB 1376, \***SHB 1376, CH 84 (2001)**

**VETERINARIANS**

Animal care and control agencies and human societies, services for low-income pet owners: SSB 6037  
Animal health products, sales and use tax exemption: \***SSB 5496, CH 17 E2 (2001)**  
Animal health products, sales tax exemption: HB 1886, HB 2138  
Animal massage practitioners, endorsement: HB 1724, \***SSB 5621, CH 297 (2001)**  
Medical facilities, care and control agencies and nonprofit humane societies ownership: SSB 6037

**VICTIMS OF CRIMES**

Compensation, requirements for victims of sexually violent offenses modified: HB 1271, \***SB 5270, CH 153 (2001)**  
Domestic violence and stalking compensation benefit: HB 2211  
Domestic violence, unemployment compensation allowed when claimant leaves work due to domestic violence or stalking: HB 1248, SB 5189  
Employment leave provisions extended and violation penalties established: SSB 5329  
Failure to summon assistance for person in need, penalties: HB 1238  
Hit-and-run vehicular assault, compensation authorized: \***HB 1040, CH 136 (2001)**  
Identity crimes, credit protection for victims: HB 1321, \***SSB 5449, CH 217 (2001)**  
Notification system integrated into statewide city and county jail booking and reporting system: HB 1063, SSB 5179  
Sex offenses, no-contact with victim order issued as pretrial release condition for sex offenders: HB 1270  
Stalking, address confidentiality: \***HB 1546, CH 28 (2001)**

**VIDEO GAMES**

Coin-operated games, business and occupation tax deduction: HB 1332

**VIDEOTAPE**

Motion picture and video production businesses, business and occupation tax exemption: HB 2146

**VIOLENCE PREVENTION**

Community mobilization programs expanded to include tobacco and violence, authority transferred to community, trade, and economic development department: \***SB 5367, CH 48 (2001)**  
Crimestoppers' signs: \***SSB 5572, CH 107 (2001)**  
Hospitals, restrictions for weapons: HB 1604, SHB 1604  
Schools, harassment and bullying policy: HB 1444, SSB 5528

**VISION CARE (See also OPTOMETRY AND OPTOMETRISTS)**

Optometrists, drug and prescription education requirements and guidelines: HB 2034, SHB 2034  
Refracting opticians certification program: HB 2079, SHB 2079

**VITAL RECORDS**

Birth certificates, disclosure for adopted persons: HB 1351

**VOCATIONAL EDUCATION**

Earned income training credit pilot project: HB 1848, SHB 1848  
Private schools, liability and licensure provisions revised: \***HB 1313, CH 23 (2001)**, SB 5457  
Public schools, career and technical education programs: HB 1909, \***SSB 5940, CH 336 (2001)**  
Transportation, technical apprenticeship opportunities: HB 1676, SSB 5743  
Workers' compensation, referrals: HB 1700

**VOLUNTEERS**

Fire fighters, employment and discrimination protections: HB 1420, \***SHB 1420, CH 173 (2001)**  
Liability: HB 1643, \***SHB 1643, CH 209 (2001)**  
Parental and community involvement pilot grant program: HB 1378

School volunteers, property tax exemption allowed: HB 1123

#### VOTING (See also ELECTIONS)

#### VULNERABLE ADULTS (See also DEPENDENT ADULTS)

Abuse and neglect, hearsay admissible as evidence in proceeding: HB 1425, HB 2077

Abuse and neglect, investigation reporting provisions enhanced: HB 1734, \***SSB 5184, CH 233 (2001)**

Abuse, definitions and reporting requirements: HB 1417

Abuse, failure to make a reasonable effort to aid, penalties: HB 1966

Background checks for persons involved in parks and recreation commission activities: HB 1849, SHB 1849

Background checks, social and health services department employees: HB 1776, \***SSB 5606, CH 296 (2001)**

Caregiver registry established: HB 1506

#### WAGES AND HOURS

Counties, cities, and towns, independent salary commissions: \***HB 1084, CH 73 (2001)**, HB 1812, SB 5065

Counties, independent salary commissions authorized: SHB 1812

Health care facilities, employee overtime: HB 1527

Prevailing wage, assessment of trades related to transportation: SSB 5743

Prevailing wage, exemption for rural county public works projects: HB 1589

Prevailing wage, exemption for transportation projects: HB 2213

Prevailing wage, monetary penalties required for prevailing wage settlements on public works projects: HB 1137

Prevailing wage, public works exemption: HB 1677

School construction, prevailing wage exemption: HB 1912

Tips, adjusted minimum tipped wage rate provisions: HB 1973

Tips, distribution to employees: HB 1935

Waterfront operations, hourly requirements for power equipment operators: HB 1598

#### WALLA WALLA COUNTY

Straw waste raw materials, pilot project to manufacture straw board: HB 2019

#### WAREHOUSES

Grain, business and occupation tax reporting option allowed: HB 1140, \***SHB 1140, CH 20 (2001)**

#### WARRANTS

Arrests without warrant for traffic and boating offenses authorized: HB 2000

#### WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Employees included in definition of uniformed personnel for collective bargaining purposes: HB 1218

#### WASHINGTON STATE PATROL (See STATE PATROL)

#### WASHINGTON STATE UNIVERSITY

Clean alternative fuel vehicles, Washington State University energy program review and evaluation directed: HB 1030

Dairy/forage research facility land transferred to Buckley: HB 2134

#### WASTE (See HAZARDOUS WASTE, INFECTIOUS WASTE, SOLID WASTE)

#### WASTEWATER

Clean water projects, general obligation bond funding for wastewater and storm water control: HB 2147

Discharge permits, compliance consistent with federal clean water act: HB 2099

Reclaimed water, agricultural processing: HB 1937, SHB 1937, \***SSB 5925, CH 69 (2001)**

Storm water control and aquifer protection systems, natural systems: HB 1905

## WATER

Conservation, public utility tax deduction for amounts spent on water efficiency: HB 1832, \***SHB 1832, CH 237 (2001)**, HB 1872

Drinking water, assistance accounts included in interest-bearing accounts: \***HB 1198, CH 141 (2001)**, SB 5315

Drinking water, general obligation bond funding for clean water projects: HB 2147

Drought conditions, emergency withdrawal: HB 2257

Growth management, population projection to include analysis of water resources and rights: HB 1843

Irrigation facilities, general obligation bond funding for clean water projects: HB 2147

Landscaping, water conservation standards for automatic irrigation systems: HB 1599

Metering or measuring: HB 1873

Storage facility, Wenatchee river basin: HB 2133

Surface water runoff, authority for charges based on runoff characteristics of property eliminated: HB 2076

Transportation projects, environmental mitigation interagency programmatic agreements: HB 1447

Water resource inventory area, grants for instream flow or water quality assessments: \***SHB 1832, CH 237 (2001)**

Water resource inventory area, receipt of planning funds: HB 1608, SSB 5586

Water storage projects, site location assessment included in watershed planning: \***SSB 5919, CH 19 E2 (2001)**

Waterfront operations, hourly requirements for power equipment operators: HB 1598

Watersheds, Columbia Basin project water resource inventory area: \***HB 1865, CH 229 (2001)**

Watersheds, conveyance of certain forest board transfer lands allowed to protect municipal drinking water: HB 1060, SHB 1060

Watersheds, monitoring and assessments for salmon recovery and watershed health: \***SSB 5637, CH 298 (2001)**

Yakima basin ground water study, funding: HB 2271

## WATER DISTRICTS (See also SPECIAL DISTRICTS, WATER-SEWER DISTRICTS)

## WATER POLLUTION

Citizen enforcement of health and environmental laws: HB 1961

Clean water projects, general obligation bond funding: HB 2147

Dairy farms, investigations: HB 1773

Environmental permit process, task force to review coordination of state and local processes: HB 1941

Oil spill prevention and response, Congress requested to appropriate funding for a tug boat in the Strait of Juan de Fuca: SJM 8004

Storm water control and aquifer protection systems, natural systems: HB 1905

## WATER RECREATION FACILITIES (See SPAS, HOT TUBS, AND SWIMMING POOLS)

## WATER RIGHTS

Agricultural transfers: HB 1594, SHB 1594

Agricultural use: HB 1504, SHB 1504

Appeals, general stream adjudication: \***HB 1350, CH 220 (2001)**

Applications, processing of existing water rights expedited: \***SHB 1832, CH 237 (2001)**, SSB 5100

Applications, processing priority pilot project: HB 1877

Columbia river, preliminary permit time frame extended for diversions: \***SB 5333, CH 239 (2001)**

Conservancy boards, authority to process applications for transfers of withdrawn water: HB 1222, \***SHB 1832, CH 237 (2001)**

Conservancy boards, immunity from liability: HB 1340

Family farm permits: \***SHB 1832, CH 237 (2001)**, HB 1870, HB 1878, SSB 5914

Ground water, withdrawal changes: HB 2135

Growth management, population projection to include analysis of water resources and rights: HB 1843

Instream flow rights, general obligation bond funding for clean water projects: HB 2147  
Metering or measuring: HB 1873  
Municipal water supply purposes defined: HB 1875, HB 1879  
Public water supply systems, conservation and efficiency standards and safeguards adopted by health department: HB 1874  
Reclaimed water, agricultural definitions revised to include brewing and fish rearing facilities: HB 2276  
Reclaimed water, agricultural processing: HB 1937, SHB 1937, \***SSB 5925, CH 69 (2001)**  
Reclaimed water, tax exemptions: HB 1871  
Relinquishment, time period: HB 1769  
Relinquishment, voluntarily fails definition: HB 2038, SHB 2038  
Resource management, improvements to management of state's water resource: HB 1832, \***SHB 1832, CH 237 (2001)**  
Temporary nonuse of water, sufficient cause: \***SSB 5910, CH 240 (2001)**  
Transfer of water right, seasonal or temporary: HB 1595  
Trust water rights, donations providing instream water flow for endangered and threatened species accepted on certain terms: HB 1392, \***SHB 1832, CH 237 (2001)**, SSB 5361

#### WATER-SEWER DISTRICTS

City assumptions, boundary review board considerations: HB 2181  
Commissioners, increase in number authorized: HB 1075, \***SSB 5238, CH 63 (2001)**  
Comprehensive plans, approval procedures revised: HB 1327, SHB 1327  
Municipal water supply purposes defined: HB 1875, HB 1879  
Payment assistance for low-income customers, district fund raising activities: HB 2096  
Property sales, appraisal requirements: HB 2094

WATERCRAFT (See BOATS, COMMERCIAL VESSELS AND SHIPPING, JET SKIS)

WATERSHEDS (See WATER)

WEAPONS (See FIREARMS)

WELFARE (See PUBLIC ASSISTANCE)

#### WELLS

Environmental investigation wells: HB 2203

#### WENATCHEE

Water storage facility, Wenatchee river basin: HB 2133

#### WETLANDS

Storm water control and aquifer protection systems, natural systems: HB 1905

WHEAT COMMISSION (See AGRICULTURE)

#### WILDLIFE

Dangerous wild animals, private possession: HB 1725  
Initiatives and referenda, voter approval: HJR 4212  
Legislative support and opposition for certain activities involving: HCR 4404  
Nonconsumptive wildlife activities allowed on public lands: SB 5299  
Shoreline master plans, compliance with endangered species act: HB 1965  
Trapping, body-gripping trap definition does not include mole or gopher traps: HB 1090  
Trapping, body-gripping trap definition does not include mole traps: HB 1110



Trapping, unlawful trapping does not include rat, mouse, or mole: HB 2197

Wildlife damage claims, livestock rangeland: HB 1752, SHB 1752, \***2SHB 1752, CH 274 (2001)**

WILDLIFE COMMISSION (See FISH AND WILDLIFE COMMISSION)

WILDLIFE, DEPARTMENT (See FISH AND WILDLIFE, DEPARTMENT)

WILLS (See also ESTATES, PROBATE)

WINE (See ALCOHOLIC BEVERAGES)

WINE COMMISSION (See AGRICULTURE, DEPARTMENT)

#### WITNESSES

Out-of-court statements, admissibility: HB 2151, SHB 2151

#### WOMEN

Abortion, parental notification and consent of abortion act: HB 1928

Abortion, protection for children born alive: HB 1929

Alternative medical reproductive technology, establishment of parent and child relationship provided: SSB 5433

Breast and cervical cancer medical assistance: HB 1058, SHB 1058, \***2SHB 1058, CH 4 E1 (2001)**, 2SSB 5820

Breastfeeding, "infant-friendly" designation on employer promotional material: \***2SHB 1590, CH 88 (2001)**

Breastfeeding, "mother-friendly" designation on employer promotional material: HB 1590, SHB 1590

Breastfeeding, indecent exposure: HB 1590, SHB 1590, \***2SHB 1590, CH 88 (2001)**

Drug-affected infants, identification and filing of dependency petition required, chemical dependency treatment agreements for mothers allowed: HB 1206, SSB 5416

Drug-affected infants, screening of pregnant and lactating women addicted to alcohol and drugs required and birth control information provided: HB 1206, SSB 5416

Family planning service, growth management comprehensive plan requirements: HB 2132

Malicious harassment, gender expression or identity included in sexual orientation definition: HB 2032

Medical assistance, pilot project to contract with health carriers and managed care systems: HB 1540

Newborns, transfer of newborn to qualified person at appropriate location authorized and criminal liability withheld, conditions: HB 1170, SSB 5236

#### WOMEN AND MINORITY BUSINESSES

Linked deposit program revised: HB 1445, SHB 1445, \***2SHB 1445, CH 316 (2001)**

WOOD PRODUCTS INDUSTRY (See TIMBER AND TIMBER INDUSTRIES)

#### WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

Comprehensive plan update adopted: HCR 4402, SSCR 8404

#### WORKERS' COMPENSATION

Appeals, payment of benefits during appeal: HB 1330

Chemical exposure, benefits provided to workers suffering from exposure: HB 1456

Community improvement projects, liability for donated labor limited: HB 1133, \***SHB 1133, CH 138 (2001)**

Fire fighters, coverage extended to include heart problems, cancer, and infectious diseases: HB 1990

Hearing loss adjusted to account for aging: HB 1557

Medical examinations, requirements and procedures revised: HB 1457

Medical examinations, worker's claim file: \***SSB 5205, CH 152 (2001)**

Physician assistants, rules authorizing initial evaluations: HB 1787

Vocational education, referrals: HB 1700

Vocational rehabilitation, gainful employment definition provided: HB 1455

Wage replacement benefits, medical and dental insurance included in calculation: HB 2231

Workers' rights: HB 1950, \***SHB 1950, CH 231 (2001)**

WORKFIRST (See PUBLIC ASSISTANCE)

YAKIMA RIVER

Yakima basin ground water study, funding: HB 2271

YOUTH (See CHILDREN)

YOUTHBUILT PROGRAM (See CHILDREN)

ZONING (See also LAND USE PLANNING)

Citizen enforcement of land use and shoreline laws, civil action: HB 1960

Family farms, local government authorized to rezone, conditions: HB 1151

Growth management, incentive programs to transfer development rights: HB 1962

Manufactured housing, siting provisions: HB 1801

Subdivisions and short subdivisions, definition: HB 1534